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Senate

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

PRAYER

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

Let us pray.

Eternal Lord God, Your promises are sure. Bless our lawmakers in all their undertakings. In their friendships, keep them faithful and true. In their emotions, keep them calm and serene, free from anxiety and care. In their material things, give them contentment and generosity. In their spiritual lives, deliver them from doubt and distrust. In their work, give them guidance, courage, and success. And when misfortune comes, use the trials to bring them closer to each other and to You. Let nothing make their certainty that You alone are sovereign over their lives be shaken.

We pray in Your mighty Name. Amen.

PLEDGE OF ALLEGIANCE

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

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

RESERVATION OF LEADER TIME

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

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Morning business is closed.

LEGISLATIVE SESSION

PROVIDING FOR CONGRESSIONAL DISAPPROVAL UNDER CHAPTER 8 OF TITLE 5, UNITED STATES CODE, OF THE RULE SUBMITTED BY THE DEPARTMENT OF EDUCATION RELATING TO ''WAIVERS AND MODIFICATIONS OF FEDERAL STUDENT LOANS''—Resumed

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.J. Res. 45, which the clerk will report.

The senior assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 45) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Education relating to ''Waivers and Modifications of Federal Student Loans''.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

FISCAL RESPONSIBILITY ACT

Mr. SCHUMER. Madam President, last night, a large majority of both Democrats and Republicans in the House passed bipartisan legislation to protect the U.S. economy, protect American families, and eliminate the threat of a first-ever default.

The bill is now in the Senate where we begin the process today of passing this legislation as soon as possible. The Senate will stay in session until we send a bill avoiding default to President Biden's desk. We will keep working until the job is done.

Time is a luxury the Senate does not have if we want to prevent default. June 5 is less than 4 days away. At this point, any needless delay or last-minute holdups would be an unnecessary and even dangerous risk, and any change to this bill that forces us to send it back to the House would be entirely unacceptable. It would almost guarantee default.

So, again, the Senate will stay in session until we send a bill avoiding default to the President's desk, and we will keep working until the job is done.

The vast majority of Senators recognize that passing this bill is supremely important. It is about preserving the full faith and credit of the United States. There is no good reason—none—to bring this process down to the wire, no good reason to bring this process down to the wire, and that, too, is dangerous and risky.

So, today, I hope we see a genuine desire to keep this process moving quickly. I hope we see nothing even approaching brinksmanship. The country cannot afford that right now. Instead, I hope we see bipartisan cooperation.

Bipartisanship is always the best way to avoid default and get this bill over the finish line. We have said it over and over again. Bipartisanship is what prevented default under President Trump; it is what prevented default under President Biden; and it is what will prevent default in this case too. Partisanship and hostage-taking, meanwhile, were never going to win the day.

Let me say this. Last night's House vote was a resounding affirmation of bipartisanship, which I hope bodes well for quick movement here in the Senate. Large majorities from both sides came together to produce last night's 314—314—''yes'' votes. Two-thirds of Republicans voted for it, and more than two-thirds of Democrats voted for it. I thank my House colleagues on both sides of the aisle who fulfilled their duty to prevent a catastrophic default.

We need that same spirit of bipartisanship that governed the House vote to continue here in the Senate this morning. I hope that very soon we can finish the job of putting the default in our rearview mirror. This is the best thing we can do right now for our economy and for American families.

I am optimistic the Senate is going to get this done, but it will take one

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

more concerted, focused, and bipartisan push to get us over the finish line.

I yield the floor.

I suggest the absence of a quorum.

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

The senior assistant legislative clerk proceeded to call the roll.

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

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

RECOGNITION OF THE MINORITY LEADER

The Republican leader is recognized.

FISCAL RESPONSIBILITY ACT

Mr. MCCONNELL. Madam President, last night, an overwhelming majority of our House colleagues voted to pass the agreement Speaker MCCARTHY reached with President Biden. In doing so, they took an urgent and important step in the right direction for the health of our economy and the future of our country.

The Fiscal Responsibility Act avoids the catastrophic consequences of a default on our Nation's debt, and just as importantly, it makes the most serious headway in years toward curbing Washington Democrats' reckless spending addiction. The bill that the House just passed has the potential to cut Federal spending by $1.5 trillion. Now the Senate has the chance to make that important progress a reality.

Madam President, remember where we were just a few months ago. After 2 years of reckless spending and painful, runaway inflation, the American people elected a Republican House majority to serve as a check on Washington Democrats' power. It was clear from the outset that preserving the full faith and credit of the United States was going to come down to an agreement that could pass both the people's House and earn the President's signature—in other words, direct negotiations between Speaker MCCARTHY and President Biden just like I have said for months—for months.

So, back in February, Speaker MCCARTHY got right to work. He made it clear to the President he was ready to take serious steps, not only to avoid crisis in the near term but to put government spending on a more sustainable path for the long term.

Unfortunately, it took President Biden months to accept this basic reality, but when the President finally came to the table, House Republicans worked hard to secure as many serious spending reforms as possible, considering that we were in a divided government, and they produced a deal that moves every key Republican priority in the right direction.

The Speaker's agreement cuts domestic discretionary spending while increasing support for veterans and the Armed Forces. It locks in promising reforms to infrastructure permitting. It claws back unspent COVID emergency funds. It slashes bloated spending at the IRS. It ties future executive branch regulations to new spending cuts.

The deal the House passed last night is a promising step toward fiscal sanity. Ah, but make no mistake, there is much more work to be done. The fight to reel in wasteful spending is far from over.

Our obligation to provide for the common defense is especially urgent. For years, Republicans have led significant investments in improving the readiness of our Armed Forces and modernizing their capabilities to face down emerging threats, but since President Biden took office, Republicans have had to fight year after year to ensure we meet the needs of our military.

Fortunately, we have secured bipartisan recognition that President Biden's budget requests have underfunded our national defense. This was especially true last year when Republicans secured a substantial, real-dollar increase to defense funding and ended Democrats' artificial demands for parity with nondefense discretionary spending. This bought our military valuable time, but it was hardly a silver bullet.

As I said yesterday, President Biden's refusal to let the defense portion of this agreement exceed his insufficient budget request is certainly disappointing.

So while the coming votes are an important step in the right direction, we cannot—cannot—neglect our fundamental obligation to address the Nation's most pressing national security challenges. Vladimir Putin's brutal invasion of Ukraine continues. Iran's state sponsorship of terrorism against Americans and our partners continues. North Korea's destabilizing nuclear proliferation continues. China's growing challenge to peace and stability in the Indo-Pacific continues as well.

So the Senate cannot afford to neglect its obligation to America's men and women in uniform. Our urgent work to help them defend our Nation, support our allies, and safeguard our interests remains unfinished, and so does our work to bring more of Washington Democrats' reckless liberal spending to heel.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WARNOCK). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

TRIBUTE TO JERRY OSTER

Mr. THUNE. Mr. President, before I begin, I would like to take just a moment this morning to recognize a pillar of the South Dakota press corps who has served at WNAX in Yankton, SD, for an incredible 47 years. His name is Jerry Oster, and he truly is an institution on the media landscape in South Dakota.

Jerry joined WNAX as news director in September of 1976, and he has become one of the most familiar and beloved voices on the airwaves in South Dakota.

I have had many great conversations with Jerry over the years on air and off, and I can say for certain that his departure will leave a very big hole in the South Dakota radio scene. But he has more than earned his retirement, and I know that he will relish getting to spend more time with his wife Cheryl—herself just recently retired from an amazing 43 years with Farm Credit Services of America—and with his sons and their wives and his six grandchildren.

Jerry, congratulations on an incredible and award-winning career, and enjoy some well-deserved rest.

H.J. RES. 45

Mr. President, last August, mere days after he had signed a bill that would supposedly reduce the deficit by $238 billion, President Biden announced a student loan giveaway that is said to cost taxpayers nearly a trillion dollars over the next decade. In a Presidency distinguished by bad economic decisions, this was a particularly notable one.

There are two main parts to the President's scheme. There is the outright forgiveness of $10,000 in Federal student debt—or $20,000 for Pell grant recipients—which is set to cost American taxpayers somewhere in the neighborhood of half a trillion dollars. Then there is the President's radical revamp of the income-driven repayment system, which will bring total cost for the President's plan somewhere close to a trillion dollars.

There are a number of obvious problems with the President's plan for forgiving student debt. I say ''forgiving student debt,'' but it is more like transferring the cost of student debt for the relatively small percentage of taxpayers in this country with student debt to American taxpayers as a whole. It is something of a slap in the face to Americans who chose more affordable college options or worked their way through school to avoid taking on student loans or whose parents scrimped and saved to put them through college.

It is also a slap in the face to members of the military who signed up to serve this country and earned GI bill benefits to help with tuition or training. Not to mention that negating this popular benefit could drag down recruitment and retention.

And, of course, it is deeply unfair to ask the many Americans who worked hard to pay off their loans or who never pursued college in the first place to take on the burden of student debt for individuals who took out loans for college or graduate school and agreed to pay them back.

And let's remember, we are asking taxpayers, at large, to foot the bill for student loan cancellation for Americans who enjoy greater long-term earning potential than many of the Americans who will be helping to shoulder the burden for their debts.

The President's student loan giveaway isn't a government handout for the needy; it is a government handout that will be disproportionately beneficial to Americans who are better off. It is ironic coming from someone who claims he wants to build the economy from the bottom up and the middle out. The President's student loan giveaway is decidedly more top-down, let's face it.

And speaking of the economy, Americans continue to struggle with the effects of the Democrat-driven inflation crisis that has beset our economy for most of the President's administration. Prices are up 16 percent on average since the President took office, and we are nowhere near getting back to the target inflation rate of 2 percent.

What is the President's student loan plan almost guaranteed to do? In the words of the nonpartisan Committee for a Responsible Federal Budget where the President's own Treasury Secretary served on the board, the President's student loan giveaway will ''meaningfully boost inflation''—''meaningfully boost inflation.''

I have talked about the forgiveness part of the President's plan and how fundamentally unfair it is, but that is only half of the President's student loan giveaway. The other half is just as problematic because it sets up a system in which the majority of Federal borrowers will never fully repay their loans. The Urban Institute, a left-of-center think tank, estimates that just 22 percent of those with bachelor's degrees enrolled in the President's new income-driven repayment program would repay their loans in full—22 percent—and many individuals would never be required to repay a penny.

And who will be footing the bill for all those student loan dollars that aren't repaid? Well, you guessed it—the American taxpayers.

Needless to say, the President's income-driven repayment plan will not only fail to curtail student borrowing, it will actually encourage it. If you can reasonably expect that you won't have to fully pay back your loans, you are much more likely to feel free to borrow and to borrow liberally.

And, of course, neither the President's outright student loan forgiveness nor his forgiveness masquerading as income-driven repayment will do anything to address the problem of soaring college costs. In fact, the President's student loan giveaway is likely to make the problem worse.

You only have to look at what happened when Democrats forced through their $7,500 tax credit for Americans who purchased electric vehicles. Car manufacturers, not surprisingly, raised their prices by a similar amount. Similarly, if colleges can expect that the Federal Government will pick up a sizable part of the tab for their students' education, they are extremely unlikely to feel any pressing need to cut costs or to stop tuition hikes. If anything, colleges might further increase tuition and fees.

Currently, the outcome of the forgiveness portion of the President's student loan giveaway is unclear. The President's legal authority for this action is dubious, and his ability to unilaterally forgive student loans has been challenged in the Supreme Court, with a decision expected within weeks.

And, today, the Senate looks likely to pass a resolution that would block the forgiveness part of the President's proposal. Unfortunately, the President is guaranteed to veto the measure, and there are not enough Democrats in the House and Senate willing to override his veto. Apparently, the possibility of garnering votes from Americans with student debt is reason enough for Democrats to ignore the blatantly regressive nature of the President's student loan giveaway—and the fact that it will almost unquestionably worsen the problem of rising college costs, not to mention the fact that it will drive up inflation and balloon the deficit.

I haven't even mentioned the third part of the President's student loan legacy, which is the COVID-era student loan repayment pause that President Biden has extended six times during his Presidency with no reasonable justification. That pause, which has been in place for 3 years now, costs taxpayers $5 billion per month. Fortunately, this pause is guaranteed to end thanks to the Fiscal Responsibility Act, the legislation Speaker MCCARTHY and President Biden agreed on to raise the debt ceiling. But while the end of the pause is a victory for taxpayers, the savings that will result pale in comparison to the tremendous costs of the President's student loan giveaway. And if the Supreme Court doesn't overturn the forgiveness portion of the President's student loan giveaway, American taxpayers will be stuck with the full nearly trillion-dollar bill. It will be one more negative economic legacy from Democrats and the Biden administration.

I yield the floor.

The PRESIDING OFFICER (Mr. LUJÁN). The Senator from Washington.

Mrs. MURRAY. Mr. President, I come to the floor to urge all of my colleagues to vote against this Republican bill that would undo President Biden's student debt relief plan and rip away relief borrowers across the country are counting on.

It is hard to overstate how badly the student debt crisis has strained our borrowers and our families nationwide, and this crisis has been a drag on our whole country and our economy. It is holding people back from starting families or starting a business or buying a home—or, in many cases, just making ends meet.

The student debt relief President Biden announced last fall is life-changing for so many borrowers. Under his plan, tens of millions of people who are struggling with student debt will finally see their balances go down, and millions will have their debt wiped out entirely.

Before Republican interests sued to deny borrowers this life-changing relief, putting the President's plan on pause, over 26 million people across all 50 States had already applied for or were automatically eligible for that relief.

And let's be clear. This relief is targeted to reach those who need it the most. Ninety percent of the relief will go to borrowers earning less than $75,000 a year. That is such a big deal.

I have heard from so many people across my State who were so grateful and relieved to have a glimmer of hope finally, to see a light at the end of the tunnel, and now Republicans want to snuff it out. They are trying to deny relief to borrowers in court and now here in Congress too. That is what we are voting on today.

To the hard-working people in America who are counting on the student debt relief, listen up. Republicans are willing to do anything and everything to prevent you from living a life without crushing debt.

And let's be clear. This Republican bill wouldn't only rip away relief borrowers who qualify under the President's plan are counting on. This CRA that we are going to vote on could impact the pause on loan payments and cause major problems for borrowers who have received relief through the Public Service Loan Forgiveness and income-driven repayment programs.

That means these Republican efforts could create the perfect storm for more than 260,000 public service workers who have already earned that relief. Borrowers who thought they were done paying their loans may have to pay more interest or additional payments. Think about that.

You know who we are talking about: nurses and teachers and firefighters and medical researchers. Seriously, these are the people who keep America going. The cold, hard reality is that if Republicans get their way and pass this into law, people across the country would have relief that they have counted on snatched away from them, plans they have made upended, less money in their pockets, and monthly payments not just abruptly restarted but maybe even abruptly jacked up hundreds of dollars. That is what Republicans are voting for. It is chaos and hardship for borrowers and families across this country.

Mr. President, I can't speak for everyone, but I came here to make people's lives better. I didn't come here to punish them for this broken student loan system that they got stuck with. I cannot overstate how arcane and complicated and how broken our current student loan system is, and millions of Americans find themselves unfairly bogged down with massive debt, so often through no fault of their own.

Myself and all six brothers and sisters of mine got through college

thanks to Federal loans and aid programs. I know how much of a difference the President's plan for debt relief will make for people. I know President Biden did the right thing here for borrowers and for our economy. This is not a handout. It is a hand up that will benefit everyone.

So I urge my colleagues today to vote against this resolution that would needlessly hurt millions of hard-working Americans, and let's work together then to fix this broken student loan system in this country.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. PADILLA. Mr. President, I rise in opposition to the harmful CRA resolution that would cause tens of millions of hard-working Americans to see their monthly budgets get even further squeezed, making it harder to pay their bills or afford basic necessities.

I rise to defend one of the largest efforts to close the racial wealth gap in our Nation's history.

As we debate student debt relief, it would be remarkably tone deaf for this body to spend an entire debate on the life-changing student debt forgiveness plan without acknowledging who it is that is at the decision-making table and who is not.

Most people consider this body, the U.S. Senate, as being deliberative. Many Members take pride in this being the most deliberative body in the world. While we may be deliberative, we are clearly far from diverse—at least far from reflecting the diversity of our great Nation.

Most Members of this body are decades removed from when they earned their undergraduate degrees. And many are at least years, if not, years and years removed from even having to sit down to plan how they would pay for their kids' college education.

So before we even get into the merits of President Biden's plan to uplift millions of hard-working Americans, I urge my colleagues to step outside the Senate for a moment. Let's step outside the Senate and step into the homes of working-class and middle-class families across the country who see skyrocketing rates of tuition and wonder if college just isn't for people like them anymore. Step into the family room of parents praying that scholarships might make a college degree possible for their children or talk to the student who is just as smart, just as hard-working as anybody else but because of student loans and higher interest rates, sees the door to higher education as closed to them.

We live in a nation where the dreams of too many are determined by their parents' paycheck. And in 2023, that means working- and middle-class families—with a disproportionate burden on communities of color, by the way—have to risk dangerous levels of debt just for a chance at achieving their American dream.

I remember what it felt like filling out financial aid forms and facing the brutal reality that when I was looking forward to attending the Massachusetts Institute of Technology, the cost of tuition alone was bigger than my dad's W–2. I was only able to make it through because of Pell grants, scholarships, work study, and, yes, student loans, which took years to pay off.

So I know the real weight of student debt. And I also know what it is like to start thinking ahead to prepare my own son's college education.

And as it turns out, President Biden's plan is not just good for everybody; I mentioned earlier that it is a part of helping address the racial wealth gap in America. One statistic alone, his plan would mean almost half of Latino borrowers would see their entire debt forgiven. That is not just liberating. That is a wise investment for all of us.

The increased relief for Pell grants that is part of the plan would uplift communities of color and cut into the racial wealth gap in America. Two more statistics that are worth noting: Almost 71 percent of Black undergraduate borrowers and 65 percent of Latino students receive this grant.

The President's plan will mean that a generation of students would be able to begin their careers and build a life without the weight of student debt holding them back.

In California alone, it would bring relief to over 3.5 million eligible borrowers, an undeniable boost to our economy and to families throughout the State.

Let me underscore something else about this CRA. It is not just about what it threatens prospectively. If this program is overturned, if this resolution were to pass, 43 million Federal student loan borrowers would have to pay back months of payments and interest that had been relieved, forcing Americans into delinquency or worse: default.

Republicans seem determined to prevent relief to tens of millions of Americans, despite the fact that 90 percent of the relief would go to those earning less than $75,000 a year.

In one fell swoop, it would cause unthinkable confusion and chaos for Federal student loan borrowers and make clear that, once again, Republicans view the American dream as a premium and higher education as a luxury, only for the wealthiest, only for those who can afford it.

I refuse to accept that fate. I urge my colleagues to see the real cost of today's CRA on working families. I assure you that the real impact won't fall on the wealthy families. It will be the working families of California and across the country whose lives will be fundamentally altered should we fail them today.

I yield the floor.

The PRESIDING OFFICER. The majority whip.

DEBT CEILING

Mr. DURBIN. Mr. President, this is a historic day in the annals of the U.S. Senate because we are faced with a critical role as to whether we can pass the bipartisan compromise on spending or default on our debt for the first time in history, whether we will fail as a nation for the first time ever—ever—to pay our bills.

There is a strange construction in the law where we can vote in the Senate and in the House for spending, send it to the President, who signs it into law, go back to our States and districts and announce in press conferences that we have millions of dollars coming home—Federal dollars—back home to our States and districts and take credit for it and then not face the reality that the money appropriated actually adds to our national debt.

The debt ceiling is the mortgage of the United States, which needs to be expanded as we spend money. So we reached a point where we have a deadline—first June 1 and now June 5—of doing something in Congress to extend the Nation's mortgage or default on that mortgage and debts for the first time in history.

There was a ferocious negotiation that went on for weeks. It was precipitated by the threat of one person on Capitol Hill, Speaker KEVIN MCCARTHY, who said: I am willing to risk defaulting on America's debt. All the other leaders, including the Republican leader in the Senate and the Democratic leader, said that is unthinkable; we would pay a price for that for generations to come. The reputation of the United States, the value of the U.S. dollar would be in danger because of such a careless and reckless act.

So negotiation was underway for the last few weeks; an agreement was reached to Speaker MCCARTHY'S satisfaction; and it passed the U.S. House of Representatives yesterday.

Now it is our turn in the Senate. We have taken a look at this agreement. First, let me say the premise is this. Defaulting on our national debt is unacceptable, unthinkable. We cannot let it occur.

So as painful as some of the decisions that will come from this agreement reached, they are virtually, at this point, inevitable to avoid default on our debt.

There is one I want to zero in on because it means so much to everyone in this Nation—and most people don't realize that it has been part of the debate and negotiation in this compromise—and that is the question of America's commitment to medical research.

The National Institutes of Health is the preeminent medical research institution in the world—in the world. When it comes to discovering cures for diseases, new medications, it is the National Institutes of Health and the

Food and Drug Administration which are charged with that responsibility, and we lead the world in research. I am such a fan of this Agency that I can speak for a long time about what they are doing.

But suffice it to say, if you or a member of your family have a diagnosis from a doctor that scares you to death, one of your first questions is, Doctor, is there anything we can do? Is there a medicine? Is there a surgery? Is there anything we can do?

Some of us have asked that question and we pray that the answer is yes and we pray that it leads us back to the NIH and all the work they put in.

So here is what we face with the budget agreement that passed the House, now headed to the Senate. We asked the experts on the budget to tell us what is going to happen to the budget of the National Institutes of Health—the preeminent medical Agency in the world—as a result of Speaker MCCARTHY'S demand that we cut spending. What will happen is this. We face this prospect almost with certainty. We are going to see a cut in the NIH spending for the first time in 10 years. For 10 years, we have consistently increased research funds, and they paid off. Finding that vaccine for COVID as quickly as we did was no accident. It was planned through medical research. And it saved so many thousands of lives here in the United States and beyond.

So here we face, for the first time in 10 years, a cut in the budget of the National Institutes of Health. How much of a cut? At least $500 million—$500 million.

And I stepped back, and I thought to myself, you mean, we are going to cut medical research? That was Speaker MCCARTHY'S idea of fiscal conservatism? That, to me, is mindless. It may have some political goal in mind, and I don't know what it might be, but to cut that makes no sense.

And let me suggest that my colleagues want to cut wasteful spending in Federal Government, and there is plenty of it. I know one obvious place to start. This projected cut of $500 million happens to match almost exactly the amount of money we waste each year maintaining an offshore military prison that only serves to violate our fundamental values and undermine the rule of law. You probably know what I am referring to: Guantanamo. In the 21 years since Guantanamo first opened, American taxpayers have wasted more the $7 billion on that facility—$7 billion. This $7 billion monument to bureaucracy and failed policy costs us $500 million a year to maintain now, the same amount we are cutting from medical research to maintain Guantanamo Bay.

You say to yourself, well, if it keeps us safe, it is worth it. How many detainees are being held by the United States of America today at the Guantanamo facility? Thirty. Thirty for $500 million a year. That is almost $17 million per year, per prisoner. Florence, CO, has a maximum-security prison for the United States of America. To maintain those prisoners in that maximum-security facility is around $30,000 a year. When it comes to Guantanamo, maintaining a facility for 30 of these detainees is costing us $17 million per detainee.

You know who called that a crazy idea? None other than former President Donald Trump.

For what great purpose are American taxpayers paying more than half a billion dollars every year to keep Guantanamo open? Is it to keep America safe, to detain convicted terrorists and threats to America? Guess again. Because right now, 16 of the 30 remaining detainees—more than half of them—have already been approved for release. That means we are wasting hundreds of millions of dollars every year to detain men who should have already been released. What is more, there are 10 other detainees who are still awaiting trials in the facility's dysfunctional military commissions.

How can we possibly explain to the world—let alone to our own citizens—that we have detained people for over 20 years and never charged them with a crime? The trial against five men charged in relation to 9/11 has not even begun, more than 2 decades since the attack on the United States.

And those who follow the military commissions the closest can tell you that these trials, let alone any convictions that might come down on appeal, are nowhere in sight. There is not even a plan.

Former Bush administration Solicitor General Ted Olson has a special level of expertise and interest in this issue. Ted also was chosen by the Bush administration to argue their cases before the Supreme Court. He is a respected lawyer in Washington, DC. Sadly, on 9/11, 2001, Ted Olson's wife died when a plane crashed into the Pentagon. She was a passenger. So he has a special interest in this matter and a special level of expertise.

Here is what he wrote about the idea of trials by military commissions of detainees at Guantanamo. He said they were ''doomed from the start.'' He is calling for the Biden administration to negotiate guilty pleas with all the 9/11 defendants. To state the obvious, we are failing the victims of 9/11 and their families by continuing the Guantanamo charade. These military commissions, which were supposed to be the court of law trying the detainees, have not or are unlikely to ever deliver justice.

In December of 2021, I chaired a hearing in the Senate Judiciary Committee on Guantanamo. One of our witnesses was Colleen Kelly, a nurse practitioner from the Bronx, mother of three. She testified about losing her younger brother Bill on 9/11. He was in the North Tower when the first plane crashed. Colleen described the pain of waiting—waiting almost 20 years after Bill's death, year after year after year—for something to happen.

In March, I received a letter from a young woman named Leila Murphy. She was 3 years old when her father Brian died on 9/11. For nearly 22 years, Leila Murphy has waited for a trial that has never come. In her letter to me, she pleaded with our government to bring this process to an end by securing guilty pleas from defendants in the 9/11 cases.

Leila, Colleen, and Ted Olson are not alone in calling on the Biden administration to finally deliver a shred of justice to the victims of 9/11 and their loved ones through guilty pleas. Just last week, Leila and several of the children and grandchildren of the victims who died on 9/11 wrote to the President. Here is what they said. They implored him to salvage ''whatever justice can still be had for the parents and grandparents we lost . . . [do] not let [this] drag on any longer,'' these survivors begged.

The signers in that letter included three daughters of New York firefighter Douglas Miller. He was among the more than 340 firefighters in New York who were killed when the towers collapsed. If you have seen the programs dedicated to these men and women, you cannot forget the bravery they demonstrated that day.

At the time of Mr. Miller's death, his daughters were just children. His firstborn Elizabeth was 7; Rachel was 6; Katie was 4. He and his wife Laurie had been sweethearts since high school. In their letter, Mr. Miller's daughters and other signers expressed how hopeful they felt last year when the 9/11 prosecution team began negotiations to finally obtain guilty pleas from defendants. They considered it a breakthrough that would finally bring closure; that would finally provide answers they had sought for more than 20 years.

But their hopes were crushed when the prosecution team recently indicated they are now going to start to open the pretrial litigation again. That was devastating news for these children, like Mr. Miller's daughters. In their letter, they wrote:

> The thought of going back to endless courtroom proceedings, when more than 10 years of litigation did not lead to trial, is painful.

Returning to pretrial purgatory will not deliver justice to the loved ones that lost the people that they cared for so much. The only way to do this is by securing guilty pleas in the 9/11 cases.

And let's be honest, this will not be the full measure of justice these families deserve. Sadly—sadly—this is no longer possible. Because these families were robbed of true justice when the administration at the time decided to torture and abuse detainees in our Nation's custody and throw them into an untested legal black hole rather than trusting America's time-honored system of justice.

As Ted Olson wrote a few months ago:

Nothing will bring back the thousands whose lives were so cruelly taken that September day. But we must face reality and bring this process to an end. The American legal system must move on by closing the book on the military commissions and securing guilty pleas.

The Biden administration must complete the interagency process to review the terms of the plea deals without further delay. Securing guilty pleas from the detainees who had been charged with a crime will bring us one step closer to ending the shameful chapter of Guantanamo.

These men will then serve out their sentences—some for the rest of their lives.

When it comes to the detainees who had not been charged, they should be released. That means the State Department must find countries who will take the 16 men for the approved transfer. It is not an easy assignment, but it is one that is inevitable.

The United States is a Nation of laws. When we indefinitely detain people who have never been charged with a crime and who have been deemed safe to release, we are betraying our own basic constitutional values. And autocrats abroad point to the history of abuse and detention without charge or trial to justify their own human rights abuses. If you want to stand for liberty and the rule of law, be honest with the American people.

Guantanamo Bay is a blight on our national conscience, and it has been for a long period of time. It is time for us to accept reality. It is not only a waste—tremendous waste—of taxpayer dollars, but it is an injustice that must end.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

H.J. RES. 45

Mr. MENENDEZ. Mr. President, I come to the floor today in opposition to a cruel and misguided attack on millions of student loan borrowers in New Jersey and across the country. I understand that some of my colleagues are intent on overturning President Biden's signature policies no matter the cost or the consequence. But to overturn his landmark student debt relief program just to score political points, to force borrowers to pay back their loans with interest and stick it to the administration, well, that, to me, is just cruelty for the sake of cruelty.

How else can you describe a proposal that would strip away one of the most important economic lifelines borrowers have relied on? Other than cruel, what else can you call a resolution that rips away benefits for up to 43 million Americans who stand to benefit from President Biden's relief plan?

I remind my colleagues that the pause on student loan repayments has saved borrowers an average of over $233 per month, an amount that is particularly crucial for our Nation's teachers, nurses, police officers, and firefighters who rely on the Public Service Loan Forgiveness program.

For a moment, I would like to focus on the impact this resolution has on them, because for these public service employees, $233 can mean the difference between making it to the end of the month or not. Make no mistake. Repealing this relief especially hurts public sector workers all across the country—the very people who go to work every day to care for us, protect us, educate our kids and keep us safe.

Is this body really trying to claw back benefits from thousands of everyday heroes in our communities? Is this really what my colleagues set out to do?

For years, the Public Service Loan Forgiveness program has enjoyed bipartisan support because it is essential to the promise of America. After all, if you take out loans in support of an education for a career benefiting others, then you deserve to see your balance forgiven after 120 payments or 10 years, as outlined under the law.

For many individuals, the economic challenges of COVID and the reforms that occurred as a result were the first time that they were able to enjoy the program's benefits. This harmful proposal erases that progress and, once again, imposes the burden of debt on hard-working teachers, nurses, police officers, and firefighters. This proposal is a slap in the face to them and to their shot at the American dream—full stop.

It is a slap in the face for Public Service Loan Forgiveness borrowers and for the full universe of Americans who stand to benefit from student loan relief, which is why I encourage all of my colleagues to ask themselves: Is this vote—this misguided proposal—the kind of message you feel proud to send? When the history books are written about this moment in time, do you want to stand on the side of the 43 million Americans who have played by the rules and stand to benefit from long overdue student loan forgiveness, or do you want to stand on the side of those who punish hard-working Americans for trying to get ahead? That, to me, is the stark moral decision that is before this Chamber.

With your vote, you can choose to support the borrowers you represent by rejecting this plan, or you can blindside them, rolling back nearly 8 months of interest benefits they have earned and deserve.

In no uncertain terms, this resolution increases the yoke of student loan debt and sets up borrowers to fail. That is not something that I want to vote for, and it is not something that any Member of this Chamber should want to vote for. I urge my colleagues to vote no.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

DEBT CEILING

Mr. GRAHAM. Mr. President, Senator COTTON will be here in a second. A group of us are going to speak about this budget deal.

If you believe that the No. 1 job of the Federal Government is to defend this Nation, then we have made a serious mistake in this bill.

I have heard House leaders suggest this bill fully funds the military. For that to be true, you would have to believe that the military is OK if you cut their budget $42 billion below inflation. The party of Ronald Reagan would never allow inflation to reduce defense capabilities.

This bill, the top-line number, locks in fewer ships for the Navy at a time China is going to expand dramatically. In 2024 and 2025, we are going to cap spending at a level that we cannot expand the Navy, and in the same period of time, China is going to go from 310 ships over a 10-year period to 440. There is less money for the Marines, less money for the Army, and fewer ships for the Navy at a time of great conflict.

There is not a penny in this bill to help Ukraine defeat Putin. They are going on the offensive as I speak, and we need to send a clear message to Putin: When it comes to your invasion of Ukraine, we are going to support the Ukrainians to ensure your loss.

If we don't do that, then we are going to snatch defeat out of the jaws of victory.

Senator COTTON—I am going to yield to him. He has a time problem. But we are going to take some time here to explain to you why those of us who believe that the No. 1 job of the Federal Government is to defend the Nation—that that concept has been abandoned and that we are going to insist and fight until we find a way to rectify some of this harm. OK.

With that, I will yield to my good friend from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. WICKER. I can assure my friend from South Carolina that when Senator COTTON reaches the floor, I will yield to him because he is time-constrained.

What I want to say is what I have been saying all along this year since the Biden budget came out. The world is in the most dangerous situation we have seen since World War II, and this Biden budget, which is now enshrined in this debt ceiling bill, is woefully inadequate. It amounts to a cut in defense capability. It sounds like an increase. You can call it an increase. But inflation is running at 7 percent, and so we will have to increase defense spending by that much simply to keep up with what we did last year, and we would have to increase by several billions more in order to give us the capability we need to prevent war in the Pacific. So I just have to say that the

fact that this is being called a victory by some people on our side of the aisle is absolutely inaccurate.

Pundits around the country have called this budget amount inadequate, and now, for some reason, because it is part of an agreement the Speaker has made, it is being applauded. The numbers don't lie.

I will tell you this. I will say this to my friends. We have 3 or 4 years to get ready for the time when Xi Jinping, the dictator President-for-life in communist China, says he wants to be ready for a war against the United States, a war to take over the island of Taiwan.

The decisions we make today can be implemented—if we have the resolve to do them—by 2027, but we need to make those decisions this year. We don't need to put them off until next year, and we certainly don't need to say we are going to go with the Biden cuts in readiness and do 1 percent more next year. That is woefully inadequate.

Let me say this before I yield to my friend from Alaska. It is easy to hide in the budget—one sentence, and then I will yield to my friend from Arkansas.

It is easy to hide inadequacies in a defense budget. People still get their Social Security checks. They still get their paychecks. When it comes home to roost for us is when a conflict breaks out.

We weren't ready for World War II, and when the flag went up and we were in a war, suddenly we were way, way behind. We were ready under President Reagan, and we had peace under President Reagan. When we are ready, we have the ability to avoid conflict, and this budget simply does not do that.

I will yield the floor and let my friend from Arkansas seek recognition.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. COTTON. Mr. President, after weeks of negotiating with an obstinate and capricious President, the House of Representatives passed legislation yesterday raising the debt ceiling and establishing budget caps for the next 2 years. Both Democrats and Republicans compromised in these negotiations, and, like every piece of compromise legislation, there are good parts and bad parts of this bill.

I want to commend Speaker MCCARTHY for a number of commonsense victories. This bill improves the environmental review process for infrastructure projects, cuts funding for President Biden's army of IRS agents, and saves American taxpayers tens of billions of dollars by clawing back unused COVID funds.

Now, the bill doesn't go as far as I might like. It reduces domestic spending to last year's levels, which is better than even more spending and taxes, as the Democrats proposed, but I think domestic spending could return to prepandemic levels. COVID emergency legislation was just that—an emergency compelled by Chinese communist lies. It shouldn't reset the Federal Government's budget in perpetuity. But, again, I sympathize with the Speaker's constraints of a small House majority and negotiating with a Democratic Party that seems to prioritize welfare for grown men who won't work over our military.

As I have noted, there are some victories in this bill, and it prevents default.

Unfortunately, this bill poses a mortal risk to our national security by cutting our defense budget, which I cannot support, as grave dangers gather on the horizon.

The bill's supporters contend that it raises defense spending by 3.2 percent compared to last year. That is true at face value, but inflation was 6 percent last year. When you get a 3-percent raise but prices go up by 6 percent, even a small child could tell you that your money won't go as far and your family will have to tighten their belt. And it gets worse next year, when the defense budget will grow by only 1 percent. Who thinks Joe Biden will get inflation to prepandemic levels? Even if he did, inflation would grow at least twice as fast as the defense budget, causing even more real cuts to defense.

Worst of all, this bill contains an automatic 1 percent sequester based off last year's budget. That means that domestic spending will go up, and defense spending will go down if the sequester kicks in. Let me repeat that. If the sequester takes effect, Democrats will get more welfare spending, while defense gets cut. Who thinks the Democratic leader will be dissatisfied with this result? More to the point, who thinks he won't use the threat of sequester to extort even higher levels of welfare spending?

These three provisions—a cut this year in real dollars, a worse cut in real dollars for 2025, and the automatic sequester based on last year's spending bills—conspire to threaten devastating cuts to the defense budget at a time when we can least afford it.

The bipartisan National Defense Strategy Commission Report recommends a real increase to defense spending of between 3 and 5 percent annually over inflation. This bill would cut real spending by more than 5 percent in 2 years, effectively slashing tens of billions of dollars from defense.

How bad is this defense gap? If we continued our recent bipartisan custom of increasing the defense budget from President Biden's irresponsible budget proposals, we could afford four additional *Ford*-class aircraft carriers, 500 F–35 fighter jets, more than 91,000 Stinger missiles, or half a million Javelin anti-tank missiles—all vital to our defense and to the defense of Ukraine and Taiwan.

While we surrender our lead and erode our military edge our enemies are catching up. Last year, Russia increased its real military spending over inflation by 1 percent; China increased its real spending by over 6 percent; and Iran increased its real spending by over 8 percent. The United States reduced our real spending by over 3 percent, and this bill, as I have said, would only make matters worse.

For years, Washington has gotten defense spending backward. The budget shouldn't shape our defense needs. Indeed, it cannot shape our defense needs. Our defense needs have to shape our budget.

China doesn't become less aggressive or Russia less revanchist or Iran less extreme because our military has shrunk. In fact, the opposite is true; they grow more ambitious and dangerous.

The defense budget should rise and fall with the dangers confronting our Nation, and I do not believe those dangers are receding. Who here believes the world here is safer or more stable than it was a year ago or 2 years ago? On the contrary, America is in greater danger than at any time in my life. Iran is rushing toward a nuclear bomb; Russia has unleashed the largest European invasion since the Second World War; and China is plotting the conquest of Taiwan. Our military stockpiles are depleted and our defense supply chains are broken or strained. At the same time, our border defenses have effectively collapsed, and cartel members, criminal aliens, and possibly even terrorists are pouring into our country. We need a military to match this perilous moment. After all, protecting the safety and security of our people is our first and most fundamental responsibility.

We cannot shortchange the military today without grave risks tomorrow. The weapons we buy this year will be the ones we field in 2027, the time by which China will be at its greatest relative strength compared to the United States and when war is most likely.

Now, I know that holding firm on defense priorities isn't always easy. As I said, there are parts of this bill that I support, but I cannot support the bill because it does not adequately fund our military given the threats we face.

Supporters of the bill contend that the situation isn't as bad as I make it out to be. Their arguments don't hold up under scrutiny. Some claim that we could still get more defense funding through a supplemental bill or some other backdoor funding mechanism. But these same hollow promises were made when Congress passed the Budget Control Act of 2011, which devastated our military under President Obama. I ran for the Senate, in part, to reverse that disaster, and I won't vote for a new disaster with the same promises.

And as I have explained, the sequester in this bill actually produces more domestic spending than the bill's core provisions, which encourages irresponsible Democrats to trigger sequester.

Others have claimed that we can find efficiencies in the Pentagon to make up the difference. I don't disagree that there is fat to trim in some places in our military, but no serious person thinks that it is enough to make up for

tens of billions of dollars in cuts. Moreover, this claim assumes the Biden administration will put our readiness ahead of social engineering. Color me skeptical on that one when they start looking for efficiencies.

Still, other supporters have shrugged and deployed the commonly used but rarely persuasive argument that the bill may be bad, but there is no alternative, and it is too late anyway. But it was and it remains our job to craft an alternative.

We hear a lot that things that add votes to these big bills get in and things that subtract votes don't. Again, we know, from recent experience the last two National Defense Authorization Acts, that a higher defense number gets nearly 400 votes in the House and more than 80 votes in the Senate. The first thing—the first thing—that should have been settled in these negotiations was a larger defense budget. Democrats have no argument against that recent history, and it is indisputable that increases to Joe Biden's defense budgets garner large bipartisan majorities in the House and the Senate.

So why wasn't it the first thing settled? I don't know, but the result is that a Congress with a Republican House and a Democratic Senate have now produced a defense budget worse in real terms than either defense budget produced by a unified Democratic Congress. I cannot vote for that curious result. If it takes a short-term increase in the debt ceiling to go back to the drawing board, so be it.

Before we vote, I would also ask all my fellow Senators a simple question: Do you feel more safe or less safe than you did a year ago? If you feel more safe, by all means, vote to slash our defense budget. But if not—and in your heart of hearts you know you don't—join me in demanding that we do what it takes to protect our Nation.

I yield the floor.

The PRESIDING OFFICER (Mr. KING). The Senator from South Carolina.

Mr. GRAHAM. I just want to compliment Senator COTTON for reminding us what the job in Congress is, defending the Nation, and the odd outcome here is that at a time of growing conflict, we are reducing the Navy.

There are 296 ships in the Navy today. Under this budget, by 2025, there will be 286. If we continue with the Biden budget, there will be 290. The Chinese Navy today is 340. By 2025, they will have 400, and by 2030 they will have 440. This budget locks in a smaller U.S. Navy at a time the Chinese Navy is growing dramatically.

There is not a penny in this budget to help beat Putin. The Navy is smaller. The Army is smaller. The Marine Corps is smaller. This is not a threat-based budget. This is a budget of political compromise where people have lost sight of what the country needs.

We need safety and security.

To my House colleagues, I can't believe you did this.

To the Speaker, I know you have got a tough job. I like you, but the party of Ronald Reagan is dying. Don't tell me that a defense budget that is $42 billion below inflation fully funds the military.

Don't tell me that we can confront and challenge China. Everybody in this body is patting themselves on the back that we see China as the most existential threat to America. You are right. We did the CHIPS Act. We are doing things to help our economy combat China. At the moment of decision when it came to the military, this budget is a win for China. Please don't go home and say this is fully funded because it is not. Please stop talking about confronting China when you are dismantling the American Navy.

How does this end? Senator COTTON is right. We will be here until Tuesday, until I get commitments that we are going to rectify some of these problems. The ranking member of the Appropriations Committee, SUSAN COLLINS, has been steadfastly in the camp of fiscal responsibility and national security. This deal has taken the Appropriations Committee out of the game.

The CR, which kicks in, cuts defense and increases nondefense, making it really hard for me to believe that we are actually going to do our appropriations job.

So what I want to do is, I want a commitment from the leaders of this body that we are not pulling the plug on Ukraine. There is not a penny in this bill for future efforts to help Ukraine defeat Russia, and they are going to gain on the battlefield in the coming days.

And it is just not about Ukraine. I want a commitment that we will have a supplemental to make us better able to deal with China. I want a commitment that we are not going to weaken our position in the Mideast. There is a report out today that Iran is planning to attack our troops in Syria to drive us out.

We are expending weapons that need to be replenished. Our military is weakening by the day. This budget that we are about to pass makes every problem worse.

I want to end the war in Ukraine by defeating Putin. If you don't, he keeps going and we are going to have a conflict between NATO and Russia and our troops will be involved. And if you don't send a clear signal now, China will see this as an opportunity to leap into Taiwan.

So to the Members of this body, we are staying here as long as it takes to get some commitment that we are going to reverse this debacle sooner rather than later.

With that, I will yield to my good friend from Alaska.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. SULLIVAN. Mr. President, I ask unanimous consent for 10 minutes for my remarks as well as 10 minutes for Senator WICKER and Senator COLLINS' remarks before the vote.

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

Mr. SULLIVAN. Mr. President, I think my colleagues are making the really important point of the national security implications of the bill that we are looking at and voting on. And I agree with what my colleagues have already said. Speaker MCCARTHY had a difficult job. I think there is a lot in this debt agreement that is important, that is positive. But the one thing we are not doing here—and, by the way, it is the most important thing we do as U.S. Senators—is have a strategy for the national defense of our Nation during an incredibly dangerous time globally. We are not doing that.

We need a strategy. Already, my good friend from South Carolina mentioned some ideas. I am going to touch on those, but let's just reiterate. The Presiding Officer sits on the Armed Services Committee. Many of us do. We get witness after witness, including the Chairman of the Joint Chiefs and the Secretary of Defense, saying this is the most dangerous time since any period in history since World War II. That is the consensus. Not a lot of people would disagree with that. Authoritarian dictators, with an immense appetite for conquest, are on the march, and yet what does this budget agreement do? It cuts defense spending significantly, as already mentioned.

Now, some people will say: Well, look at the top line. We never had a higher top line—$800-plus billion. As the Presiding Officer knows, the actual real measure of how serious we are as a country isn't the top line. Because of inflation over the years it is hard to compare.

The real measure of how serious we are, in terms of what we are putting toward defense—what the No. 1 priority of the U.S. Congress should be, in my view—is what percentage of our national wealth we are dedicating to defense. This budget will take us, in the next 2 years, with the cut this year, an inflation-adjusted cut of 4 to 5 percent, and a nominal increase next year of 1 percent, which would be about a 5- to 6-percent cut—it will take us below the 3 percent of GDP number for defense for the first time since 1999, during the peace dividend era of the Clinton administration. So we will be below 3 percent of GDP.

When you look at different periods of American history, the Korean war, we were at almost 15 percent; Vietnam, 8 percent; Cold War Reagan buildup, almost 6 percent; Iraq, Afghanistan, War on Terror, 4.5 percent, we are going to be going below 3 percent. It hasn't happened since 1999, and before that it has almost never happened in the history of the country, at least in the 20th century.

Here is the most important point: In 1999, the threats to our Nation weren't nearly as dramatic and serious as they are today, and nobody disagrees with that.

So what this budget does is it just accepts the Biden defense budget, which,

as Senator GRAHAM has already mentioned, shrinks the Army, shrinks the Navy, shrinks the Marine Corps. That is what it does: less ships, not more ships; smaller number of soldiers and marines, not more. So accepting the Biden defense budget is actually something new during the Biden administration.

What do I mean by that? As Senator COTTON mentioned, the last two previous Biden budgets came in, in anemic numbers, and in a bipartisan way—a strong bipartisan way, by the way—Democrats and Republicans significantly plussed-up those budget numbers. Last year, it was a $45 billion increase to the weak Biden budget on the Armed Services Committee that every single Senator on the committee voted for, except one. That is about as bipartisan as you can get. The year before, it was a $25 billion plus-up. And as many people know, we were already discussing, in a bipartisan way on the Armed Services Committee, another significant plus-up to this Biden budget. So Democrats and Republicans knew it was weak and not sufficient to meet the challenges of today.

But what happened? The music stopped, and now all of a sudden we are accepting the Biden budget. I know Democrat Senators who think that is wrong. They think that is wrong.

One amendment I am going to offer, as we are debating this, is to do something very simple. It is to look at the Biden Pentagon's priority list—their unfunded priority list—that this President and his Secretary of Defense put forward. It is $18 billion, which the Armed Services Committee, in a bipartisan way, was already getting ready to agree to move forward and fund. I am going to ask my colleagues to fund it. At a minimum, let's fund it. We are not going to bust out of the top line of this agreement. We will just take that $18.4 billion and move it from the $80 billion IRS account and put it to the Pentagon. It is pretty simple. It should be 100 to 0.

Do we want more Navy ships, more marines, or more IRS agents during this very dangerous time? I think the answer is pretty clear. I think the American people know the answer.

Senator COTTON already mentioned this idea that the Speaker has talked about. We need more efficiencies in the Pentagon. I couldn't agree more. By the way, the Navy leadership right now—we need a lot more efficiencies out of that place. You have a Navy Secretary who is more focused on getting his climate plan out before his shipbuilding plan. The priorities of the Department of the Navy right now are remarkably misaligned with real-world challenges.

What are those real-world challenges?

I think the Presiding Officer was there when we had a briefing from some of our top Intelligence Agency officials. It was a classified briefing, and I asked him if this number was classified. They told me no. They came out and said the real Chinese budget, in terms of the military, is probably close to about $700 billion. That is a big budget. As Senator COTTON mentioned, they are increasing in real terms 6, 7, 8 percent—cranking out ships, cranking out fifth-generation aircraft.

And we are going to cut the budget this year and dramatically cut it next year and go under 3 percent of the GDP in one of the most dangerous times since the end of World War II?

As Senator COTTON also mentioned, the National Defense Strategy Commission, which the Congress authorized a number of years ago to look at the serious national security threats facing our country, came back to the Armed Services Committee 2 years ago and said: What we need to do to address these serious national security challenges from China, from Russia, from Iran is to have 3 to 5 percent real GDP—or real growth—on the defense budget.

That was broadly accepted by Democrats and Republicans. As a matter of fact, I think one of the members of that national security commission is now the Deputy Secretary of Defense in the Biden administration.

But we are not even close. We are going backward.

Then Senator GRAHAM's point about a supplemental to get Leader SCHUMER and the President to say ''we are going to have a supplemental for deterring authoritarian aggression'' is going to be critical. I would say the vast majority of my colleagues here—Democrats and Republicans—would support that. We need a serious, robust defense budget to deter war. If the young men and women who volunteer to serve in our military are asked to go fight a war, we need a strong budget so that they can come home victorious and not come home in body bags.

This is deadly serious business, and we are not putting enough attention to it. It is one of the No. 1 things in the U.S. Constitution: that we need to provide for the common defense, to raise and support an Army, and to provide and maintain a Navy. That is our job, and we are not doing it. With this budget, this rushed budget, we need to get serious, and, hopefully, in the next few days, we can do that as we debate this agreement.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. ROUNDS. Mr. President, I ask unanimous consent to be recognized to speak for up to 10 minutes.

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

Mr. ROUNDS. Mr. President, my colleagues today have all had the same concern. That is, while we recognize the need to address the debt limit that our country is now up against, we also recognize that the defense of our country is a critical and necessary part of our responsibility as well.

The concern that many of us have with the proposal right now is that, in order to raise the debt limit, part of it has a series of conditions with regard to what happens to the dollars that it takes to actually defend our country for the next 2 years. We want to be able to raise the debt limit—we recognize that—but we also have to address the need for the defense of our country.

Why should we, as a part of the negotiation, be required to look at a reduction—a reduction—in the amount of dollars necessary for our young men and women to be able to defend our country?

Within the provisions of this bill, there is a reduction of up to 1 percent of the existing budget if we don't do an appropriations process. Yet, in order to do the appropriations process, we have to have 12 separate bills. The 12 separate bills all have to be passed. Now, the U.S. Senate is not known for necessarily doing anything on time. Yet here we come up to the end of the fiscal year in October, and we haven't seen appropriations bills on the floor yet.

What we need to be able to do, rather than to have a 1-percent reduction in defense, is to have an agreement that we will at least allow the appropriations bills to go from the Appropriations Committee to the floor of the Senate so that we can address them up or down, with the appropriate amendments on them, and have a full discussion but do it in a timely fashion.

So, No. 1, let's address the debt limit, but let's not penalize our ability to defend our country—or, perhaps, more appropriately say, let's not limit the ability of our young men and women in uniform to defend our country.

My colleagues have done a great job of explaining what happens here if we don't do our job correctly with regard to this particular bill. No. 1, if we go to a continuing resolution, our defense budget goes down; but, No. 2, under the provisions of this bill, the nondefense portions of this budget could actually go up. So there is an incentive—an unfair incentive—built into this to spend more on domestic programs and to spend less to defend our country, which is our primary responsibility.

How do we fix it at this late stage of the game?

No. 1, there are supplementals that are absolutely necessary. We have aggressive authoritarians throughout the world who are right now looking to see whether or not we are prepared to support our allies and those individuals who are on the front lines. This is specifically in Ukraine, specifically looking, as well, in the South Pacific, and looking at Taiwan and doing our best to turn Taiwan into a porcupine to make it much less of a possibility that China will invade Taiwan.

The other piece of this, along with that, is that we have to do an appropriations process where we actually get a chance to look at the Defense bill and our other appropriations bills in a timely fashion so that we do not have a continuing resolution in which the defense of our country loses ground,

making it more vulnerable or our country more vulnerable and a more challenging job for the young men and women who wear the uniform of this country.

With that, I just want to say thank you to my colleagues who have laid out some great numbers for all of us and who clearly have laid out a path forward: a commitment by leadership that the appropriations process be completed in a timely fashion and a recognition that supplemental funding will be necessary to confront aggressive authoritarians throughout the world.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I ask unanimous consent that I be recognized for 5 minutes.

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

Mr. GRAHAM. Mr. President, I yield my time to our next speaker, who is the ranking member of the Appropriations Committee, but I just want to say one thing before she speaks.

The Chief of Naval Operations said we need 373 ships manned and 150 unmanned platforms to deal with the threats we face around the world. We have 296 today. Under this budget deal, we will go to 286 by 2025. What does it take to get 373? The CNO of the Navy said, to get 373 ships, you have got to spend 5 percent above inflation for a sustained period of time. This bill is 2 percent below inflation. So we are undercutting the ability of the Navy to build the ships we need to defend America.

With that, I yield to Senator COLLINS.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, shortly, the Senate will consider the debt ceiling package that passed the House last night by a strong vote.

I commend the Speaker for his hard work and his negotiations to prevent what would be a disastrous default, with catastrophic consequences for our economy, for the people who rely on important government programs, and for America's standing in the world. Nevertheless, there are two issues in this package that are very problematic.

The first, as you have heard from my colleagues, is the completely inadequate top-line number for our national defense.

The second is a harmful provision that would go into effect if any 1 of the 12 appropriations bills has not been signed into law. It would trigger an automatic, meat-ax, indiscriminate, across-the-board cut in our already inadequate defense budget and in the domestic discretionary nondefense funding. This would happen automatically if, in fact, all 12 appropriations bills have not been passed.

Now let me address both of those issues and offer to my colleagues what I believe are solutions.

The first is the inadequacy of the defense budget. As my colleagues have very well described, the defense budget submitted by President Biden and included as the top line in this package is insufficient to the task of fully implementing the national defense strategy at a time when we face serious and growing threats around the world.

As my friends and colleagues from South Carolina and Alaska and others have already described, this budget request would actually shrink the size of our Navy. We would end up with a fleet of 291 ships. Those are 6 ships fewer than today's fleet of 297 ships, and it is further—further—away from the Chief of Naval Operations' requirement, which is informed by scenarios involving China, for example. Meanwhile, what is China doing? China has the largest navy in the world now, and it is growing to 400 ships in the next 2 years.

The story is very similar if you look at the Air Force's tactical aircraft. So we have a real problem.

Let me give you another example. It is an example that all of us can relate to who fill our cars with gas or seek to heat our homes.

This budget request falls woefully short in funding the fuel costs of our military. The Government Accountability Office says the DOD's fuel costs are likely to be 20 percent higher than the amount of money that is included in the President's budget.

I asked the Chairman of the Joint Chiefs of Staff, General Milley, what the result would be, and he says it very clearly: It would translate into 20 percent fewer flying hours and steaming days, which would harm our military's training and readiness. So that is a very concrete area where the President's budget is clearly not going to be adequate.

Second is the harmful provision with the automatic 1 percent cut across the board. Think about this, if you are the Secretary of Defense. Let's say the Department of Defense appropriations bill is signed into law before the start of the fiscal year in October, as I hope that it will be, and I am working hard. It doesn't matter. Let's say the leg branch appropriations bill isn't signed into law by January 1 of next year. An order goes out that has to be implemented by April 30 which would cut every account across the board by 1 percent. How does that make sense? Think how harmful that would be. How in the world is the military going to enter into contracts if it doesn't know what its budget is going to be, despite the fact that its appropriations bill has been signed into law, but because of this threat hanging over the Department.

So what do we do? I don't want to see our country default for the first time in history. I do believe that would have catastrophic consequences. But we need to fix these problems.

The first problem of an inadequate defense budget could be addressed and remedied by having an emergency defense supplemental. That is what we need to do. That is what I would ask the administration and my colleagues on the other side of the aisle to commit to because we know that this budget is not adequate to the global threats that we face.

We know that it does nothing to deter Russian aggression in Ukraine. We know that it is not adequate to the challenge that we face from China. An emergency supplemental must be coming our way to remedy the first problem.

What should we do about the second problem, the threat of this 1 percent indiscriminate meat ax cut across the board? We need to pass each and every one of the 12 appropriations bills on time before the start of the fiscal year. In order to do that, I am working very hard with the chair of the committee, Senator MURRAY. But we need a commitment from the Senate majority leader that he will provide us with floor time. We will do our utmost to get every single one of the 12 appropriations bills marked up and reported out of the Appropriations Committee. But then I am asking the Senate majority leader to commit to bringing each of those bills to the Senate floor, either singly or individually or as minibuses, as we used to do, where we would pair a couple of the bills together. But it is essential. I would implore the Democratic leader to provide the commitment that he will bring each of the appropriations bills to the Senate floor so that we can avoid the threat of this indiscriminate, across-the-board cut.

I believe that is the path forward for us: an emergency defense supplemental to make up for the woefully inadequate budget that has been submitted by this administration for the Department of Defense for our national security; and, second, to prevent the 1 percent cut from ever being triggered, a commitment that all of the appropriations bills will be brought on time to the Senate floor.

Then, it seems to me, we can proceed with this package and avoid a catastrophic default for our country.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. I want to echo what Senator COLLINS just suggested. How do you begin to turn this debacle around? You admit you have got a problem. It is pretty hard to quit drinking if you don't admit you have got a drinking problem.

So what she is suggesting is that we acknowledge the obvious, that this bill, on the defense side, is inadequate to the threats we face, that a bill that funds the Pentagon below inflation at a time of great threat is not fully funding. She is trying to get us to wake up to the reality that if we don't speak about defeating Putin now, then the Ukrainians, who are on the offense, will be undercut.

I will never let this happen again, as long as I am here, to let people negotiate behind closed doors and not tell

me what they are doing on defense. I blame myself for not being more involved and more active, because in my wildest dreams I never believed that the Republican Party would take the Biden budget that they have attacked for a year and celebrate it as fully funding. I know who I am dealing with now.

Here is what Reagan told the Russians: Trust but verify. I will never, ever trust again, because you have got an ''R'' behind your name, that you are going to be the party of Ronald Reagan. You have to prove that to me. So, as we go forward, the game will change.

Why is she asking for this to be done? If we don't commit to an orderly appropriations process, it gets worse for the Defense Department.

To the people who wrote this bill, I would not let you buy me a car.

The provisions of sequestration—for lack of a better word—the continuing resolution, if we don't do our legislative business, increases nondefense spending and decreases defense spending. I thought we were Republicans. Who came up with that great idea?

The top line is inadequate. The CR is devastating. And what bothers me the most is that we would put the Department of Defense in this position.

We are playing with the lives of men and women in the military, their ability to defend themselves, as some chess game in Washington. Well, this is checkers, at best.

The fact that you would punish the military because we can't do our job as politicians is a pretty sad moment for me. But people in this body, on my side of the aisle, have drafted a bill that would punish the military even more if we fail to do our basic job. That cannot be the way of the future.

So I will insist, or we will be here until Tuesday, and I will make an amendment to avoid default for 90 days or however many days it takes to get this right. I don't want us to default on the debt, but we are not leaving town until we find a way to stop some of this madness. You are not going to be able to blame me for default because I am ready to raise the debt ceiling right now for 90 days, no strings attached, to give us a chance to stop this insane approach to national security.

I am supposed to talk to the President of Ukraine this afternoon. I would like to be able to tell him something: Oh, by the way, you have done a hell of a job with the money we have given you. Not one soldier has died. The weapons used by Ukraine have punished the Russian military. They are weakened and bloodied.

They are about to take back territory. He is wondering, well, what does this mean for the future? I want to try to be able to tell him that I have got an assurance from this body that we are not going to leave you hanging.

It is in our interest to beat Putin. I don't like war more than anybody else, but if Putin gets away with invading Ukraine, there goes Taiwan. And if you don't get that, you are just out of touch. They have a chance to evict Russia from Ukrainian territory. They need more military help, not American soldiers.

If Putin loses, it is a deterrence for China. If Putin doesn't lose, he will keep grabbing territory until we have a war between Russia and NATO. This is a big, big deal.

Iran is coming up with a plan, apparently, to drive us out of the Mideast. That just came out today.

China is building. As Senator COLLINS said, they are going from 340 ships to 440 ships by 2030. We are going from 296 to 290. That can't be the response to China.

You cannot say with a straight face that this military budget is a counter to Chinese aggression, that it adequately allows us to defeat Putin. You cannot say with a straight face that this budget represents the threats America faces.

A military budget should be based on threats, not political deals to avoid default. Nobody wants to default. We are not going to default. But I am tired of having default hanging over my head as a reason to neuter the military at a time we need it the most.

To the American public, you would suffer if we defaulted. I get it. If this budget is the end of the discussion and we don't fix it, your sons and daughters are going to have more war, not less. You are going to send a signal to all the bad guys that we are all talk. And what you will be doing is putting the world on a course of sustained conflict rather than deterrence.

The last time people did this was in the 1930s. They wanted to believe that Hitler wasn't serious about killing all the Jews, that they only wanted some land, that he really didn't want to take over the world. He wrote a book, and nobody believed him.

The Iranian Ayatollah speaks every day: I will destroy the state of Israel; that we are infidels, and he is going to drive us out of the region.

China openly confronts our planes—400 feet yesterday. They are testing us every day.

The bottom line, folks, is we are not leaving until we get a path to fix this problem. Senator SUSAN COLLINS, my good friend from Maine, gave us that path. If you want to go home, fix it.

I yield the floor.

H.J. RES. 45

Mr. SCHUMER. Mr. President, if you are one of the over 43 million Americans with Federal student loan debt, today's Republican measure attacking debt relief is a slap in the face. Even a casual examination of today's CRA shows that is a cruel measure.

This is what Republicans are proposing: They not only want to sabotage President Biden's student debt relief, they not only want to put a stop to future payment pauses, Republicans actually want to ask for payments and interest retroactively—from September to December of last year.

That is right; if you are a student loan borrower and were told that you didn't have to worry about payments last fall, you could be back on the hook if Republicans get their way. This Republican bill is a student debt bait-and-switch, penalizing borrowers by an average of $1,500 in extra payments.

And there is another twist in the knife: If you are a first responder, an educator, a member of the military, or any sort of employee in the public sector, the Republican bill could jeopardize your eligibility for the public service loan forgiveness program. We should be in the business of helping Americans saddled with student loan debt, not making their problems worse as this measure would do. I will vote no.

VOTE ON H.J. RES. 45

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

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall the joint resolution pass?

Ms. HASSAN. I ask for the yeas and nays.

The PRESIDING OFFICER. There has been a request for the yeas and nays.

Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Colorado (Mr. BENNET) and the Senator from Virginia (Mr. WARNER) are necessarily absent.

The result was announced—yeas 52, nays 46, as follows:

[Rollcall Vote No. 135 Leg.]

YEAS—52

Barrasso	Grassley	Risch
Blackburn	Hagerty	Romney
Boozman	Hawley	Rounds
Braun	Hoeven	Rubio
Britt	Hyde-Smith	Schmitt
Budd	Johnson	Scott (FL)
Capito	Kennedy	Scott (SC)
Cassidy	Lankford	Sinema
Collins	Lee	Sullivan
Cornyn	Lummis	Tester
Cotton	Manchin	Thune
Cramer	Marshall	Tillis
Crapo	McConnell	Tuberville
Cruz	Moran	Vance
Daines	Mullin	Wicker
Ernst	Murkowski	Young
Fischer	Paul	
Graham	Ricketts	

NAYS—46

Baldwin	Heinrich	Reed
Blumenthal	Hickenlooper	Rosen
Booker	Hirono	Sanders
Brown	Kaine	Schatz
Cantwell	Kelly	Schumer
Cardin	King	Shaheen
Carper	Klobuchar	Smith
Casey	Luján	Stabenow
Coons	Markey	Van Hollen
Cortez Masto	Menendez	Warnock
Duckworth	Merkley	Warren
Durbin	Murphy	Welch
Feinstein	Murray	Whitehouse
Fetterman	Ossoff	Wyden
Gillibrand	Padilla	
Hassan	Peters	

NOT VOTING—2

Bennet Warner

The joint resolution (H.J. Res. 45) was passed.

(Mr. PETERS assumed the Chair.)

The PRESIDING OFFICER (Mr. SCHATZ). The majority leader.

FISCAL RESPONSIBILITY ACT OF 2023—MOTION TO PROCEED

Mr. SCHUMER. Mr. President, I move to proceed to Calendar No. 84, H.R. 3746.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 84, H.R. 3746, a bill to provide for a responsible increase to the debt ceiling.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. CORNYN. Mr. President, as we all know by now, yesterday evening, the House passed a bipartisan bill to lift the debt limit and begin the process of reining in our Nation's unchecked spending habit.

From the time the United States reached the debt ceiling in January, it was clear that a compromise bill would be the only way to avoid a full-blown economic crisis, which is what would happen if we were not to raise the debt ceiling. With a Democrat-led Senate and a Republican-led House and a Democrat in the White House, bipartisanship was and is a necessity.

Now, Republicans, for our part, were clear that any increase in the debt ceiling must come with spending reforms. Otherwise, it would be like your maxing out your credit card and then asking to raise the credit limit so you could borrow more money without having an adult conversation about how you were going to pay the money back. In the real world, that is what would happen. You would have to have that conversation or there would be no increase in your credit card limit. But only in Washington, only in the Nation's Capital would it be even argued that you could raise the debt limit without talking about spending reform.

What has happened is, our Nation's national debt has ballooned now to more than $31.4 trillion. That is a number—I doubt that anybody here in the Chamber could tell us how many zeros follow that 31.4.

The American people are clearly unhappy with what they see is happening here when it comes to out-of-control spending. A recent poll found that 60 percent of adults think the government spends too much, and they are right. They are frustrated by the unnecessary and wasteful spending, and they are eager for Congress to do the reasonable, rational thing, which is to begin to get our financial house in order.

That is precisely what Republicans demanded throughout this process—necessary fiscal reforms as part of the debt ceiling negotiation. But instead of stepping up, doing his job, acting responsibly, President Biden took a very different approach. He said: I refuse to negotiate. This is a President of the United States with $31.4 trillion in debt. He said: I refuse to negotiate. He went on to say that only a clean debt ceiling increase was an option, and he refused to engage in negotiations altogether.

It is helpful to remember that it was in January when we actually hit the debt ceiling. What has happened since then is the Treasury Secretary has engaged in what is euphemistically called extraordinary measures in order to pay the bills as the money comes in through tax revenue. But now she has told us that the X date—which presumably is the default date after extraordinary measures are exhausted—would be June 5. That is Monday. That is Monday.

The President has known since January that this day would come. He has refused to negotiate, and he has led us into this scenario where, unless Congress acts by June 5, we will breach the debt limit and begin to default on paying our bills as a nation.

I don't have to remind anybody that inflation as a result of some of the profligate spending habits of the previous Congress, particularly on our Democratic friends' side—they were happy to spend roughly $2.3 trillion last year on strictly party-line spending votes. But you put enough gasoline on the fire, and inflation is going to spiral out of control. That is exactly what has happened.

As a consequence, two things have happened. One is that hard-working American families have found their standard of living reduced because they simply can't afford to keep up with the increase in costs as a result of inflation. The second thing that happened is that in order to try to deal with this hidden tax, the Federal Reserve has had to raise interest rates, which has slowed down the economy even more.

Why in the world would President Biden, as a responsible public official, refuse to negotiate when he knows that the anxiety associated with hitting this X date on Monday is causing even more uncertainty, even more trepidation, and even more anxiety over exactly what the future is going to look like? Why would he risk that? President Biden stuck to his ''no negotiations, no reforms'' position for literally months even though it was painfully obvious that a bipartisan deal was the only way to avoid a further economic crisis.

I want to pause for a moment to commend the Speaker of the House, Speaker MCCARTHY, for his leadership throughout this process. Without a negotiating partner, he did everything in his power and within the power of the House of Representatives to move this process forward. He stood strong behind the need for fiscal reforms and led the House in passing the Limit, Save, Grow Act. He lured President Biden to the negotiating table, and he successfully moved a compromise bill through the House. But I think the backstory about Speaker MCCARTHY's leadership is that President Biden didn't dream that in a million years, after the difficult race for Speaker that we saw in January, Speaker MCCARTHY would be able to unify Republicans in the House of Representatives and actually pass a bill that raised the debt ceiling. That is what the Limit, Save, Grow Act was. I think President Biden was shocked that he was able to get that done. And I congratulate him for it. It changed the whole dynamics of this negotiation.

But now that the House has acted, the ball is in our court. This Chamber will soon vote on the McCarthy-Biden agreement, and now is the time for the Senate to do its job. Our job is not simply to accept or to rubberstamp what the House passed. That has never been the case. We weren't a party to the agreement; why should we be bound by the strict terms of that agreement?

The Senate has not had a say in the process so far, and it has led to serious frustration on both sides of the aisle. This bill didn't go through regular order; in other words, it didn't go through a committee. Members didn't have the opportunity to weigh in or shape the legislation at that level or even the final text.

Given the time constraints wholly created by President Biden's delay and refusal to negotiate, this rushed process was completely unavoidable. We didn't have to get on the precipice of a default in order to act if President Biden had done his job and responsibly engaged in the negotiations that he finally did engage in at an earlier point, months earlier. So the President dragged his feet for several months, leaving the narrowest possible window to reach a deal and avoid a further crisis.

This is not how this should have played out, but that doesn't mean our hands are tied behind our backs here in the Senate. The Senate is not required, as I said, to rubberstamp the House bill. We have the opportunity to amend this legislation and make it better.

I share the concerns expressed by the ranking member of the Senate Appropriations Committee, the Senator from Maine; the Senator from South Carolina, Senator GRAHAM; Senator SULLIVAN, the Senator from Alaska; and Senator COTTON, I believe, has spoken on that publicly, that the defense number in this agreement is simply inadequate.

It is simply unacceptable to leave it in the hands of Senator SCHUMER, the majority leader, whether or not we actually pass appropriations bills this

year because if we don't, under the terms of the McCarthy-Biden agreement, then we go back into a sequestration, with a 1-percent cut across the board.

That may not sound like a lot, but our country is facing more national security threats than we ever have before. Whether it is the challenge in Europe with Russia's unjustified invasion of Ukraine; whether it is the aspirations of the Ayatollah in Iran to build nuclear weapons; whether it is Kim Jong Un in North Korea or Vladimir Putin or President Xi, it is easy to see that the threats are not diminishing. They are getting more and more serious, which means that a sequestration of the Defense Department's spending by automatic operation of law is unacceptable.

Senators on both sides want amendments. Members want to make changes to try to improve the bill. As I said, the Senate should not be cut out of the process due to President Biden's foot-dragging. We still have time before the June 5 deadline. The Senate could move through the amendment process fairly quickly. We could do it today. We have ample time to vote on amendments and send an amended version back to the House for final passage.

I might add, there is no reason for the majority leader to block amendment votes. Senators deserve an opportunity to vote on amendments, and I hope the majority leader will not stand in the way of those Senators on both sides of the aisle who want to offer amendments and then receive-up-or-down votes.

This bill does include some very positive developments—beginning to rein in our Nation's spending habits—but it is not a magic pill to cure the Federal Government's chronic financial troubles. America's $31.4 trillion debt developed over the course of decades, so it is unreasonable to expect we are going to turn that around with the passage of one bill. But we can start, and we should start.

We know the pandemic accelerated these problems. We spent a lot of money necessarily on a bipartisan basis to try to deal with the public health crisis and the economic consequences of the pandemic, but then, as I said, at President Biden's request, our Democratic colleagues abused the rules of the Senate to go on two partisan spending sprees.

First came the $1.9 trillion American Rescue Plan, followed by the $700 billion so-called Inflation Reduction Act. That is $2.6 trillion more, which gets us up to the $31.4 trillion today. But then they used that money to do everything from funding a supersized IRS to taxpayer-provided subsidies for rich people to buy electric vehicles.

So I am glad the Speaker was successful. In addition to beginning the long process of beginning to bend the curve when it comes to reckless spending, I am glad the Speaker was able to agree with the White House to claw back some of that money, including $27 billion in unspent COVID funds, and to redirect a reported $20 billion in IRS funding to other priorities.

The Congressional Budget Office estimates this bill will reduce Federal spending by $1.5 trillion over the next decade, which is a strong start in the fight to right America's financial ship.

As I said, this bill is the beginning of that fight; it is not the end. And I know many of us, including this Senator, would like for us to be able to do more. But the fact is, one bill cannot erase decades of financial troubles. We need to build on the progress made in this legislation in the months and years to come. Of course, the best way to do that is at election time because it matters who wins elections. It matters who is in the majority. It matters who controls a body of Congress and the White House.

But the next big battle will be in the Senate and House Appropriations Committees. As we know, every year, the committees are charged with writing 12 separate bills to fund the various components of the Federal Government.

The process of drafting those bills is designed to involve public hearings, committee votes, and rigorous debate. It gives every member of the Appropriations Committee opportunities to shape the individual spending bills and address America's spending habits. And once it gets voted out of committee, then all 100 Senators should have that opportunity to shape and improve the legislation.

Once these bills are completed, they are supposed to pass both Chambers and be signed into law by September 30 every year. But that didn't happen in 2021 or 2022. The Democratic Senator majority leader refused to allow us to pass a single appropriation bill last year, forcing us into the ugly process of considering and passing an omnibus appropriation bill. That is not the way that is supposed to be done.

Congress cannot continue to operate like this—with bloated budgets, last-minute spending bills, backroom negotiations. That is no way to gain the public's trust or to run the Federal Government. We need to return to a transparent and regular process where every elected Member of Congress has the opportunity to participate in budgeting and deciding what the appropriate expenditure of taxpayer dollars should be.

So we have known this date was coming since January. President Biden put us in this difficult situation by wasting valuable time, and he has pushed us to the brink of default. Now, thanks to his delay tactics, the Senate is preparing to vote on a bill that no Member of this body had a hand in writing. Given the time crunch, this truncated process was a necessary evil, but it cannot be the norm.

We need to return to the processes that were designed to promote smart and responsible spending. Hearings, committee votes, and public debate are absolutely critical. For today, Senators deserve the opportunity to amend this bill and, as I said, to make it better if they can; but all of our colleagues have the right to have a say in this process, and I urge the majority leader to allow that process to go forward with up-or-down amendment votes.

Mr. President, I yield the floor.

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

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

DEBT CEILING

Mr. MORAN. Mr. President, I want to spend a few minutes here on the Senate floor discussing the debt ceiling agreement reached between the Republican majority in the House and the Biden White House, the Fiscal Responsibility Act, the bill that, presumably, we will be further debating, perhaps amending, and voting on yet today or tomorrow.

I fully recognize that governing in a divided government is a challenging amount of work. The American people have given us that circumstance. This circumstance requires negotiation and finding common ground; otherwise, we can do nothing.

Unfortunately, President Biden, for way too long, refused to negotiate with House Republicans. He refused for months to negotiate with House Republicans—I suppose in an effort to intimidate Republicans and pass an unaltered debt ceiling increase. This would have opened the door for more Democratic majority spending—in fact, spending even more money with perhaps no, but certainly fewer, strings attached. Fortunately, that tactic did not work, and the House Republicans acted to pass their own debt limit legislation. Without a realistic plan, a plan that could pass Congress, the Biden administration finally conceded and negotiated with House Republicans to create a deal, the deal that is before us now.

My view: Defaulting on the national debt would send a message that we are a nation that cannot be trusted to pay our bills. Default would be highly dangerous to our national security and to our currency and to our economy. China and other countries, those countries that are on the fence in today's world, are watching. They are watching how the American government operates. They want to diminish our role in the world. China would love for our standing in the world to be damaged due to default, for the United States and its economy to be in chaos.

It is vital to our economy and to our national security that we do not default and that we preserve the U.S. dollar as the primary currency, the ''reserve currency''—not the yen or any

other country's currency. The implications of what happens here today in regard to a default has a consequence upon our national well-being vis-a-vis the rest of the world and, most importantly, determines the relationship we have with other countries and the role that China is able to further play in the world order.

China and these countries that are on the fence are watching. It is time—it is vital to our economy and national security that we do not default and that we preserve that dollar.

The Fiscal Responsibility Act isn't the legislation that I personally would introduce. It does not sufficiently cap long-term discretionary spending; it continues to tie our defense budget to spending less than the rate of inflation; and it fails to address reforms needed to mandatory programs. But it does accomplish key conservative priorities that will benefit America and help put our Nation on a better path toward fiscal responsibility.

In addition to the debt ceiling issue, reckless spending can also be the demise of our country's well-being, and endless deficit spending will eliminate the American dream for many Americans and the American dream as seen by the rest of the world.

As a fiscal conservative, the Federal Government must spend less, must grow its spending less rapidly, must set limits on our appetite, and must stop wasteful spending. Our Nation has had a spending problem for the last several decades—probably even longer than that. It used to be that everyone understood that deficit spending was a damaging thing to the economy. Franklin Delano Roosevelt, perhaps the first progressive President, understood that World War II had to be paid for. It was a given that we paid our bills with nearly current revenue.

It seems, over time, that many—particularly, in my view, in the Democratic Party—decided that deficit spending was not that much of a problem. And I worry that, too often, Republicans want to look the other way as well. We accelerated that spending during COVID. Perhaps with the uncertainty of what COVID meant to us, government spending rose rapidly, and we spent too much money. But Congress was slow—even as COVID began returning to the rearview mirror, we were too slow to turn off that COVID spending spigot.

Coupled with reckless tax-and-spending sprees driven by the Biden administration, out-of-control spending has led to record-high inflation. Inflation is like a tax on every American and is damaging to the poorest among us.

Here in Congress, we talk about spending in terms of millions and billions—sometimes even trillions. But folks back home in Kansas talk about spending in dollars and cents. And for everyday Americans, those dollars add up, make it harder to buy the groceries, to pay the rent, or to put gas in their vehicles. We see it every day in our family, and I hear about it from everyday Kansans all the time.

Reducing inflation requires reductions to spending. The cause of inflation is when we spend more than we have to spend and we borrow money, pumping more Federal spending, government spending, into the economy.

However, we need to fulfill the most important responsibility to the Federal Government, and that is to protect and defend our Nation and to keep our promises to those who served in the military that defends us. My colleagues and I on the Senate Committee on Veterans' Affairs have consistently said we would provide the VA with the funding it needs to provide care and services to the men and women who have served our Nation. I have heard it said many times here in the Senate and elsewhere that it is too easy for us to go to war and never easy enough for us to pay for the bills for those who sacrificed so much during war.

The debt ceiling deal delivers on our commitment to support veterans. The deal also secures the full funding of the toxic-exposed veterans that was authorized by the just recently passed PACT Act.

In regard to government waste, this legislation will slow the rate of spending and recoup unspent funding, starting with COVID funds, to the tune of billions of dollars. The pandemic is basically behind us, and there is no reason for us to keep spending under the rubric—under the title—of COVID relief funding.

Additionally, this legislation will cut significant funding to the Biden administration's plan to hire thousands of additional IRS agents. I am an appropriator, and I have long been an advocate for what we around here call regular order, what folks back home would just call doing your job.

The way this process is supposed to work is we have a budget that outlines how much money we can spend, what the revenues are to pay for it; and then we divide up that money that we are going to spend in discretionary spending among 12 bills that the Appropriations Committee and, ultimately, the Senate and the House and the President then have something to say about.

I have been an advocate for passing those separate 12 bills. We haven't done that very well many times. For far too long, we have relied on continuing resolutions and massive omnibus packages to fund our government. Those omnibus packages allow for a small group of Members of Congress to make major decisions for the rest of us. It adds to the uncertainty of what is in a bill when it is such a massive piece of legislation, and it creates—rightfully so—cynicism among my constituents about ''What is in there?'' and ''Did you read the bill?''

These measures, the way we do it—the way we have done it in the past—are not good government, and they lead to the ease of additional spending. It becomes too easy to add something to such a massive bill.

This legislation would encourage Congress to do its job by passing 12 separate appropriation bills or face automatic caps on spending. Whatever happens on this piece of legislation, I hope the outcome, with the leadership of the Appropriations Committee that we have today, means that we are going to do 12 separate bills, each with the scrutiny of an appropriations subcommittee and the opportunity for amendments by all Senators on the Senate floor.

Working to spend less will help stop this runaway inflation. But this legislation goes a step further by stimulating the economy and protecting Americans from new taxes.

Unleashing American energy is a key to reducing energy prices, stimulating our economy, and strengthening our national security. The permitting reforms included in this bill will help get energy projects approved more quickly rather than being bogged down in a set of bureaucratic regulations. Things that should take months or a few years—hopefully, it will be the case and not take years or decades.

Raising the debt limit is not something I or any of my colleagues should take lightly. Why have a debt ceiling if it is just automatically increased every time it is met? Don't we wish that would work in our credit card bills that we receive? We have a limit on what we can spend because sometimes people, and always government, need to be told no.

We are seeing firsthand the consequence for spending outside our means. And there will continue to be more consequences. But no deal is not a solution either. This is really the clash of a bad outcome of a default and the bad outcome of more spending, more inflation, and a greater challenge to our country and its economy.

No deal is not a solution. And defaulting—I can't see any way that is helpful to Kansans or Americans. The American people elected a divided government. That is what we work in every day here. Democrats hold the White House and the Senate. The House Republicans deserve credit for negotiating a deal with a reluctant President and passing an agreement with reasonable caps on Federal spending.

This bill represents progress and is that proverbial step in the right direction. We cannot continue to borrow money we don't have and saddle future generations with the consequences.

The debate cannot end here, however, with this vote. However the outcome of this legislation in Congress, we should never have to wait for a crisis—an economic crisis, the debt ceiling—to take fiscally responsible measures. It should be part of a way of life here. Those responsible measures need to become the norm for every Member of Congress and for this and every other President.

Without a serious long-term plan and subsequent action to reduce spending, we will be back in this position way

too soon, and we will jeopardize the American dream. It threatens our children and our grandchildren's futures as well as our Nation's ability to defend itself against global threats.

I always tell myself that my responsibility as a citizen of this country—not as a Senator necessarily but just as a citizen—is to do what we can do to make sure that the American dream is alive and well and liberties and freedoms that we enjoy as Americans through the sacrifice and service of many and the wisdom of the Founding Fathers in the Constitution of the United States—our job is to make certain those liberties and freedoms are protected for people we will never meet and that the American dream is alive and well for people today and their children and grandchildren.

America still stands as a beacon for others around the world, and there are others in other countries who are trying to live the American dream. They are envious of what we have. But it is fragile, and it can go away.

It is our responsibility to make sure that is not the case. We can't let this happen. We have to confront our threats head-on.

And, yes, it is easy to take a side and defend that side and advocate for that side. It is what we do here. There are times in which it is necessary for us, for the well-being not of us as individuals or us as elected officials but for the well-being of the country, to find a path forward. And in today's environment, in today's world, it requires bipartisan cooperation. And bipartisan agreement is a blueprint to develop more fiscally responsible legislative agenda.

We will debate this bill. We will, potentially and perhaps hopefully, amend this bill, but our work is cut out for us. The American people deserve for us to make the decisions that protect us from our adversaries, keep the American dream alive, and make certain that our children and grandchildren and those we have never met have a brighter future. The issue before us is one of those that has a consequence in all those arenas.

I will work with my colleagues today as we move forward on this legislation to make sure that the outcome is something that advances a cause that is important to me and to the people I represent.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. LANKFORD. Mr. President, years ago—talking like 15, maybe 18 years ago—I was speaking in a town in Oklahoma, and my daughter wanted to go with me, which was great. So we took off. I had reserved a hotel. And so we get there. We were going to stay overnight. And I was speaking somewhere the next morning.

We arrive at the hotel late that evening. When I got there and checked in, I knew initially we were in trouble. You have that feeling when you pull up to the hotel and you think this may not work. Pull up, check in, but there is no one at the desk. And then it just gets harder as we get to our room. It is dark. Lots of light bulbs are out in the pathway to get to our room to check in. And, actually, when I shut the door and the two of us came in, I shut the door behind us, and the crack underneath the door was so large I could physically see the patio and the balcony and everything outside. And it was so loud because it was right next to the highway. I thought, We are in trouble. This is just not going work. So we ended up packing everything up and just going to search and find another place and thinking there is no way we will both be able to sleep.

Why do I tell you this silly story? Well, when we were traveling and heading there, we anticipated one thing, and then when we got there and got to the hotel, it ended up being different.

I have to tell you, this past weekend, when I read through the 99 pages of the debt ceiling bill, I would read through a section of it, and I would get to the end of that section and be surprised at the ''except for'' at the tail end of each section. It is not what I expected when I read through the document, page after page.

I have to tell you, we are a nation that leads the world. We have the world's largest economy. We are to be responsible in how we handle our budget in the process. We are to get it right because we are the United States of America.

And I have been concerned for quite a while with the trajectory of our spending. And it challenges us as a nation to be able to change the trajectory of our spending because we have to start working back to balance. We can't get to balance in a year. It is going to take a long time to get there, but we have to get started in this process.

And my frustration has been that sometimes we seem to start and then we stop again and then we start and then we stop again.

In the several years that I have been here in the U.S. Congress, I voted for some debt ceiling increases because they changed the trajectory, and I voted against some because they were status quo or they didn't. I had higher expectations for this one.

Now, initially, when it came out, it was, this is going to save $2 trillion. And then it slowly got downgraded to it is going to save $1.5 trillion. Then, when we read the fine print and everybody was talking about how much it was going to save, I got to the fine print and found out, actually, it increases spending 3.3 percent next year, and the year after that it increases spending 1 percent again.

It actually doesn't decrease spending at all. It increases spending, both this year and next year. But then it has the promise of the next 8 years after that—it will only grow 1 percent a year after that every single year, except that is not an agreement this Congress can make. This Congress can only vote on things for this particular session of Congress. We can't commit the next Congress to actions of this Congress. Each Congress stands on its own. And everyone knows that.

It sounds good to say it is going to save these trillions of dollars in the next 8 years, except each Congress will actually vote on a budget for the next 8 years, and there is no commitment from future Congresses by this one to do that.

In fact, I have been here long enough to be able to see agreements being made for what a future Congress will do that didn't actually happen.

And so the $1.5 trillion in savings is only a decrease of the increase of how much we were ''planning to spend but actually hadn't budgeted'' because as many people may know, there is not a budget set for the next year of what we were going to spend. So CBO just assumed we were going to increase at least by inflation and any amount less than inflation is suddenly savings when there was no budget that was actually set.

So my first big surprise was, it actually doesn't reduce spending; it actually increases spending.

The next big surprise came when I started looking at how even some of the ''savings'' are actually managed. There is a supplemental piece that is in this or a piece that is set aside where it takes what they call rescissions—I am not going to get into budget gobbledygook that is tough for us all to be able to process. But there is about $22 billion that is taken out of items that were COVID spending that are not going to be spent and pulls it over into the Department of Commerce and leaves it there in the Department of Commerce amount and says we will decide later how to spend it.

Now, I ask the obvious question: Isn't this supposed to go to deficit reduction?

And the answer came back: Well, a few billion went to deficit reduction, but $22 billion actually went over into the Department of Commerce's budget and is being parked there, and they will have other opportunities to be able to spend those dollars in the future.

That is not really a savings on the rescission. There is permitting reform in this, which I am grateful for. Quite frankly, there is bipartisan support for permitting reform in many areas because we can't get lithium and cobalt. We can't move solar and wind power because of permitting, just like we can't move natural gas and hydrogen and CO_2 because of permitting issues. We have to do major reforms in those areas to be able to make sure we can actually produce more energy for the future of our country.

So when I saw the permitting issues, then I thought, good, we need to get started on some of these permitting issues—except when I read through it, there seems to be a lot of exceptions to it.

For instance, there is a 2-year commitment to say, if you are doing the more strict environmental impact statement, you have to get it done in 2 years—well, unless the administration declares it complex, and then they have a lot more time; in fact, an infinite amount of time.

It limits you to 150 pages for an environmental impact statement, which is good; that actually brings the paper down—unless the administration declares it complex, and then it is a whole lot more. It limits the number of pages even, unless it is the appendix. If the administration declares actually these can go in the appendix, then there is actually no cap, no limit for that.

It also says that, in this time period piece, that if you get to 2 years from the environmental impact statement and if they don't achieve that—I asked a logical question: If an administration and an Agency doesn't get it done in 2 years, what happens?

The answer is: Well, you have to sue the Federal Government and that Agency to make them do it. And then it has to go through the court system, which, as this body knows, will take 2 or 3 years. If the court finds in favor, then the court can then declare the Agency has another 90 days to be able to get it resolved—unless it is considered complex, and then they have unlimited time.

So the permitting piece, as I read through it, I thought, why are there all these exceptions that are out there that give it an out for every single portion of it?

There is a section of the bill that talks about what is called administrative pay-go. That is a rule that has existed in some administrations before where they will say that if you are going to add a cost to America through an administrative action, you have to look somewhere else to decrease the cost, because by the Constitution, only this Congress can actually increase spending; that is not something the administration has the constitutional authority to do. That is a reasonable rule.

It puts in this administrative pay-go to say, if spending is going to increase based on a regulation, it has to decrease somewhere else. That sounds great—until I get to the very end of it, and it literally says: unless the Director of the Office of Management and Budget considers the additional spending necessary. No restrictions.

If it is considered necessary, then they have an unlimited amount that they can do. Even that restriction actually goes away on January 1, 20 days before President Biden's term ends, so it is not even all the way through the last 3 weeks. Even that restriction goes away. And I can't figure out why, suddenly, it gives 3 weeks of home base without a restriction like that. And why, if we are going to put a restriction in there, why end it in 2 years anyway? If it is a good idea, it should be a good idea for every President, not just for this one. Why would there be, suddenly, an out clause in it?

There is a 1-percent sequester that is across the board if appropriations are not done.

Now, I have to tell you, I worked with Senator MAGGIE HASSAN on the other side of the aisle to resolve a way to end government shutdowns and actually do appropriations. We should do all 12 appropriation bills. The Senator who is chairwoman of Appropriations is on the floor right now. She and I have had these conversations. She has committed to doing all 12 appropriations bills. So am I. We can bring back regular order and actually go through the process.

We don't all agree on everything here in the body. Welcome to America, where 320 million Americans don't agree on everything. OK, well, let's talk it all out. Let's have the debate. Let's have the vote and go from there. We haven't had that ability in years.

Senator MAGGIE HASSAN and I have a bill dealing with ending government shutdowns and pushing us towards doing the 12 appropriations bills. That is not a bipartisan bill. Frankly, it is a nonpartisan bill. I don't find anyone here who doesn't actually want to get us back to regular order. So we are trying to find a logical way to be able to do it.

But the way this bill sets up the sequestration to put this towards those 12 appropriation bills, it says that if appropriation bills are not done by April 1 next year, there is a 1-percent, across-the-board cut that will happen in the current year spending in the last 5 months of the year.

That is a pretty big spending. Except it really only hits defense because the way it is set up is nondefense will actually go up and defense will actually be cut by 1 percent from last year's amount.

What in the world? Why would it be structured that way?

No. 1, why would we set up a sequestration piece at all as an incentive? No. 2, why would it be designed in a shape where it hits defense and not nondefense in the way it is actually set up? And, No. 3, when there were other options, like Senator HASSAN and I, through our proposal to deal with ending government shutdowns and to get to actual appropriations, why wouldn't we do something like that that is nonpartisan, that is simple and straightforward to be able to do?

The student loan suspension. There has been much publicity on the right about, well, this ends the student loan suspensions, except it ends it on July 30, when President Biden already says he is ending it on August 30. In fact, CBO looked at it and said this doesn't save any money at all because it was already going away. It doesn't really change anything. It literally moves it forward a month but doesn't change a thing.

Then there is a work requirement process. I have to tell you: I am a big believer in work requirements. Not everybody here in this body is on that. I think work is dignity. I think work encourages families and brings dignity to a family and an individual unlike anything else that a family can bring. I think it is great for kids to grow up in a community where the adults around them work and set that example, and they build on that. There is just a unique dignity in work.

Quite frankly, some of that just comes from what I have seen, and some of that comes from my faith, because when I look at even scripture, there was work in the Garden before the fall. Work is not a consequence of the fall. Work is a gift from God that gives us purpose and meaning and helps us set the next example. Anything we can do as a culture to encourage a culture of work, I think, is beneficial to people in families.

I understand full well there are those who are disabled, those that have kids. There are situations where it can't be done. I completely respect that. But in this particular bill, the incentives for work requirements has a little caveat stuck in the back of it that says all of this applies to these States and they can't take all these waivers where they pull away work requirements—they can't do those things unless Secretary Becerra—the Secretary of HHS—declares that that State is doing good work to try anyway. There are no restrictions on it. It just says solely that if Secretary Becerra decides that, it gets waived.

So as I look at the bill, I see a lot of good intentions in the bill, but I see a whole lot of exceptions. And I see a whole lot of ability for the administration to waive that, waive that, waive that, waive that. That undercuts the purpose of the bill.

Quite frankly, as a Congress, I wish that we could sit down across the aisle and we could have dialogue to say: What is Congress's responsibility? What are the policies that are wise policies? And not hand authority to the White House—Republican or Democratic—and say: Which is good policy that we need to put in place and do those things? One day, we will get back to that, but that day wasn't today. And that is frustrating for me.

I am going to oppose this bill today, but I want us to be able to keep working because we still have work to do, as one side knows as well. I know Congress is focused on this today, rightfully so. The American people expect us to get this resolved.

TULSA RACE MASSACRE

Mr. President, can I just tell you a little heartbeat issue for me? It is June 1. That may not mean a lot of things to a lot of people, but for those of us from Oklahoma, today is the 102nd anniversary of the worst race massacre in American history.

It happened in Tulsa, OK, May 31, overnight, to June 1. And 102 years ago today, Greenwood was a smoking heap of rubble after an all-night violence

and massacre on hundreds of Black Americans in North Tulsa.

It is a stain on our Nation. It is a stain on our State.

And 102 years later, I hope we still pause and remember as a State and we continue to learn the lessons and continue to be able to work towards being a more perfect union.

Today, the Greenwood Rising museum is open. Folks are coming in and out, talking about what happened 102 years ago. Folks at the John Hope Franklin Center for Reconciliation are engaging in conversation. There are community groups all over North Tulsa, meeting with people just to be able to talk and to say: What have we learned 102 years later? How can we still be better as a Nation still?

We learned a lot. We have grown a lot. But it is unfinished business for us.

So on June 1, I remind us as a body, there was a massacre 102 years ago today. We shouldn't ignore this moment to remember how we take tragedy to triumph.

I yield the floor.

The PRESIDING OFFICER (Mr. BOOKER). The senior Senator from Washington.

Mrs. MURRAY. Mr. President, first of all, let me acknowledge the final comments from the Senator from Oklahoma.

Thank you for making us all pause and remember that important time and important lessons that we all need to have learned from here. Thank you very much.

DEBT CEILING

Mr. President, like so many of my colleagues, I spent last week back home hearing from folks in my State. Everywhere I went, I heard from people about how the investments that we make here in Congress actually matter in their daily lives; how the funding that we provide from here helps students at Lake Washington Institute of Technology in Kirkland pursue their dreams and get a higher education and find a good-paying job. It helps entrepreneurs in Tacoma start a business and grow it from the ground up. It helps pregnant moms who rely on the Rainier Valley Midwives Center to get the care they need to have a healthy pregnancy.

I saw how our Federal investments make cutting-edge biomedical research possible at the Allen Institute in Seattle, leading to breakthroughs that save lives and give people more time with their loved ones.

Again and again, I heard about the resources that we send back home pay off in a truly meaningful way. And it is true: The investments we make in our country are critical. They are critical in helping our families succeed; keeping our communities safe; and keeping our Nation strong, secure, and competitive.

We aren't simply spending; we are investing. We are investing in fighting deadly fentanyl and upgrading our crumbling infrastructure. We are investing in keeping America on the cutting edge of clean energy and scientific innovation. We are investing in rebuilding American manufacturing and bringing industries of the future back home here to our shores.

I could go on and on.

But the point is, the funding decisions we make right here in this Chamber are not just numbers on a page. They are investments in people, in families, in our communities, and, ultimately, in our country's future. And they are also crucial to keeping our country secure and on the cutting edge as competitors like the Chinese Government work hard to outpace us.

As we all know, our adversaries are not restricting their investments in their futures. They are not. And they are not teetering on the verge of calamitous default for the sake of partisan politics. And, yet, instead of listening to people back home, instead of listening to the flashing red warning signs from our competitors, House Republicans have been insisting on draconian cuts and harmful changes to the programs that are a lifeline for struggling families and the lifeblood of our global leadership.

House Republicans' push to slash this funding for key Federal programs is alarming, and the way they have tried to make their cuts is downright reckless. We have to be clear about what they have done here. Instead of working through the budget and appropriations process—as we do every year to craft our Nation's budget and determine how we spend money—House Republicans just decided they would threaten to tank our economy and force the United States into default to extract partisan concessions. They have absolutely not been shy about it.

We heard from House Republican leaders and even the leader of the Republican Party talk openly about taking our economy and the American people ''hostage.'' That is damning—House Republicans admitting to using the full faith and credit of the United States of America as a political weapon.

Needless to say, that is not how this should work. Negotiating is not one side saying: Give me everything I want or else. Negotiating is coming to the table saying: Here are my concerns; here are my principles; here is what I am hearing from families in my State; where can we find common ground? That is what people elected us to do. That is what they sent us here to do.

Frankly, that is what I think many of us here want to do. I have heard from so many of my colleagues about their desire to return to regular order, and I have been working with Senator COLLINS to do that on the Appropriations Committee. But let's get one thing straight—hostage-taking is not regular order. It is just not. That is not the way we should arrive at the top lines for our spending bills. And it is time we put an end to this dangerous brinksmanship at the next possible opportunity by scrapping this debt ceiling and taking the threat of default off the table once and for all. No other country handles its credit like this.

Hostage-taking is no way to have a conversation about our Nation's fiscal future.

And let's be clear. For House Republicans, this never was truly about the debt anyway. Republicans added trillions to the debt under President Trump through tax giveaways for billionaires and giant corporations, but they refuse to even talk about asking billionaires to pay at least as much in taxes as a firefighter or a nurse. They won't talk about closing giant loopholes for Big Oil or Big Pharma. They definitely won't talk about capping tax giveaways to the wealthy. Instead, House Republicans want to give handouts to the rich and massive corporations. They want to make life harder for struggling families by cutting the programs they rely on and make competing globally harder for our Nation by capping our ability to invest in our future. They agreed to raise the debt ceiling three times under President Trump without batting an eye, but their tune changes when a Democrat is in the White House.

President Biden and congressional Democrats have been clear from the outset that default is not an option and should never have been a threat because it would be catastrophic to our Nation's economy, to the financial security of our families, and to the stability of the global economy. So I applaud President Biden for his laser focus on taking default off the table.

While I know the President has pushed hard to hold the line on recent progress and protect vulnerable people who need support and reject the House Republicans' most extreme demands, we have to be clear-eyed and honest about how this bill fails to meet our current moment—especially how it will limit our ability now to make the investments we need to strengthen our economy and invest in America's future.

I will vote for this legislation because default is not an option, but I do so with deep concern and with a determination to prevent us from ever being in this situation again and lessen the damage of these cuts at every possible opportunity. That can include working with the administration and my colleagues to consider a supplemental, but that conversation has to consider more than just defense and Ukraine because there are other really important priorities, like border security, disaster relief, and other nondefense items, that we should not let be shortchanged.

This is absolutely not a bill I would have written, and the fact that the choice here is between a bill that cuts resources for American families or trashing the Nation's credit and causing a global economic meltdown is an indictment of House Republicans, who decided taking our Nation's credit hostage was an acceptable thing to do.

Understand that the programs being cut make a real difference in people's lives. I know that firsthand. I am someone who grew up knowing what it meant to get by on a tight, tight budget. I had a big family—six brothers and sisters. My dad was a World War II veteran. He ran a mom-and-pop store on Main Street, selling everyday goods in Bothell, WA. We never had a lot, but we always got by, and a lot of times, that was because our government had our backs.

When my dad got sick and was diagnosed with multiple sclerosis, my mom had to figure out how to support seven kids and find a job that would make that possible. A Federal workforce training program helped her get a job as a bookkeeper to keep my family afloat. Me and my siblings—all seven of us—got through college thanks to Federal assistance because our government invested in Pell grants and other programs. My family and I had to rely on food stamps for a brief time. We didn't go hungry because of Federal investments in nutrition.

So I will say it again. The funding decisions we make right here in this Chamber are not just numbers on a page; the policy we write and sign into law has a direct consequence on people's lives, and every Member of Congress needs to recognize that.

So rest assured I remain very focused on keeping our appropriations process moving forward here in the Senate, marking up our spending bills in a timely, bipartisan way. I want to make it clear right here on the Senate floor that I will be doing absolutely everything I can to protect the investments that help those families get by and ensure that this great country lives up to its promise, from childcare, to housing, to lifesaving research, and more. As chair of the Senate Appropriations Committee, I will be a voice for working families in my home State and all across the country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. BRAUN. Mr. President, I have been here about 4½ years and come from that world where you could never do what we do here. When you run a business, you are competing. You are earning your revenues. They are not given to you like in government. Here, we just have to be smart enough not to spend more than we take in.

Sadly, when you look—all the data is there historically—we haven't balanced the budget since the late 1990s. Over 50 years, there are some things that are just criteria you need to take into consideration and maybe view as a given.

Our system is built on enterprise, sound regulation, not overbearing, taxes that you can pay without being a wet blanket on the economy. Over 50 years, other than 2 or 3 years that happened to coincide in the Clinton years when we balanced the budget, we have never generated more than 18 percent of our GDP in revenue through the Federal Government.

It is this simple: When you have high rates, you flush more into the Treasury the first couple years. You go from whatever the economic growth rate was to something a half to a percent and a half lower. When you cut taxes—and it was getting close; it wasn't quite there pre-COVID, the Trump tax cuts—you are going to deplete revenues the first couple years, but then you benefit from an economy that is growing more robustly.

We know all of that. The missing link here is that anywhere else, you have the rigor of the marketplace. When you are running something, it is not merciful. If you behave there like we do here, you are on the ash heap of enterprises that just don't survive in the long run. Nowhere else can you borrow up to 30 cents on every dollar you spend and expect that to be a good long-term business plan.

I am one—in the time I have been here, I have gotten along with a lot of Democrats on passing legislation that is practical. We can still do it. But when it comes to the big agenda items in terms of how much you spend, are you going to have the fortitude to do a real budget, we haven't done that. Whenever we have had moments of discipline with budget caps, sequestrations, they seem to unravel soon after we put them in place.

Again, look at the numbers. We, from the time we were founded until the year 2000, had very little debt. Most of that came after World War II. The ''greatest generation'' was the deepest in debt we had ever been historically as a country. They were savers. They were investors. They were hard workers. They paid it off and built the Interstate Highway System, the most capital-intensive thing we have ever done as a country.

When you morph into being consumers and spenders—that is what Greece did. That is what Italy did. That is what Spain did. That is what Portugal was doing until they had to get back on the wagon. Otherwise, the second largest economy in the world was going to be in trouble. They put basic discipline into their system. They spend more through the federal government there than we do, but they pay for it generally. They are not borrowing it from future generations.

We have to find a way as Democrats and Republicans to take the priorities that are important to this country. And I haven't mentioned so far the real drivers of our structural deficits. That is Social Security; that is Medicare; that is Medicaid—all programs we want to be there, but we want them to be solid.

Until we get the backbone, the political discipline, we are going to keep skirting the rigor that it takes to make this thing work long term, and you can expect more of the same. What you are seeing here today is no different; it is just punctuated with a little more drama than normal.

We know we have debt ceilings. If we didn't have those, we would probably even plow further into debt. But the numbers always win in the long run. We are running trillion-dollar deficits—both sides of the aisle generating them—from the Bush years. We had COVID come along. We politically enterprised, I think, through 2 years, not recognizing what the real capability of our economy would be, and we are in a pickle.

I am going to do a little math quiz here. I did it with a bunch of reporters 3 months ago. I said: What is 1 percent of 30 trillion?

Would the Presiding Officer venture to make a guess on that?

The PRESIDING OFFICER. I would, but I am not allowed to.

Mr. BRAUN. So 1 percent of 30 trillion is 300 billion.

After 30 seconds of silence, one reporter offered 300 million. I said: You are off by a power of a thousand.

That is how abstract these numbers become, but they become real over time when you take interest rates that have gone up 4 to 5 percent. Now that you know what 1 percent of 30 trillion is, try 5 percent. That is 1.5 trillion. That is what we are going to be pricing into our debt that we are incurring.

The only blueprint out there has been from the Biden administration—puts us $20 trillion further in debt in just 10 years. And all this is going to do is knock it back to just $18 trillion more. That is shameful for future generations.

This institution needs to be healthy, and it needs to live within its means like households do, like local and State governments do, like all businesses do. Try talking to your banker, running a 30-percent loss, wanting them to lend you the money. They would laugh you out of the office before you got into the details of really what you need. It is a bad business plan.

I could go on about that, but it has been happening for now over two decades, both sides of the aisle. The deal is generally made by some on our side of the aisle who hold defense sacrosanct, don't want to budge at all. The other side views domestic spending as more important. But we generally work out this same deal. But do you know what the net result is? We are deeper in debt.

I did take finance 101. I spent 37 years running a business with full competition, the rigor of it, was on a school board, and was on ways and means in our State government. It can be done.

We have the printing press in the basement; that is the Fed. When they take all this fiscal stimulus that we did and put it on their balance sheet, that is how you print money. That is a bad business plan for future generations.

I am going to introduce an amendment called the no-default amendment. We should not be flirting with this year after year when we know it is going to happen anyway, and until we put real reforms into the system, expect the same.

The next time we hit the debt ceiling, when the Treasury says you are

entering into extraordinary measures, that is when the clock starts. My amendment—if you can't get a real deal done with reforms addressing the things I have talked about, we are going to start paring back this place, and it is going to be across the board, defense and domestic spending—every 30 days, a 1-percent cut. If you are so thickheaded that you can't get it done then, in another 30 days, you do it again. That would put some rigor into the process.

But if we are not honest with the public and really address the programs that are dearest to most Americans—Social Security, Medicare, Medicaid—and quit doing mandatory spending on things that aren't important, we are going to run this place into the ditch.

I fear for what my kids and grandkids are going to have to deal with, and I think all Americans should be worried about that. This would be at least a start of putting a little bit of discipline into an undisciplined system.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

DEBT CEILING

Mr. PAUL. Mr. President, our national debt now stands at about $32 trillion.

How did we get here? Whose fault is it? Republicans? Democrats?

Well, the answer is, yes, both parties are at fault for different reasons. Republicans come to this floor and will come to this floor today saying: We need unlimited military spending.

And Democrats will come to this floor and say: We need unlimited welfare spending.

And guess what happens. They compromise. People say Washington doesn't compromise. They compromise all the time. That is what this debt deal that is before us is, a compromise. But the compromise is always to spend more money.

How do we know that? The debt deal that has been crafted by Biden and MCCARTHY is an unlimited increase in the debt ceiling. Historically, when we raise the debt ceiling, it would be $100 billion or $200 billion or—God forbid—$1 trillion. It was a dollar amount.

This debt ceiling will go up until January 2025. How many dollars will be borrowed? As many as they can possibly shovel out the door. It will be how much money can you shovel out the door until January 2025. That is how much we will spend. Is there a dollar amount? No. How much can you shovel it out and how fast can you shovel it out? There will be no restraint from this debt deal.

There is a pretense. There is a playing around the edges as if, oh, there might be a cut here or there might be a cut there.

There are no cuts. Why? Two-thirds of your spending is entitlement spending. The on-budget entitlement spending is Medicare, Medicaid, food stamps, and other programs. They are called mandatory, and no one ever looks at them. They go on in perpetuity. This is what drives the deficit.

Who took them off the table? How come there is no discussion of this? Actually, Republicans took them off the table because they feared being criticized by the Democrats.

It is being used in the Presidential campaign: Let's not talk about the entitlements. But that is two-thirds of what gets spent every year. If you don't talk about the entitlements, if you don't talk about mandatory spending, you, frankly, are not a serious person, and you will not make a serious dent in this problem.

So we have taken off the table all mandatory spending—no discussion of it. Does this mean they are in good shape? Is Medicare and Social Security and all these programs in good shape? Heck no, they are not in good shape. They are all running out of money. They are headed toward bankruptcy.

Is anybody brave enough to reform them? No, not a damn thing is going to be done for any of them. But when you take them off the table—take all the entitlement spending off the table and do nothing about it, now we are down to one-third of the budget. So now you are going to try to do budgetary reform, while excluding two-thirds of the spending, on one-third.

But it is worse than that. The one-third they call discretionary spending. It is about $1.6 trillion. Half of that is military. So they took that off the table.

So mandatory spending—entitlements—is going up 5 percent under this deal because that is what it has been doing for years and years. It is going up 5 percent. The military is going up 3 percent.

So what is left? What are we left looking at? We are looking at one-sixth of the budget, somewhere between 15 and 20 percent—a small sliver of the budget. It is called nonmilitary discretionary, and they think we are going to do some type of fiscal reform on that small sliver of government.

Well, guess what. You can't do it. You can eliminate all of the nonmilitary discretionary money. Leave the mandatory in place. Leave the military in place. Increase them. Eliminate all this other chunk of money, and you still never balance the budget.

There was a time when there was a conservative movement, and the conservative movement had a voice in Washington. There is still some voice but not much. But there was a time when people on the conservative side of this said: Well, in order to be a thoughtful, rational, realistic, strong response to the budget deficit, you would have to balance your budget in 5 years. In fact, we voted on a constitutional amendment in this body, and every Republican voted for it. But it said you had to balance in 5 years.

Why 5 years? Well, because most of the plans that lasted longer than that, most of the plans that balanced in years 9 and 10 were basically somebody fudging the numbers and hoping something good would happen in year 9 or 10, but the only years they actually had any power over were the first year or two, and there weren't very many cuts. And they always had unrealistic expectations in year 10.

So what I have done? I said: Let's look at 5 years. What would it take?

So about 5 or 6 years ago, I began introducing something called the penny plan. And what would it do? It would cut one penny out of every dollar. It actually would balance. Actually, the first year I did it, I didn't even cut 1 percent. I froze spending for 5 years, and the budget would have balanced. But the trick is—or not the trick but the truth is that you have to cut all spending or freeze all spending. You can't just freeze a sliver of spending.

So people talked about: Oh, there is a 1-percent trigger on the discretionary spending. That is $16 billion.

They are going to add $4 trillion in debt over the next 2 years, and they say: ''But by golly, we might save $16 billion,'' which even that is not going to happen because the trigger isn't real, doesn't have muscle, and will be evaded.

But the thing is that if we were to balance the budget over 5 years, what would happen is there now needs to be about a 5-percent cut of all the spending each year for 5 years and then the budget would balance.

You say: Well, isn't that just a number? What would that mean to real people? Why do I care whether the budget is balanced?

Well, go to the grocery store, go to buy gas, go to buy anything, go to pay your rent, look at your cost of living and look at what inflation is doing to you.

Who does inflation hurt the worst? Those on fixed incomes and those of the working class because they don't have extra expendable income. Most of their income goes to things that they have to purchase each month.

But where does inflation come from?

The Senator from Indiana described it accurately. We run a debt. This place spends money we don't have, and where is the deficit made up for? We sell that debt to the Federal Reserve. The Federal Reserve buys it. And it is like: Wow, this is a great system. We spend money we don't have. We print up these things called Treasury bills. The Federal Reserve comes over and buys them. Wow. We can just do anything we want. We have the printing press. But when they create new money and that new money enters into circulation, that is inflation.

Inflation is an increase in the money supply, and when you increase the money supply and you chase the same amount of goods, you are going to chase the prices right up. That is where inflation comes from.

So the debt is not just a number. The debt is about the value of your paycheck. It is about how far your paycheck goes.

So right now we are in a bit of a spiral. We have had 9 percent inflation. It is a little lower now, but we have had as high as 9 percent, and I think the cost of living increase for Social Security went up 9 to match that. But you will actually find people who say: You know, even with the 9-percent increase, I still can't buy everything I need. I am actually still being squeezed.

But it is a bait and switch. It is because your government isn't honest with you. If your government wanted to be honest with you, and they say: We are going to be everything to everyone, and we are going to give you stuff—it is funny because we have this comparison sometimes with Sweden. People say and many Democrats will say: We want to be Sweden. We want to be Sweden, and we are going to give you everything. And we are going to have a big government that coddles you from cradle to grave.

But do you know how they do it in Sweden? With a balanced budget. I am not advocating we become Sweden, but they balance their annual budget every year.

Do you know how they got to have all that free stuff to give everybody, how they have a safety net that includes everything including college, free healthcare, everything? They tax everybody an enormous amount of tax.

Over here the bait and switch is they will say: We are just going to tax the rich people. It is easy. Just tax the rich people.

They don't do that in Sweden, though. In Sweden, they tax everybody. It is a 60-percent income tax beginning at $60,000 a year. Everybody pays. The middle class pays.

So if we wanted to be to honest and we were to say, ''We are going to give you this massive safety net. You don't have to work. Everybody can have a basic income, and do all this,'' we would be honest or we should be honest and say it would take massive taxes.

Instead, there is a dishonesty, but the dishonesty is on both sides of the aisle. The Democrats say that welfare is free and the safety net is free and Social Security is free and all these things are free.

What do the Republicans say? The military industrial complex is free. You can have all the weapons you want. You can give hundreds of billions of dollars of weapons to Ukraine, and it won't cost anything because we will just print it up.

See, there were times in our history when you went through a war or with the devastation of war in World War II, the people actually suffered, and you could see the suffering and people felt like they had to pay something. But now we just put it on the tab.

But there is a point at which the tab gets so large that there can be something precipitous happening. The question has always been, Is this a gradual problem where we will just have to deal with a little inflation, 5 or 10 percent here, or is there a point at which there is a calamity?

If you look at the stock market for the last 100 years, some people will point to 7 different days in which like 80 or 90 percent of the downturn occurred in 7 days in the last century.

Is there a possibility of calamity when we are so destructive to our dollar, when we are so destructive to good sense?

I think the American people want more from us. Recent polls have said 60 percent of Americans say don't raise the debt ceiling without significant reform. Forty-three Republicans—forty-four of us, actually, said: We want significant reforms before we raise the debt ceiling.

But then the devil is in the details. The devil is in concluding what is significant and what is not significant. So what will end up happening—my prediction here—is almost every Democrat will vote to raise the debt ceiling and about half the Republicans will vote. It will be a 75–25 vote, and in the end, the debt ceiling will go up.

The people will say: It is good. We didn't have a calamity. The stock market didn't crash because we didn't pay our debt.

But you might want to ask yourself: Is this really a contrived controversy? Is there really a reason in which we would ever default? Is there a reason why we wouldn't make our interest payment? We bring in $5 trillion, and our interest payment is $500 billion.

So that would be like you make $100,000, and your mortgage payment is $10,000. If you made $100,000 and your mortgage payment is $10,000, is there any chance you would ever default? Is there any reason you wouldn't cut your other expenditures to prioritize your interest so you don't get kicked out of your house? That is what every American family would do, but we don't do it up here.

So we threaten default. We scare the markets and say: Oh, no, we will default if the debt ceiling doesn't come up.

No, we would default only if we refused to cut spending. So we spend a trillion dollars more than comes in every year. That is the problem.

If we simply said: We are going to pay the $500 billion, 10 percent of our revenue for next year. We are going to pay the interest no matter what. And guess what. We will tell the marketplace we are never going to default. We are never going to default. We will always do that. That would be great. The market would go gangbusters and say: We no longer have to worry about those knuckleheads. They finally decided they would pay their interest, and they always will.

Then what would happen?

Well, we wouldn't have enough money for everything. So then we should look at where we can save money.

The problem has always been this. Republicans point at Democrats and say: We don't like your programs. Let's cut your programs.

Democrats look at Republicans and say: No, no, no. Don't cut our programs. Cut yours.

Everybody is ''Don't cut mine, cut yours.''

That is why I have taken the approach and continue to take the approach that we cut everything across the board. In the past, there were always conservatives who said: Let's get rid of Public Television. Let's get rid of ''Sesame Street'' and Big Bird, and they would get so much grief over that. It is like, why do that? You are not balancing the budget over Big Bird. Take 1 percent of Big Bird's budget. Take 1 percent of everybody's budget.

What would that bring about? It would bring about more conservation of the dollar. It would bring about more restraint and more reform.

I will end with this. People ask: Where would you cut? I would say everywhere. But I can give you on the tip of my hand, ridiculous stuff that should have a 100 percent cut, but it is never cut, and it goes on and on. In the early 1970s, William Proxmire, a conservative Democrat, pointed out that the National Science Foundation was spending $50,000 to study what makes people fall in love. Now that is a better, I think, topic for Cosmopolitan magazine than it is for a government study.

Nowadays, it has gone up. We spent a million dollars having young people take selfies of themselves while smiling and then looking at it later in the day to see if looking at pictures of yourself smiling makes you a happier person. That cost you a million bucks.

We spent $1½ million studying the mating call of the Panamanian frog to see if the mating call of the country frogs is different from the city frogs.

We spent nearly a million dollars studying the Japanese quail to see if they are more sexually promiscuous when they are on cocaine. I think we could have just polled the audience on that one.

This is the kind of ridiculous stuff—but does it get better? I complain about this every year and all the time and everybody shakes their head and says: No way. Why are we doing that? For the National Science Foundation, we increased their budget 50 percent last year. People said: Oh, we have to compete with China. So let's give the National Science Foundation more money.

We almost increased their budget by 50 percent—the people who are studying why you go on dates, why you are happy, what the male frog's mating call is. This is the craziness, but it never gets better because we always spend more money.

So my amendment would do this: My amendment would reduce the spending in real terms. We would actually spend less money next year than last year. It would be a 5-percent reduction in money. You would spend less each year, and, over 5 years, you would balance your budget. Then it would be on course to balance.

People ask: Who can do this?

Half of Europe does it. Sweden balances their budget. Germany balances their budget. Over half of the countries in Europe run on an annual balanced budget.

Our profligacy and our spending are catching up to us. I say we act now. I recommend a ''yes'' vote on my amendment.

The PRESIDING OFFICER. The Senator from West Virginia.

Mrs. CAPITO. Mr. President, I rise today to discuss the importance of both the permitting sections and the provision to expedite the completion of the Mountain Valley Pipeline that are included in the Fiscal Responsibility Act.

I want to commend Speaker MCCARTHY and House Republicans for negotiating legislation that makes responsible reductions in government spending while avoiding a government default.

Included in this legislation are key elements of the BUILDER Act permitting reform proposal, which was championed by Congressman GARRET GRAVES and by House Natural Resources Chairman BRUCE WESTERMAN. The bill represents a positive first step in improving the permitting projects for all kinds of projects.

By amending the National Environmental Policy Act for the first time since 1982, we will help projects of all types whether we are talking about a road, a bridge, a transmission line, a renewable energy project, a pipeline, or a port. Simply put, a project shouldn't take longer to permit than it takes to build, and that should be true regardless of what type of project is under consideration.

This legislation will impose statutory deadlines on the completion of environmental impact statements and environmental assessments.

It will streamline the review process with threshold language that tells Agencies when various levels of review are necessary.

It allows Agencies to share categorical exclusions for similar projects, because multiple Agencies should not have to do the same work twice. It makes sense.

By placing the One Federal Decision policy into the NEPA statute, this legislation will allow project sponsors to work with a single lead Federal Agency.

Most of those listening probably thought that that was what was happening anyway. But, no, all of these different Agencies were giving all individual opinions.

If we want to build things in this country, we should not force project sponsors to bounce back and forth from one Agency to the next, often facing litigation at every step. It is just simply common sense to allow project sponsors to work with one lead Agency.

More work is needed beyond this bill to fix our broken process for permitting projects. Reforms to the judicial review process, timelier Fish and Wildlife Service reviews, and improvements to the Clean Water Act are all very important.

I introduced the RESTART Act last month with a number of my EPW Republican colleagues to address those issues, and I will continue to work in a bipartisan way to see additional reforms enacted into law.

Today's legislation is a positive step on permitting reform. Again, I want to thank Congressman GRAVES and Chairman WESTERMAN for their efforts to get us to this point.

Mr. President, the Mountain Valley Pipeline is a prime example of an important project that has faced senseless delays, mostly as a result of litigation filed by anti-natural gas activists at the U.S. Court of Appeals for the Fourth Circuit.

This project has undergone numerous—numerous—environmental reviews and has received approvals from multiple Federal Agencies both under the Trump and the Biden administrations. These include actions from the Federal Energy Regulatory Commission, better known as FERC; the U.S. Forest Service; the Bureau of Land Management; the U.S. Fish and Wildlife Service; the U.S. Army Corps of Engineers; the West Virginia Department of Environmental Protection; and the Virginia Department of Environmental Quality. These are Agencies that have already approved the construction of this pipeline.

Given the multiple actions by Federal and State environmental agencies' approving this project, assertions that this project has not gone through adequate environmental review are just plain wrong. Both the Trump and Biden administrations have expressed support for this project. Secretary of Energy Jennifer Granholm recently sent a letter to FERC endorsing the project.

The Mountain Valley Pipeline is 95 percent complete and would be finished today if it weren't for the rulings by the Fourth Circuit that have stayed or vacated multiple approvals granted by Federal and State environmental regulators. The Fourth Circuit has acted nine times with respect to the Mountain Valley Pipeline. On eight of those nine occasions, the court has either stayed or vacated an approval from a Federal or a State agency.

Only once did the court uphold an approval for this project, and that was when the court upheld water quality certifications from the State of Virginia, under section 401 of the Clean Water Act. But, within days of that opinion, the same Fourth Circuit panel vacated similar 401 water quality certifications from the State of West Virginia.

Because certification from both States is necessary to allow the Army Corps of Engineers to issue a required 404 permit for the Mountain Valley Pipeline, vacating certification from one State has had the effect of continuing to prevent the project from moving forward.

We have become all too familiar with the Fourth Circuit's blocking of key projects. The same panel that has rejected nearly all of the State and Federal approvals for the Mountain Valley Pipeline brought before it took similar actions to vacate State and Federal approvals for the now canceled Atlantic Coast Pipeline.

Project sponsors for the Atlantic Coast Pipeline appealed one of the Fourth Circuit's four adverse rulings against that project all the way to the Supreme Court. The Supreme Court reversed the Fourth Circuit in a 7-to-2 opinion that was written by Justice Thomas and joined not only by Republican-appointed Justices but also by Justices Ginsburg and Breyer. Despite winning at the Supreme Court, the Atlantic Coast Pipeline was canceled amid the threat of continuing litigation and permitting challenges.

Activists are using the same playbook at the Fourth Circuit to try to stop the Mountain Valley Pipeline. This is a pipeline that will result in $40 million in tax revenue and $150 million in royalty payments in West Virginia annually once it is completed. The project will open markets to West Virginia's natural gas, providing good-paying jobs not just in my State, and enhancing our Nation's energy security and our own national security.

Given the project's benefits and given approvals from State and Federal regulators across multiple administrations from both parties, I do not believe that a handful of judges should have the final say.

This legislation will ratify approvals issued under the Biden administration from the U.S. Forest Service, the Bureau of Land Management, and the Fish and Wildlife Service, along with approval from the Federal Energy Regulatory Commission. These documents will be insulated from judicial review to prevent further delays.

Additionally, this bill requires the Army Corps of Engineers to issue necessary project permits, including that 404 permit I talked about earlier, within 21 days. Both Virginia and West Virginia environmental regulators have issued necessary certifications for this permit, but the Fourth Circuit has delayed further permitting action by vacating West Virginia's certification.

This legislation makes it crystal clear that Congress expects the Mountain Valley Pipeline to be completed, consistent with the previously approved environmental documents.

I have consistently fought for commonsense reforms so that we can actually ensure that we can build here in America, including key projects such as the Mountain Valley Pipeline. It is my hope that permitting reforms—both the provisions that are in this bill and those that we should consider in the future—will allow projects to be approved and constructed in an efficient manner that does not require congressional intervention.

It also should be pointed out and emphasized that this does not mean that any environmental regulation that is put forward is ever shortchanged or overlooked. That is not the point here.

On occasions when the process fails projects of significant regional and national interest, we have the authority and the responsibility as elected Representatives to step in and ensure a project is allowed to proceed.

I yield the floor.

The PRESIDING OFFICER (Mr. FETTERMAN). The Senator from Maryland.

CLEAN WATER ACT

Mr. CARDIN. Mr. President, I rise to express my disappointment in the recent U.S. Supreme Court decision to curtail the Clean Water Act, the principal law governing pollution control and water qualities of our Nation's waterways.

The narrow interpretation now supported by the highest Court will remove Clean Water Act protection for the majority of wetlands in the United States.

Let me just repeat that. Wetlands—we all know how important that is to water quality in America. We know that wetlands act as a sponge for runoff. It traps pollution that otherwise would end up in our waterways. And it is critically important to our habitat. This narrow interpretation will remove protection from a majority of wetlands in the United States.

At a time of rightly intense attention to avoiding a default crisis, this attack on clean water protection must not escape notice.

This past weekend, we honored the sacrifices of our military servicemembers. Often, these celebrations of the lives and legacies of our fallen soldiers and their loved ones take place outside in community green spaces. Our parks need clean water.

The Sackett v. EPA decision is detrimental to national parks, where two-thirds of park waters are already impaired with much of this pollution linked to out-of-park upstream activities.

Under the Sackett decision issued on May 25 of this year, a slim majority of the Court, led by Justice Alito, incorrectly concluded that the Clean Water Act extends only to wetlands that have a continuous surface connection with waters of the United States.

This result does not mean the Court unanimously endorsed this new test. In fact, this decision was, to put it mildly, complicated. Justice Thomas filed a concurring opinion, in which Justice Gorsuch joined. Justice Kagan filed an opinion concurring in the judgment, in which Justices Sotomayor and Jackson joined. Justice Kavanaugh filed an opinion concurring in the judgment, in which Justices Sotomayor, Kagan, and Jackson joined.

Put another way, four members of the Supreme Court—Justices Sotomayor, Kagan, Kavanaugh, and Brown Jackson—agreed that the Clean Water Act does not apply to the wetlands of the Sacketts' property, but they disagreed with the majority's reasoning.

In an opinion joined by the three liberal Justices, Justice Kavanaugh contended that ''[b]y narrowing the Act's coverage of wetlands to only adjoining wetlands, the Court's new test will leave some long-regulated adjacent wetlands no longer covered by the Clean Water Act, with significant repercussions for water quality and flood control throughout the United States.''

Justice Kavanaugh specifically noted that the health of the Chesapeake Bay would be at risk under the Court's new test. Our national treasure—the largest estuary in the country—was one of two examples given, along with efforts to control flooding along the Mississippi River.

In its opinion, the majority claims that the Clean Water Act repeatedly uses ''waters'' in contexts that confirm the term refers to bodies of open water. Despite this convenient fallacy, the waters of the Bay are by no means limited to open water. In fact, the Chesapeake Bay receives half of its water from a network of 110,000 streams and 1.7 million acres of wetlands, most of which are non-navigable tributaries and nontidal wetlands that drain to those tributaries.

The watershed's roughly 1.5 million acres of wetlands are critical to restoring the Chesapeake Bay in its tributaries across six States and the District of Columbia.

Wetlands are essential to water quality. They trap pollutants that are running off farmland, suburban parking lots, and city streets before they can reach the 111,000 miles of local streams, creeks, and rivers that empty into the Bay.

Entering the Atlantic hurricane season, it is worth noting that wetlands also protect flood-prone communities by absorbing storm surges and flood waters like sponges. Wetlands also mitigate slow onset climate change effects like sea level rise and ''sunny day'' flooding that threatens lives, businesses, and properties in waterfront cities like Annapolis.

Maryland, Pennsylvania, and Virginia have State regulations that could offer backstop coverage for wetlands that are adjacent to, but not adjoining, the Bay and its covered tributaries EPA can no longer protect. But we should not be abdicating this shared responsibility just to our States. Nationwide, more than 111 million acres of wetlands and the ecosystem services they provide are estimated to face the essential threat from the loss of Federal protections.

Justice Kagan also wrote a brief opinion of her own, joined by Justices Sotomayor and Jackson, in which she criticized what she characterized as ''the Court's appointment of itself as the national decision-maker on environmental policy.''

In her view, which I share, Congress deliberately drafted the Clean Water Act with a broad reach to ''address a problem of 'crisis proportion.' '' Although the majority disagrees with that decision, she wrote, it cannot ''rewrite Congress's plain instructions because they go further than'' the Court would like. But that is precisely what the majority did here, she concluded, just as it did last year when it curtailed the EPA's authority to regulate greenhouse gas emissions from power plants.

Sackett is the latest in an alarming series of rulings to undercut the Agency's mission to protect human health and the environment. This one happens to hit especially close to the statutory home of the Chesapeake Bay program partnership.

For now, to assert jurisdiction over an adjacent wetland under the Clean Water Act, a party must establish ''first, that the adjacent [body of water constitutes] . . . 'water[s] of the United States' [i.e., a relatively permanent body of water connected to traditional interstate navigable waters]; and second, that the wetland has a continuous surface connection with that water, making it difficult to determine whether the 'water' ends and the 'wetland' begins.''

This arbitrary new definition strikes at the heart of the Chesapeake Bay Program—science-based decision making.

Moreover, as Justice Kavanaugh notes, the Court's new test ''is sufficiently novel and vague'' that it will create precisely the type of regulatory uncertainty that the majority roundly criticized.

The decision muddies the waters for a clear, workable waters of the United States definition. After years of uncertainty, the rule of the final ''Revised Definition of 'Waters of the United States' '' rule the EPA and U.S. Army Corps announced in December established a clear and reasonable definition.

The commonsense approach the EPA must now defend recognizes that pollution upstream can have downstream impacts, so we must protect the system to safeguard downstream communities in our environment.

The rule this opinion invites opponents to challenge also maintained longstanding Clean Water Act permitting exceptions for routine farming and ranching activities. Basically, complied to what we thought the rule was before the Supreme Court decisions almost a decade ago.

In addition to the indirect costs of regulatory uncertainty, the loss of clean water protections will have significant economic consequences for outdoor recreation, which supports $788 billion in consumer spending and more than 5 million jobs in the United States annually. Wetlands do not just provide habitat for wildlife and trail and fisheries that enhance outdoor recreational opportunities; they also clean water for farmers that drive our economy through production of food.

In order to protect our resources in our new reality, we must enforce the Federal authorities left that protect clean water, support States strengthening their own laws and regulations, and take action to restore protections. In addition, clean water infrastructure grant programs such as the Clean Water State Revolving Fund and nonregulatory coastal habitat restoration programs like the Coastal Program offer resources to support States, Tribes, and NGOs, restoring wetlands in their own best interests.

Water pollution has never respected political boundaries. Our constituents all rely on clean water for drinking, swimming, fishing, irrigation, and more. I urge my colleagues to consider the seriousness of this setback and let us work together to mitigate the damage of this decision.

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

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

DEBT CEILING

Mr. KAINE. Mr. President, I rise to speak about a provision of the debt ceiling deal that I will later today offer an amendment so that we can remove it. It is the provision dealing with the Mountain Valley Pipeline.

I appreciate the hard bipartisan work that has been done to put together a deal. And the deal has things I like and things that I don't like. That is the nature of any deal that is struck between Houses of Congress controlled by different parties.

It would have been my intention to be a supporter of the deal despite its imperfections. However, a provision was added to the deal to green-light a pipeline project that goes through two States: West Virginia and my Commonwealth of Virginia.

It was struck without any consultation with either of the Virginia Senators. It is a highly controversial project in Virginia that directly impacts families whose land will be taken for the pipeline project.

I stand to speak on their behalf about the reasons that I will seek to remove the Mountain Valley Pipeline provision from the bill when we vote on it later tonight.

It would be one thing if you could build pipelines in midair, but you can't. To build a pipeline, you have to take people's land. Sometimes the land you take might be public land, a national park or a national forest, but in any pipeline project of size—and the Mountain Valley Pipeline is about 330 miles long—you have to take a lot of land from private landowners, most of whom don't want to give up their land. That means that when you do a pipeline project and you approve it and you give a private company the right to take people's land, you ought to do it carefully after significant deliberation.

So since the 1930s, there has been a pipeline permitting process that has required for an interstate pipeline—first a determination by the Federal Energy Regulatory Commission that there is a need for the pipeline, the gas pipeline, and then once that determination is made, a separate determination has to be made about what is the best route for the pipeline.

Once those determinations are made, you are able to take private land to build a pipeline even though those landowners will never benefit at all from having a pipeline cross their property.

Then, additionally, the permitting process isn't just about building, but it is about holding the developer to strict standards so that when they build the pipeline, they minimally disturb the land, they minimally affect species, and they minimally affect creeks and streams and river crossings.

The Mountain Valley Pipeline is proposed to go about 110 miles through the poorest part of my State—Appalachia. In the Appalachian region of Virginia, a lot of people don't have very much. For many of them, their land is what they have, and for many of them, that land has been in their family for generations. They are entitled to a fair process that would look at the need for the pipeline and what is the best route and then would insist that the pipeline be built to a high standard to maximally protect their property.

Congress has made a decision that this is not to be decided by Congress. Pipeline routing, pipeline need is not to be determined by Congress. Instead, you put it in administrative agencies. Why do you do that? It is because, A, they have expertise, and B, it is less likely to be abused.

If you were to let Congress do pipeline deals, it would be pretty easy for somebody to look at a map and say: Well, this county never voted for me. Why don't we run it through that county and take their land?

Instead, we remove it from Congress so that professionals can undertake the right analysis and review.

In this bipartisan debt ceiling deal, there is a provision to green-light one project in the United States, the Mountain Valley Pipeline—to green-light it—and to say that there will be no more administrative processes to determine whether it had been fully permitted and no more ability for the courts to review the administrative Agency's decisions.

I strongly object to that. I don't have an objection to the pipeline itself. I have been asked again and again and again, and I said: This is not for Congress to decide. In fact, it would be wrong for Congress to do this. You should have an administrative process. You should go through it. A pipeline proponent should have to meet the standard, get over the hurdles, and when they do, then, OK, they should be enabled to take land and build a pipeline but only then. We shouldn't shorten it and give one project a green light.

This is ultimately about Virginians who care about their land. They don't want to give up their land for this pipeline because they don't think they will benefit from it.

Sometimes a county will take someone's land to build a road, and even if you are not happy about that, at least there is a road. You can have an ambulance get to your house or your kid can go out and catch a schoolbus on it. But a pipeline of this kind that is transmitting gas from one part of the country to the other—people can't hook into it to get low-cost natural gas. Many of the communities in Virginia that this pipeline will run across don't even have natural gas distribution to their communities. It might have some effect upon global gas prices, but that won't affect somebody who doesn't have gas service to their home.

So my Virginians just want to be sure that if this pipeline is built, it has met the requisite standards of the review agencies, both State and Federal, and it has withstood any court challenges.

This is a pipeline project that has been underway for a while. I know the proponents of this provision will say it has just been going on too long. But one of the reasons it has been going on for a while is because the company was slipshod in a lot of its operations and construction, particularly early in the life of this project. I do believe the company has better management now, but the project has been cited for dozens and dozens of Clean Water Act violations and other construction problems that have led to mudslides on people's property. That is why my Virginia constituents are so desiring that, let's do this the right way or let's not do it at all.

The provision in this bill not only frustrates these Virginia landowners who want to make sure that if their land is going to be taken, it is done in a fair way after deliberate consideration, but it also does something that I believe is unwarranted and really historical in the wrong way. It is a rebuke of the Fourth Circuit of the U.S. Court of Appeals, which is headquartered in Richmond, my hometown, which has been the court that has heard cases about the Mountain Valley Pipeline, challenges to agency decisions in the previous administration where the court said: Hey, look, the agency didn't do what they were supposed to do. Go back and do it right this time.

When landowners feel like they are being abused, they have a right to go to court and present their case, and the Fourth Circuit and the district courts within it have said: You have shown your case. The company didn't do it right. The agency didn't do it right. Go back and do it right.

That has made the company upset.

For 18 years, I tried cases in the Fourth Circuit, and I won some, and I

lost some. When I lost, I wasn't happy, but if I lost, I would tell my client: We can appeal.

We would appeal to the Fourth Circuit. Sometimes I would win my appeal, and sometimes I would lose my appeal. When we lost, I wasn't happy, but we would try to get the U.S. Supreme Court to take up the case. Never once did I tell a client after a loss: What we need to do is go to Congress and take this case away from the Fourth Circuit and put it in a court that is more likely to be favorable.

I would never have thought to do that. No one gets that deal. No individual gets that deal. No civil rights plaintiff gets that deal. No criminal defendant gets that deal. No small business gets that deal. Most people would be embarrassed to ask for that.

I lost. I am unhappy. Why don't I get Congress to rewrite the rules of Federal jurisdiction and take this case away from the court that has made me unhappy and put it in another court? Yet that is what this bill will do. It will end further administrative review. It will end judicial review of any permit. And it will say only this: If someone wants to challenge what Congress is doing here, saying it is unlawful or unconstitutional or an overreach, they have to file that challenge in the DC Circuit Court of Appeals. They cannot file it in the Fourth Circuit where this project is being considered.

Both to protect these landowners, who have a right to a full and deliberate consideration if they are going to have to give up their land, and to protect the integrity of both our court system and this body, I strongly oppose this provision.

I will move later in the day to bring up my amendment, and I would encourage my colleagues to support me in it.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. MANCHIN. Mr. President, I rise to speak in favor of the MVP. They call it the Mountain Valley Pipeline; I call it the most valuable pipeline we have to offer energy to the people of America.

It has been under tow for a long time. I brought some illustrations of what we are going through because my good friend from Virginia, the Senator from Virginia who just spoke—and we respectfully disagree on this—this is something we have worked on for an awful long time.

First, I want to make sure everybody understands that you cannot get permission to move forward on a pipeline, transmission line, anything you want in this country, unless there is a market for it. You have to show that there is a person or a group or a market that this product—whether it is electricity on transmission lines or gas in the pipelines or oil or whatever, there has to be a market. You can't go from here to there and try to build a market. So there has to be a need. There has to be a need. If there is going to be a need in the market, then it starts proceeding, and then it goes through the process.

This was started over 8 years ago, going through that process. I don't think there is another permit that has ever been more scrutinized—or a request for a permit—than this Mountain Valley Pipeline.

It is the Mountain Valley Pipeline. We will call it the MVP. FERC has approved the MVP three times—not one time, three times—basically, over 8 years of review. It started with the Obama administration, went through the Trump administration, and now into the Biden administration. And we are as desperate for the fuel today as we are.

Let's look at the people and basically where the need is. This pipeline is 42 inches. It takes the most oil shale. First of all, it goes into an area that basically is deprived of natural resources themselves. Let me tell you some of the areas we are going to be able to serve in a direct and indirect way. Our military bases in North Carolina and South Carolina are in desperate need.

There was another pipeline coming out of the same shale of gas called the Atlantic Coast Pipeline that went on for years. It went on for years and was finally scrubbed because the price got so exorbitant that there was no way to continue, and they could not get through the litigation that went on for years. After about $6 or $7 billion, Dominion Energy basically pulled the plug on it. They couldn't do it.

So when they tell you that everything is fine and they did all this, wherever there were problems, they are sent back. If someone doesn't like this or that, they send it back. They went through it three times. Now, when FERC goes through it, it is a pretty arduous process. They look into everything. And if the courts basically say look at this, then they do that, and they correct that and send it back, and they find something else.

Wouldn't you think that they would see it all the first time if they saw any problems whatsoever that needed corrected?

So, as I said, it has been thoroughly vetted for 8 years by the Obama and Trump and Biden administrations, and eight NEPA reviews. Anyone who has gone through any NEPA review knows how difficult that can be. Eight times NEPA has reviewed this. There are six environmental impact studies. The environmental impact studies can go from 1 to 3 years. Six times, it went back to them.

So when anyone thinks this has not been scrutinized and has not basically gone through every Agency that it was required to go through and had every review done that possibly could be done, they would be mistaken, if you see just the outline of things.

Three rounds of permitting were approved by FERC. They approved all of them. It still wasn't good enough. It still wasn't good enough. It went through the courts and back it came. It went through the courts and back it came. The Forest Service, the Bureau of Land Management, and Fish and Wildlife, they all went through it. Everybody had a good look at this thing.

Now we have a situation where if you looked at Winter Storm Elliott in December of 2022, the Carolinas have the highest natural gas prices in the country—$50 to $60 per million Btu—$50 to $60 dollars. Normally, in the Appalachian Basin, that is anywhere from $2.50 to $6 dollars to where it stays. But because they did not have the product and the demand was so high, the people are getting gouged.

You tell me of an average family or a hard-working family who can afford $50 or $60 per million Btu. It is 10 times the normal rate.

So is there a need? Absolutely, there is a need. Is there basically a need for pricing that is stabilized and helps people get through tough times and helps them take care of their family and home and also the job they work in? Absolutely. So you have that.

Duke Energy says the MVP will save 4.5 million customers $3 billion over 25 years. Duke Energy is a very large power company within North Carolina, and they are saying that we don't have that product. We need this product. They were counting on the Atlantic Coast Pipeline to get that product. That didn't happen. Now we are counting on MVP.

But guess who gets gouged? Everybody talks about big business and companies and this and that. But 4.5 million customers—that is who is going to pay the price.

When you talk about price, let's talk about this. This line, when they started on this pipeline, there was an approximate cost of $3.5 billion to build it. We are over $6.6 billion now. Who do you think is going to pay that price? It is going to be paid by the customers who need the product. They are paying $50 to $60 per million Btu, and they should be paying $4 to $6, in that range there, and I guarantee you the savings would be tremendously supportive to their families.

So as we have talked, we had a lot going on here, a lot of different conversations. There is a new Summit View Business Park in Franklin County in southwest Virginia. It is struggling to attract businesses to that park that would create opportunities and jobs for the hard-working people in southwest Virginia, just like all of West Virginia. They cannot attract or furnish the energy at the plant that the park needs to attract the different industries that would like to come. So for economic development, just having a job, taking care of your family, and living in beautiful southwest Virginia, they don't have that opportunity now.

In North Carolina, Cumberland County and Fayette have lost out on $1 billion of investment because the businesses cannot afford the high price of gas. And we have an abundance of it in

West Virginia and Pennsylvania and coming out of the eastern part of Ohio. We are willing to share it and put it in the market and keep the prices where they should be—affordable.

So the review process which has been incredibly thorough and rigorous with eight NEPA reviews, six environmental impact statements, two environmental assessments, three rounds of review by the same Federal Agencies—FERC, Fish and Wildlife, Forest Service, and BLM—and that is a mighty lift in itself. It has been before the court numerous times—nine times, to be exact—nine times before the courts. When does it stop? When does it stop? The cost has ballooned, as I said, and doubled in price, and here we are.

Now, you would think that we are just trying to get this line started. It is going to be 303 miles. But guess what: 283 miles are already built. It is already laid in the ground.

Now, they said there have been violations because there is sedimentation going on, and they didn't go back and reseed. They weren't allowed to because of the court actions that prohibited them from getting back on the property. It is a catch-22. They could not reclaim what they wanted to reclaim because they were taken to court and stopped, and then they were brought to task again for not reclaiming it.

If we pass this piece of legislation, within 6 months this line will be in production. We only have 20 miles to go. That would put 2,500 people to work—2,500 people to work.

About $40 to $50 million annually will be coming to the States of West Virginia and some to Virginia, as it passes through. There is about $200 to $250 million that will go to individuals who own their gas rights that are being sold and put into the line. That is every year. That is tremendous support for the poorest parts of our country. In the poorest parts of our country, the people are finally able to sell what they own, their resources, and to help stabilize the prices or help all people in the States that are affected.

There is $1.2 billion in additional investment to complete the project. We have tried everything humanly possible. We really have. I just couldn't believe that we couldn't get this to work after what happened to the previous lines they were trying to build to bring product to the marketplace.

So there is all different people who are upset. I understand that. My good friend from Virginia, my Senate friend—we were co-Governors together and our families are very close. This doesn't affect our relationship, our friendship, and it doesn't affect, basically, us fighting for many of the same causes. But it brings a healthy discussion: Are we going to move forward in this country? Are we going to have permit reform? Are we going to be able to build the necessary transmission that it takes?

I am talking about powerlines. They are the same. If anything, it takes longer for a powerline, for pipelines. Everything is being stopped now. It is not that they are protesting the pipe itself. They are protesting basically the product in the pipe, the gas.

Now, there is a transition going on in energy throughout the country—a transition throughout the world, to a certain extent—but we still cannot run our country without the gas, without the oil, without the coal that we need for dispatch. That means 24/7. Just gas and coal itself is over 60 percent of the energy we use.

In this system here, right where we are in this beautiful Capitol, this is a PJM system, which they call it, and it is basically what this is all about. It is basically ''all of the above.'' It is wind, solar. It is coal. It is gas. It is everything that gives the reliability that, when you turn that switch on, you are going to have lights. When you turn the heat on, you are going to be warm. When you turn this air conditioner on, you are going to have comfort. When you cook your food, you are going to be able to do it. That is what we are able to do in America.

And as that transitions, there will be a transition into new technology that will replace an awful lot of what we are talking about. But we are a long way away from that, and to deprive people who need this for their livelihood, to deprive them and make them pay 10 times more for a product that is abundant—it would be different if the Good Lord didn't give us the resources. But it is a shame and a sin that we don't use the resources we have to help all humankind. That is what we are talking about.

And if you look at the process we have just gone through and where we are right now and what we embark on this evening, we will probably be here most of the night, I would say, going through the amendments. Everybody has to have their say. I agree. But we have come to the reality and we have been here long enough understanding that this piece of legislation that we have before us has to pass. The Mountain Valley Pipeline is in that piece of legislation. It still has some review processes. We are not asking for that. We are asking, basically, that the things that have been done multiple times proceed on—that it proceeds on. That is all we are asking for.

But with that, when you think about 3 or 4 months ago, we started talking seriously about the debt ceiling. We have got to address the debt ceiling. That is our responsibility to address it and make sure the full faith and credit of this country and the value of us having the reserve currency of the world is stable—that it is stable.

If we pass an amendment or any amendment—this amendment my dear friend is going to introduce or any amendment—we will default. It is as simple as that. We will default.

Now, it would be different if this had not gone through 8 years of scrutiny, in court nine times, been looked at any way and every way, shape, and form. That would be a different thing—if no one has ever seen anything, if we are trying to slide something through. That is not the case here. No one can accuse that of happening.

So we are in the process right now of trying to move forward in this country to get the energy that we need, that we have. It is unbelievable to me when the people were thinking sometime: Well, maybe we will have Iran produce more oil. Maybe we will have Venezuela produce more.

We have it in our backyard, and we can't produce it ourselves? We want someone else to do the work that we won't do for ourselves? That is ridiculous.

You can't lead that way. You can't have the rest of the world looking at you as the superpower of the world that won't do for yourself because you don't like something. We found ways through innovation, not elimination, to do it better. And we can help the rest of the world, and we can help the global climate because of this if we work together.

But I can assure you that what we have today before us is a product that is going to help an awful lot of people—4.5 million just in one State that depends on this product to give them some relief and are paying the highest prices. They are already at the highest prices in the country except for the Northeast.

So I would say there is so much at risk right now. If we move forward and we pass this amendment that would go on this bill, that would have to go back to the House with us not defaulting. We cannot take that risk.

I would ask my colleagues—all of my colleagues on both sides of the aisle—instead of what we are doing, consider basically the value that this product brings. Consider also the reviews this product has gone through, and I think you will find it more than adequate and more than comforting that, basically, we have a product that is going to do an awful lot of good for America, an awful lot of good for humankind in the States. And, also, this will backfill and also help us toward where we are sending LNG to our allies around the world. There are so many benefits from 2 billion cubic feet a day—2 billion. Two billion cubic feet a day will go through this line, helping America to be energy independent.

So I encourage all of my colleagues to vote respectfully against the amendment that will be offered to strip this out of the bill.

I yield the floor.

The PRESIDING OFFICER (Mr. KAINE). The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I have been informed that shortly, the majority leader will come to the floor and announce his commitment and the Biden commitment to do a supplemental to make sure that the damage done by this bill is, at least, partially corrected.

This bill puts our military behind the eight ball. There is not one penny in this bill for Ukrainian assistance. As I speak tonight, Ukraine is engaged in a fight for its life. They are going on the offensive. I have high hopes in the coming days and weeks they will liberate part of their territory occupied by Russia.

The assistance we have provided in a bipartisan fashion with our European allies has made all the difference in the world. We were told after the invasion that Kyiv would fall in 4 days; but 600-and-something days later, they are still fighting. The Russian Army has been weakened and bloodied because of the weapons we have provided. I appreciate the bipartisan support to make sure we win a war in Ukraine without one American soldier being involved.

If we can defeat Putin in Ukraine, that means China will, hopefully, take notice and Putin will be stopped, because if you don't stop him in Ukraine, he will keep going and we will be in a war between NATO and Russia.

So I appreciate all the hard work of the staff to make a statement to the people who are facing threats from China, from Russia, from Iran, that we have not abandoned you. There is not a dime in this bill to deal with the threats I think we face from China consistent with the threat level. There is money in this bill but not enough. So I am hoping that those who are watching this in Ukraine understand that Senators SCHUMER and MCCONNELL are going to say in a moment: We have not abandoned you. We are going to keep helping you as you struggle to liberate your country from the war criminal Putin.

Whether you believe we should be helping Ukraine or not, I do. People in this body, on both sides of the aisle in the Senate, understand that Putin's invasion is a defining moment of the 21st century. That if he gets away with this, there goes Taiwan, and the world will begin to crumble. The world order we created since World War II would be jeopardized.

War crimes on an industrial scale by Putin cannot be forgiven or forgotten. To the brave men and women in Ukraine, help is on the way. To the people standing up to China, living in its shadow in Taiwan, help is on the way. To the American military who is underfunded because of this bill, help is on the way.

For 3 days, I and some others have been screaming to high heaven that what the House did was wrong. It is right to want to control spending, and there are some good things in this bill. But it was wrong to give a defense number inconsistent with the threats we face.

I do believe that we are on track to right some of those wrongs. To my colleagues, I am not the perfect—the enemy of the good. I vote on my share of bipartisan bills and get crap for it like most of you. But as long as I am here, I am going to speak about the need of the Federal Government to get the defense budget right. Budgets are based on threats, not political deals. And if you think the world is safer, you have missed a lot. So, hopefully, in a few minutes, there will be an announcement that puts us on a course correction to undo some of the damage, and there will be a clear signal from both the leader and the minority leader, Senator MCCONNELL, that help is on the way to those who live in the shadow of totalitarian governments and those who are on the battlefield.

To my American citizen friends, I wish there were no war anywhere. I wish China wasn't the way they are. I wish the Ayatollah didn't want a nuclear weapon and would use it if he could. I wish that Putin would not have invaded Ukraine. I wish that the world was different than it is. But if you want peace and stability, it comes at a high price.

The good news for us is that not one American soldier has died evicting Russia from Ukraine. The Ukrainians have fought like tigers. It is in our national security interest to provide them the weapons and the technology to keep this fight up. Their win is our win.

So I look forward to hearing the statement that I think is forthcoming. It does not fix this bill totally, but it begins to march in the right direction. To my colleagues, thank you for listening. Thank you for working with me and others. Victory for Ukraine.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. OSSOFF). 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.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the following joint statement from Senator MCCONNELL and me be printed in the RECORD.

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

JOINT STATEMENT FROM SENATE LEADERS

We share the concern of many of our colleagues about the potential impact of sequestration and we will work in a bipartisan, collaborative way to avoid this outcome.

Now that we have agreed on budget caps, we have asked Appropriations Committee Chair Senator Murray and Vice Chair Senator Collins to set the subcommittee caps and get the regular order process started.

To accomplish our shared goal of preventing sequestration, expeditious floor consideration will require cooperation from Senators from both parties. The Leaders look forward to bills being reported out of committee with strong bipartisan support. The Leaders will seek and facilitate floor consideration of these bills with the cooperation of Senators of both parties.

VOTE ON MOTION TO PROCEED

Mr. SCHUMER. Mr. President, I know of no further debate on the motion to proceed.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the motion to proceed.

The motion was agreed to.

FISCAL RESPONSIBILITY ACT OF 2023

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

The legislative clerk read as follows:

A bill (H.R. 3746) to provide for a responsible increase to the debt ceiling.

The PRESIDING OFFICER. The majority leader.

ORDER OF BUSINESS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the only amendments in order be the following to H.R. 3746: Paul No. 107; Braun No. 91; Marshall No. 110; Sullivan No. 125; Hawley No. 93; Kennedy No. 104; Cotton No. 106; Budd No. 134; Lee No. 98; Kaine No. 101; Kennedy No. 102; that at 7:30 p.m., if any of these amendments have been offered, the Senate vote on the amendments in the order listed, with 60 affirmative votes required for adoption with the exception of the Lee amendment, Kennedy amendment No. 102, and the Kaine amendment; that there be 2 minutes for debate, equally divided, prior to each vote and with 6 minutes, equally divided, prior to each of the votes on the Kennedy amendments; that following disposition of the above amendments, the bill be considered read a third time and the Senate vote on the passage of the bill, as amended, if amended, with 60 affirmative votes required for passage, all without intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I ask unanimous consent that all votes after the first be 10-minute votes in length.

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

Mr. SCHUMER. Mr. President, I am pleased—so pleased—to announce that both sides have just locked in an agreement that enables the Senate to pass legislation tonight, avoiding default.

For the information of my colleagues, this is what will happen on the floor: In a few minutes, the Senate will begin holding votes on 11 amendments—10 from the Republican side and 1 from the Democratic side.

To finish our work tonight, after the first amendment, we are limiting each vote to 10 minutes. So I ask my colleagues to stay in their seats or near the floor during the votes. Let's keep this process moving quickly. After we finish voting on the amendments, we are immediately considering final passage, and by passing this bill, we will avoid default tonight.

America can breathe a sigh of relief—a sigh of relief—because, in this process, we are avoiding default. From the start, avoiding default has been our North Star. The consequences of defaulting would be catastrophic. It

would almost certainly cause another recession. It would be a nightmare for our economy and millions of American families. It would take years—years—to recover from. But for all of the ups and downs and twists and turns it took to get here, it is so good for this country that both parties have come together at last to avoid default.

I thank my colleagues on both sides of the aisle for their cooperation. Let's finish the job and send this very important bipartisan bill to the President's desk tonight.

Mr. President, I also want to dispel rumors and reassure our friends across the world about the Senate's commitment and ability to respond to emerging threats and needs.

This debt ceiling deal does nothing to limit the Senate's ability to appropriate emergency/supplemental funds to ensure our military capabilities are sufficient to deter China, Russia, and our other adversaries and respond to ongoing and growing national security threats, including Russia's ongoing war of aggression against Ukraine, our ongoing competition with China and its growing threat to Taiwan, Iranian threats to American interests and those of our partners in the Middle East, or any other emerging security crisis; nor does this debt ceiling deal limit the Senate's ability to appropriate emergency/supplemental funds to respond to various national issues, such as disaster relief, or combating the fentanyl crisis, or other issues of national importance.

I know a strong bipartisan majority of Senators stands ready to receive and process emergency funding requests from the administration. The Senate is not about to ignore national needs nor abandon our friends and allies who face urgent threats from America's most dangerous adversaries.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 107

Mr. PAUL. Mr. President, I call up amendment No. 107 and ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report the amendment by number.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. PAUL] proposes an amendment numbered 107.

The amendment is as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Five Penny Plan of 2023''.

SEC. 2. STATUTORY ENFORCEMENT OF OUTLAY LIMITS THROUGH SEQUESTRATION.

(a) IN GENERAL.—Part C of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.) is amended by adding at the end the following:

''SEC. 258D. ENFORCING OUTLAY LIMITS.

''(a) ENFORCING OUTLAY LIMITS.—In this section, the term 'outlay limit' means an amount equal to—

''(1) for fiscal year 2024, $4,839,204,000,000 in outlays;

''(2) for fiscal year 2025, $4,597,244,000,000 in outlays;

''(3) for fiscal year 2026, $4,367,382,000,000 in outlays;

''(4) for fiscal year 2027, $4,149,013,000,000 in outlays; and

''(5) for fiscal year 2028, $3,941,562,000,000 in outlays.

''(b) TOTAL FEDERAL OUTLAYS.—In this section, total Federal outlays shall include all on-budget outlays.

''(c) SEQUESTRATION.—

''(1) OMB REPORT.—Not later than 15 days after the end of session for each of fiscal years 2024 through 2028, OMB shall prepare a report specifying whether outlays for the preceding fiscal year exceeded the outlay limit for that fiscal year.

''(2) SEQUESTRATION.—If a report under paragraph (1) shows that outlays for a fiscal year exceeded the outlay limits for that fiscal year, the President shall issue a sequestration order reducing direct spending and discretionary appropriations for the fiscal year after the fiscal year for which outlays exceeded the limit by the uniform percentage necessary to reduce outlays during that fiscal year by the amount of the excess outlays.

''(3) PROCEDURES.—In implementing the sequestration under paragraph (2), OMB shall follow the procedures specified in section 6 of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 935) and the special rules specified in section 256 of this Act.

''(d) CONSIDERATION IN HOUSE AND SENATE.—

''It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, or conference report that would cause the most recently reported current outlay limits set forth in subsection (a) to be exceeded.''.

(b) TABLE OF CONTENTS.—The table of contents in section 250(a) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900(a)) is amended by adding at the end the following:

''Sec. 258D. Enforcing outlay limits.''.

SEC. 3. LIMIT ON TOTAL SPENDING.

Section 250(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900(c)) is amended—

(1) by striking paragraph (4); and

(2) by redesignating paragraphs (5) through (21) as paragraphs (4) through (20), respectively.

SEC. 4. PUBLIC DEBT LIMIT.

Section 3101(b) of title 31, United States Code, is amended by striking ''$14,294,000,000,000'' and inserting ''$14,794,000,000,000''.

Mr. PAUL. The Biden-McCarthy debt deal will do nothing to avert the looming debt crisis. A debt deal that creates no limits to the debt accumulation over 2 years is not fiscally responsible and should be rejected.

My amendment replaces the spending caps with caps that balance the budget in 5 years and limits the extension of debt to $500 billion, and I urge a ''yes'' vote.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, with all due respect to my colleague, I strongly urge a ''no'' vote.

This amendment would create catastrophic damage throughout the Federal economy, with spending cuts as much as 37 percent by 2028, putting Federal programs like Medicare, Medicaid, border security, and transportation into extremely difficult circumstances. This is not the America that Americans expect, and we should not allow this vote to pass.

VOTE ON AMENDMENT NO. 107

Mr. PAUL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The question now occurs on agreeing to amendment No. 107.

Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN) and the Senator from Georgia (Mr. WARNOCK) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Texas (Mr. CRUZ) and the Senator from Tennessee (Mr. HAGERTY).

The result was announced—yeas 21, nays 75, as follows:

[Rollcall Vote No. 136 Leg.]

YEAS—21

Barrasso	Ernst	Marshall
Blackburn	Fischer	Mullin
Braun	Hyde-Smith	Paul
Britt	Johnson	Risch
Cornyn	Lankford	Rubio
Crapo	Lee	Schmitt
Daines	Lummis	Tuberville

NAYS—75

Baldwin	Hawley	Romney
Bennet	Heinrich	Rosen
Blumenthal	Hickenlooper	Rounds
Booker	Hirono	Sanders
Boozman	Hoeven	Schatz
Brown	Kaine	Schumer
Budd	Kelly	Scott (FL)
Cantwell	Kennedy	Scott (SC)
Capito	King	Shaheen
Cardin	Klobuchar	Sinema
Carper	Luján	Smith
Casey	Manchin	Stabenow
Cassidy	Markey	Sullivan
Collins	McConnell	Tester
Coons	Menendez	Thune
Cortez Masto	Merkley	Tillis
Cotton	Moran	Van Hollen
Cramer	Murkowski	Vance
Duckworth	Murphy	Warner
Durbin	Murray	Warren
Fetterman	Ossoff	Welch
Gillibrand	Padilla	Whitehouse
Graham	Peters	Wicker
Grassley	Reed	Wyden
Hassan	Ricketts	Young

NOT VOTING—4

Cruz	Hagerty
Feinstein	Warnock

The PRESIDING OFFICER. On this vote, the yeas are 21, the nays are 75.

Under the previous order requiring 60 votes, the adoption of this amendment is not agreed to.

The amendment (No. 107) was rejected.

The PRESIDING OFFICER. The majority leader.

Mr. SCHUMER. Mr. President, about an hour ago, I entered a statement into the RECORD, and I would like to read it so the Members can hear it.

I want to also dispel rumors and reassure our friends across the world about the Senate's commitment and ability to respond to emerging threats and needs. This debt ceiling deal does nothing to limit the Senate's ability to appropriate emergency/supplemental funds to ensure our military capabilities are sufficient to deter China, Russia, and our other adversaries and respond to ongoing and growing national security threats, including Russia's evil ongoing war of aggression against Ukraine, our ongoing competition with China and its growing threat to Taiwan, Iranian threats to American interests and those of our partners in the Middle East, or any other emerging security crisis; nor does this debt ceiling limit the Senate's ability to appropriate emergency/supplemental funds to respond to various national issues, such as disaster relief, combating the fentanyl crisis, or other issues of national importance.

I know a strong bipartisan majority of Senators stands ready to receive and process emergency funding requests from the administration. The Senate is not about to ignore our national needs nor abandon our friends and allies who face urgent threats from America's most dangerous adversaries.

Mr. President, I want to remind Members, we were indulgent in the first vote. That is over. We are doing 10-minute votes. Please stay in your seats so we can finish this bill at a reasonable hour.

The PRESIDING OFFICER. Duly noted.

The Senator from Indiana.

AMENDMENT NO. 91

Mr. BRAUN. Mr. President, I call up my amendment No. 91 and ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report the amendment by number.

The legislative clerk read as follows:

The Senator from Indiana [Mr. BRAUN] proposes an amendment numbered 91.

The amendment is as follows:

(Purpose: To rescind discretionary appropriations in the event of a debt ceiling crisis period and to honor the full faith and credit of the debts of the United States in the event of a debt ceiling crisis)

At the appropriate place, insert the following:

SEC. ___. RESCISSION OF DISCRETIONARY SPENDING AND HONORING DEBTS DURING A DEBT CEILING CRISIS.

(a) DEFINITIONS.—In this section:

(1) CURRENT FISCAL YEAR.—The term ''current fiscal year'' means the fiscal year during which the applicable rescission of discretionary appropriations under subsection (b) occurs.

(2) DEBT CEILING CRISIS PERIOD.—The term ''debt ceiling crisis period'' means a period—

(A) beginning on the date on which, but for subsection (c), the Secretary of the Treasury would not be able to issue obligations under chapter 31 of title 31, United States Code, or other obligations whose principal and interest are guaranteed by the United States Government, because of the limit on the face amount of such obligations that may be outstanding at one time under section 3101(b) of title 31, United States Code; and

(B) ending on date on which the first measure suspending or increasing the limit under section 3101(b) of title 31, United States Code, is enacted into law after the date described in subparagraph (A).

(3) DISCRETIONARY APPROPRIATIONS.—The term ''discretionary appropriations'' has the meaning given such term in section 250(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900(c)).

(b) RESCISSION OF DISCRETIONARY SPENDING.—For each discretionary appropriations account, effective on first day of a debt ceiling crisis period, and every 30 days thereafter until the end of the debt ceiling crisis period, 1 percent of the amount provided for the discretionary appropriations account under the appropriation Act for the current fiscal year is permanently rescinded.

(c) TEMPORARY SUSPENSION OF DEBT CEILING.—

(1) IN GENERAL.—Section 3101(b) of title 31, United States Code, shall not apply for the period—

(A) beginning on the first day of a debt ceiling crisis period; and

(B) ending on the last day of the debt ceiling crisis period.

(2) SPECIAL RULE RELATING TO OBLIGATIONS ISSUED DURING EXTENSION PERIOD.—Effective on the last day of a debt ceiling crisis period, the limitation in effect under section 3101(b) of title 31, United States Code, shall be increased to the extent that—

(A) the face amount of obligations issued under chapter 31 of such title and the face amount of obligations whose principal and interest are guaranteed by the United States Government (except guaranteed obligations held by the Secretary of the Treasury) outstanding on the first day of the debt ceiling crisis period; exceeds

(B) the face amount of such obligations outstanding on the last day of the debt ceiling crisis period.

(3) EXTENSION LIMITED TO NECESSARY OBLIGATIONS.—An obligation shall not be taken into account under paragraph (2)(A) unless the issuance of such obligation was necessary to fund a commitment incurred pursuant to law by the Federal Government that required payment on or before the last day of the applicable debt ceiling crisis period.

(d) REPORTS.—

(1) IN GENERAL.—Not later than 30 days after the first day of a debt ceiling crisis period, and every 30 days thereafter until the date that is 30 days after the end of the debt ceiling crisis period, the Director of the Office of Management shall submit to Congress a report detailing the rescission of discretionary appropriations under subsection (b) with respect to the debt ceiling crisis period.

(2) REVIEW BY GAO.—Not later than 90 days after the date on which the Director of the Office of Management and Budget submits each report under paragraph (1), the Comptroller General of the United States shall submit to Congress a report evaluating the description of the rescission of discretionary appropriations in the report by the Director of the Office of Management and Budget.

The PRESIDING OFFICER. There is now 2 minutes of debate, equally divided.

Mr. BRAUN. This should be the easiest vote of the night. This is to take default off the table in future endeavors like this. This simply says that when we get notice that extraordinary measures are going to be incorporated—that happened in January, I believe, of this year; X date is this Monday—that if we do not do a bill that either raises the amount or changes the date, ideally with reforms, that on the X date, after we had 5 to 6 months to do it, we have 1 percent cuts across the board on discretionary spending. It is the No Default Act.

We should not be risking default. This would be simple. It gives us plenty of time and puts a little incentive. If you reach the X date, you are going to be encouraged to do it by then. If not, it would happen again in 30 days.

I ask for your support. Let's not default when we engage this same dynamic in the future.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I rise in opposition to the Senator's amendment, which would lead to more reckless brinkmanship, more arbitrary cuts by permanently rescinding 1 percent of discretionary appropriations every 30 days during a debt limit crisis. This makes no sense. Rewarding brinkmanship by slashing funding that our families and our communities and our troops depend on is an absolutely dangerous way to govern.

Members on both sides of the aisle come to the floor to air legitimate grievances about this process and the outcome and this debt limit deal. Nobody likes the position we are in today—nobody. Passing this amendment would prove we have learned nothing.

We do not need to create new opportunities for hostage-taking and cuts that would seriously undermine our economy, our families, our future, and our global leadership. We just need to do our job. Right now, we have to pass this bill to avoid a catastrophic default.

I will be voting no. I urge my colleagues to do the same.

The PRESIDING OFFICER. All time has expired.

VOTE ON AMENDMENT NO. 91

The question is on agreeing to the amendment.

Mr. BRAUN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN) is necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Texas (Mr. CRUZ) and the Senator from Tennessee (Mr. HAGERTY).

The result was announced—yeas 35, nays 62, as follows:

[Rollcall Vote No. 137 Leg.]

YEAS—35

Barrasso	Boozman	Britt
Blackburn	Braun	Budd

Cornyn	Hyde-Smith	Risch
Cotton	Johnson	Rubio
Cramer	Kennedy	Schmitt
Crapo	Lankford	Scott (FL)
Daines	Lee	Scott (SC)
Ernst	Lummis	Sullivan
Fischer	Marshall	Thune
Grassley	Moran	Tuberville
Hawley	Mullin	Vance
Hoeven	Paul	

NAYS—62

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

NOT VOTING—3

Cruz	Feinstein	Hagerty

The PRESIDENT pro tempore. On this vote, the yeas are 35; the nays are 62.

Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is not agreed to.

The amendment (No. 91) was rejected.

The PRESIDENT pro tempore. The majority leader.

Mr. SCHUMER. Madam President, that was 12 minutes. We are getting down to 10. Everyone should be here. Call the vote.

The PRESIDENT pro tempore. The Senator from Kansas.

AMENDMENT NO. 110

(Purpose: To secure the borders of the United States, and for other purposes.)

Mr. MARSHALL. Madam President, I call up my amendment No. 110 and ask that it be reported by number.

The PRESIDENT pro tempore. The clerk will report the amendment by number.

The senior assistant legislative clerk read as follows:

The Senator from Kansas [Mr. MARSHALL] proposes an amendment numbered 110.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. MARSHALL. Madam President, I rise in support of Marshall amendment No. 110 to put an end to the culture of lawlessness at our southern border embraced by our President.

I cannot in good conscience support this debt limit deal and saddle my grandchildren with this $4 trillion in additional debt.

This bill misses the mark, and, perhaps, what is more frustrating is that it does not give a single cent to securing our border—zero dollars to addressing the greatest, most immediate national security threat to our Nation.

This past weekend alone, the Border Patrol made over 13,000 apprehensions. There were over 4,000 ''got-aways''; and they seized 118 pounds of meth, 14 pounds of fentanyl, and apprehended 6 sex offenders and 5 gang members.

We have a crisis unfolding at our southern border, and it is happening right now in plain sight. It is impacting every community across the country. I will not sit here, form committees, and pray about it. We need action today.

The PRESIDENT pro tempore. The Senator's time is expired.

Mr. MARSHALL. I am proud to introduce my amendment today and hope you will vote yes and support it.

The PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Madam President, we had a hearing this week in the Committee on the Judiciary. We had a grower from South Carolina, a guest of Senator GRAHAM. He professes to be the second largest peach grower in America. I asked him point-blank: If you had E-Verify on your farm today, what would happen to you and the growers who need workers?

He said: We would be out of business tomorrow.

That's what your amendment does. It imposes E-Verify on farmers in Kansas and Illinois and all across the United States.

We are not ready for this. You are going to put them out of business.

And, secondly, it strips away all of the protections of unaccompanied children at the border. We do not want kids in cages anymore at the border. Please vote against this amendment.

VOTE ON AMENDMENT NO. 110

The PRESIDENT pro tempore. The question now occurs on agreeing to amendment No. 110.

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

The PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN) is necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: The Senator from Texas (Mr. CRUZ) and the Senator from Tennessee (Mr. HAGERTY).

The result was announced—yeas 46, nays 51, as follows:

[Rollcall Vote No. 138 Leg.]

YEAS—46

Barrasso	Graham	Risch
Blackburn	Grassley	Romney
Boozman	Hawley	Rounds
Braun	Hoeven	Rubio
Britt	Hyde-Smith	Schmitt
Budd	Johnson	Scott (FL)
Capito	Kennedy	Scott (SC)
Cassidy	Lankford	Sullivan
Collins	Lee	Thune
Cornyn	Lummis	Tillis
Cotton	Marshall	Tuberville
Cramer	McConnell	Vance
Crapo	Moran	Wicker
Daines	Mullin	Young
Ernst	Murkowski	
Fischer	Ricketts	

NAYS—51

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

NOT VOTING—3

Cruz	Feinstein	Hagerty

The PRESIDENT pro tempore. On this vote, the yeas are 46, the nays are 51. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is not agreed to.

The amendment (No. 110) was rejected.

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. SCHUMER. Ten minutes forty seconds. We have got 40 seconds to go, and we can get it all in 10.

VOTE ON AMENDMENT NO. 125

The PRESIDENT pro tempore. The Senator from Alaska is recognized.

Mr. SULLIVAN. Madam President, I call up my amendment No. 125 and ask that it be reported by number.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. SULLIVAN] proposes an amendment numbered 125.

The amendment is as follows:

(Purpose: To provide adequate funding for defense and increase the rescission of funding for the Internal Revenue Service)

On page 5, line 16, strike ''$886,349,000,000'' and insert ''$904,779,000,000''.

On page 5, line 21, strike ''$895,212,000,000'' and insert ''$950,017,950,000''.

On page 53, line 22, strike ''$1,389,525,000'' and insert ''$74,625,475,000''.

Mr. SULLIVAN. Madam President, the Fiscal Responsibility Act, unfortunately, does not meet the moment in terms of defending our Nation.

The Chairman of the Joint Chiefs and others have said we are now in the most dangerous period of any time since World War II. And yet this bill cuts defense spending in inflation-adjusted terms by approximately 3 percent this year and 5 percent next year.

By endorsing the President's defense budget, this bill shrinks the Navy, shrinks the Army, and shrinks the Marine Corps. Next year, it will take us below 3 percent of GDP spending for the first time in 25 years.

My amendment does what the Armed Services Committee and this Chamber have done in a broad bipartisan manner over the past 2 years. It significantly pluses up the inadequate defense budget submitted by the President. My amendment fully funds the Biden Pentagon's unfunded priorities list by——

The PRESIDENT pro tempore. The Senator's time has expired.

Mr. SULLIVAN. By $18 billion.

The PRESIDENT pro tempore. The Senator's time has expired.

Mr. SULLIVAN. And it raises——

Madam President, I ask unanimous consent for 30 seconds more.

The PRESIDENT pro tempore. Is there objection?

Mr. SULLIVAN. And for fiscal year 2025, it raises the defense top line by 5 percent to simply keep pace with inflation. These increases are offset by rescinding the additional amounts from the President's $80 billion plus-up from the IRS.

So, my colleagues, the choice is clear: more Navy ships, soldiers, and marines to protect America or more IRS agents to harass Americans. I urge a ''yes'' vote on this important amendment.

The PRESIDENT pro tempore. The Senator from Oregon is recognized.

Mr. WYDEN. Madam President, I oppose the gentleman's amendment, and Senate Democrats will keep this Chamber on time.

There are three important reasons to vote against this amendment. First, it would be an even bigger Republican handout to wealthy tax cheats—nearly $200 billion. Second, at a time when Congress is supposed to be debating fiscal responsibility, this amendment double counts billions and billions of dollars by increasing the deficit with more spending on defense contractors and bigger handouts to wealthy tax cheats.

Finally, this Senate should focus on better service to taxpayers, improved information technology, and ending the free ride once and for all for wealthy tax cheats.

I urge colleagues to oppose the amendment.

VOTE ON AMENDMENT NO. 125

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

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

The PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN) is necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: The Senator from Texas (Mr. CRUZ) and the Senator from Tennessee (Mr. HAGERTY).

The result was announced—yeas 49, nays 48, as follows:

[Rollcall Vote No. 139 Leg.]

YEAS—49

Barrasso	Cotton	Hyde-Smith
Blackburn	Cramer	Johnson
Boozman	Crapo	Kennedy
Braun	Daines	Lankford
Britt	Ernst	Lee
Budd	Fischer	Lummis
Capito	Graham	Marshall
Cassidy	Grassley	McConnell
Collins	Hawley	Moran
Cornyn	Hoeven	Mullin
Murkowski	Rubio	Tillis
Paul	Schmitt	Tuberville
Ricketts	Scott (FL)	Vance
Risch	Scott (SC)	Wicker
Romney	Sinema	Young
Rosen	Sullivan	
Rounds	Thune	

NAYS—48

Baldwin	Heinrich	Peters
Bennet	Hickenlooper	Reed
Blumenthal	Hirono	Sanders
Booker	Kaine	Schatz
Brown	Kelly	Schumer
Cantwell	King	Shaheen
Cardin	Klobuchar	Smith
Carper	Luján	Stabenow
Casey	Manchin	Tester
Coons	Markey	Van Hollen
Cortez Masto	Menendez	Warner
Duckworth	Merkley	Warnock
Durbin	Murphy	Warren
Fetterman	Murray	Welch
Gillibrand	Ossoff	Whitehouse
Hassan	Padilla	Wyden

NOT VOTING—3

Cruz	Feinstein	Hagerty

The PRESIDENT pro tempore. On this vote, the yeas are 49, the nays are 48.

Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is not agreed to.

The amendment (No. 125) was rejected.

Mr. SCHUMER. That took 9 minutes 40 seconds. Keep going.

(Applause.)

The PRESIDENT pro tempore. The Senator from Missouri.

AMENDMENT NO. 93

Mr. HAWLEY. Madam President, I call up my amendment No. 93, and I ask that it be reported by number.

The PRESIDENT pro tempore. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Missouri [Mr. HAWLEY] proposes an amendment numbered 93.

The amendment is as follows:

(Purpose: To require the imposition of additional duties with respect to articles imported from the People's Republic of China until trade between the United States and the People's Republic of China comes into balance)

At the appropriate place, insert the following:

SEC. ___. IMPOSITION OF DUTIES TO BALANCE TRADE WITH THE PEOPLE'S REPUBLIC OF CHINA.

(a) CALCULATION OF TRADE WITH THE PEOPLE'S REPUBLIC OF CHINA.—Not later than January 31 of each year, the President shall calculate and publish in the Federal Register, for the preceding calendar year—

(1) the total value of articles imported into the United States from the People's Republic of China; and

(2) the total value of articles exported from the United States to the People's Republic of China.

(b) IMPOSITION OF DUTIES.—

(1) IN GENERAL.—If the total value calculated under paragraph (1) of subsection (a) exceeds the total value calculated under paragraph (2) of that subsection for the preceding calendar year, the President shall impose an additional duty with respect to each article imported into the United States from the People's Republic of China of 25 percent ad valorem.

(2) ADDITIONAL DUTIES.—A duty imposed under paragraph (1) shall be in addition to any duty previously applicable with respect to an article.

(c) CONTINUED IMPOSITION OF DUTIES.—The duties imposed under subsection (b) with respect to articles imported into the United States from the People's Republic of China shall remain in effect until the total value calculated under paragraph (1) of subsection (a) is equal to or less than the total value calculated under paragraph (2) of that subsection for the preceding calendar year.

Mr. HAWLEY. Madam President, in the last 20 years in the State of Missouri, we have lost 60,000 jobs to the People's Republic of China. That number nationwide is almost 4 million. Our trade deficit with China, as we stand here tonight, is at near-record levels, and every dollar of that deficit represents blue-collar jobs destroyed, industry shuttered, manufacturing capacity withering away.

I would submit to you that it is the most important deficit that we face. We can talk about budget reforms, and we can talk about savings here and there, but until we do the work of bringing back productive capacity to this Nation and good-paying blue-collar jobs you can raise a family on, we will not put our economy on the basis that we need to address the economic challenges that we face.

So my amendment does something very simple. It imposes across-the-board tariffs on China for every year in which we have a trade deficit until that deficit is zero. Bring back jobs to this country.

I urge a ''yes'' vote.

The PRESIDENT pro tempore. The Senator's time has expired.

The Senator from Ohio.

Mr. BROWN. Madam President, I rise in opposition to the amendment.

I take a back seat to no one when it comes to standing up to China. LINDSEY GRAHAM and I have been fighting to close the trade deficit for decades.

I went to junior high at Johnny Appleseed Junior High in Mansfield, OH, with the sons and daughters of machinists and IUE members and steelworkers and auto workers and carpenters and millwrights and plumbers and pipefitters and operating engineers. Ten years later, most of these jobs were gone, and so much of industrial America all over the country has been lost because of bad trade policy with China.

But do you know? The People's Republic of China would love for us to pass this amendment because, if it passes, the United States of America will default, and they will be rejoicing in Beijing.

Stand up to China. Vote no on this amendment.

VOTE ON AMENDMENT NO. 93

The PRESIDENT pro tempore. The question occurs on agreeing to amendment No. 93.

Mr. HAWLEY. Madam President, I ask for the yeas and nays.

The PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN) is necessarily absent.

Mr. THUNE. The following Senator is necessarily absent: The Senator from Tennessee Mr. (HAGERTY).

The result was announced—yeas 17, nays 81, as follows:

[Rollcall Vote No. 140 Leg.]

YEAS—17

Blackburn	Lummis	Schmitt
Braun	Marshall	Scott (FL)
Britt	Mullin	Scott (SC)
Graham	Ricketts	Tuberville
Hawley	Risch	Vance
Hyde-Smith	Rubio	

NAYS—81

Baldwin	Fischer	Padilla
Barrasso	Gillibrand	Paul
Bennet	Grassley	Peters
Blumenthal	Hassan	Reed
Booker	Heinrich	Romney
Boozman	Hickenlooper	Rosen
Brown	Hirono	Rounds
Budd	Hoeven	Sanders
Cantwell	Johnson	Schatz
Capito	Kaine	Schumer
Cardin	Kelly	Shaheen
Carper	Kennedy	Sinema
Casey	King	Smith
Cassidy	Klobuchar	Stabenow
Collins	Lankford	Sullivan
Coons	Lee	Tester
Cornyn	Luján	Thune
Cortez Masto	Manchin	Tillis
Cotton	Markey	Van Hollen
Cramer	McConnell	Warner
Crapo	Menendez	Warnock
Cruz	Merkley	Warren
Daines	Moran	Welch
Duckworth	Murkowski	Whitehouse
Durbin	Murphy	Wicker
Ernst	Murray	Wyden
Fetterman	Ossoff	Young

NOT VOTING—2

Feinstein	Hagerty

The PRESIDENT pro tempore. On this vote, the yeas are 17, the nays are 81.

Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is not agreed to.

The amendment (No. 93) was rejected.

Mr. SCHUMER. Madam President, we are slipping a little—11 minutes. Let's stay in our seats.

The PRESIDENT pro tempore. The Senator from Louisiana.

AMENDMENT NO. 104

Mr. KENNEDY. Madam President, I call up my amendment No. 104 and ask that it be reported by number.

The PRESIDENT pro tempore. The clerk will report the amendment by number.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. KENNEDY] proposes an amendment numbered 104.

The amendment is as follows:

(Purpose: To remove the sunset on modification of work requirement exemptions)

In division C, in section 311, strike subsection (b) and insert the following:

(b) APPLICATION.—A State agency shall apply section 6(o)(3) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(6)(o)(3)), as amended by subsection (a), to any application for initial certification or recertification received starting 90 days after the date of enactment of this Act.

The PRESIDENT pro tempore. The Senator will be notified that there is 6 minutes, equally divided, to this amendment under the previous agreement.

The Senator from Louisiana.

Mr. KENNEDY. Madam President, the American people are the most generous people in the world. In our country, if you are hungry, we will feed you. If you are homeless, we will try to house you. If you are sick, we will pay for your doctor. I am very proud of that, and I know you are too. However, those who can work should work. Those who can work should work.

A person without a job is not healthy, not happy, and not free. History has demonstrated that the best social program is a job. The best social program is a job. Free enterprise has lifted more people out of poverty than all the social programs put together. So while we should continue to be generous to our neighbors as Americans, we also need to repeat and repeat often: Those who can work should work.

My amendment would make the food stamp work requirement in this bill permanent. It would remove the sunset.

The PRESIDENT pro tempore. The Senator from Michigan.

Ms. STABENOW. Madam President, first of all, the great news is, we have a robust economy growing, more small businesses opening, the lowest unemployment rate in a generation, and we all want people to be able to work.

Let me speak to the reality of what is in this bill. First of all, we have had work requirements for people who are single adults with no dependents since the 1990s. If you don't work, if you are not in school, the most you can qualify for is 3 months' worth of SNAP within 3 years. That is current law—$6 a day is what we are talking about.

This bill extends that out in terms of the age, of the number of people required to be in school or at work, with certainly important exemptions for our seniors, for our veterans, and our homeless, and it is in place until 2030.

Here is my question: How do you tell your constituents that you are willing to default, create a catastrophic default now that will raise their unemployment, cost us jobs, raise interest rates, and so on, because you want to change something that is going to be in place until 2030—2030? We have plenty of time to revisit it at that point. This is a bipartisan agreement.

I would just suggest it is very irresponsible for us to change something here that we know—the House is gone. We are going to go into default. We make a change and say it is because we wanted something to be extended beyond 2030. I would suggest we give this a chance, evaluate it.

I would suggest we vote no.

The PRESIDENT pro tempore. Is there further debate?

Mr. KENNEDY. Yes, Madam President.

The PRESIDENT pro tempore. The Senator has 1 minute 11 seconds remaining.

Mr. KENNEDY. Thank you, Madam President.

I think we all know the June 5 deadline is a fiction. It is. We know that. We know that the Treasury Secretary can take special measures to extend the deadline until the middle of June, when tax revenues will come in. I understand the need to go ahead and act, but we all know that.

Let me say it again. Those who can work should work. Those who can work should work, and that is all my amendment does.

VOTE ON AMENDMENT NO. 104

The PRESIDENT pro tempore. Is there further debate?

If not, the question is on agreeing to the amendment.

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

The PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN) is necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: The Senator from Texas Mr. (CRUZ) and the Senator from Tennessee Mr. (HAGERTY).

The yeas and nays resulted—yeas 46, nays 51, as follows:

[Rollcall Vote No. 141 Leg.]

YEAS—46

Barrasso	Graham	Risch
Blackburn	Grassley	Romney
Boozman	Hawley	Rounds
Braun	Hoeven	Rubio
Britt	Hyde-Smith	Schmitt
Budd	Johnson	Scott (FL)
Capito	Kennedy	Scott (SC)
Cassidy	Lankford	Sullivan
Collins	Lee	Thune
Cornyn	Lummis	Tillis
Cotton	Marshall	Tuberville
Cramer	McConnell	Vance
Crapo	Moran	Wicker
Daines	Mullin	Young
Ernst	Murkowski	
Fischer	Paul	

NAYS—51

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

NOT VOTING—3

Cruz	Feinstein	Hagerty

The PRESIDING OFFICER (Ms. KLOBUCHAR). On this vote, the yeas are 46, the nays are 51.

Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is not agreed to.

The amendment (No. 104) was rejected.

The PRESIDING OFFICER. The majority leader.

Mr. SCHUMER. Madam President, 10½ minutes. We are getting a little better than last time. Let's get it down to 10. Stay here. We are all getting to know each other now.

The PRESIDING OFFICER. The Senator from Arkansas.

AMENDMENT NO. 106

Mr. COTTON. Madam President, I call up my amendment No. 106 and ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report the amendment by number.

The senior assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. COTTON] proposes an amendment numbered 106.

The amendment is as follows:

(Purpose: To provide appropriate adjustments to the discretionary spending limits, in the event of funding under a continuing resolution)

Strike section 102 and insert the following:

SEC. 102. SPECIAL ADJUSTMENTS FOR FISCAL YEARS 2024 AND 2025.

Section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding at the end the following:

''(d) REVISED DISCRETIONARY SPENDING LIMITS FOR FISCAL YEAR 2024.—

''(1) IN GENERAL.—Subject to paragraph (3), if on or after January 1, 2024, there is in effect an Act making continuing appropriations for part of fiscal year 2024 for any discretionary budget account, the discretionary spending limits specified in subsection (c)(9) for fiscal year 2024 shall be adjusted in the final sequestration report, in accordance with paragraph (2), as follows:

''(A) For the revised security category, the amount specified in subsection (c)(9)(A), reduced by one percent.

''(B) For the revised nonsecurity category, the amount specified in subsection (c)(9)(B), reduced by one percent.

''(2) FINAL REPORT; SEQUESTRATION ORDER.—If the conditions specified in paragraph (1) are met during fiscal year 2024, the final sequestration report for such fiscal year pursuant to section 254(f)(1) and any order pursuant to section 254(f)(5) shall be issued on the earlier of—

''(A) 10 days, not including weekends and holidays, for the Congressional Budget Office and 15 days, not including weekends and holidays, for the Office of Management and Budget, after the enactment into law of annual full-year appropriations for all budget accounts that normally receive such annual appropriations (or the enactment of the applicable full-year appropriations Acts without any provision for such accounts); or

''(B) April 30, 2024.

''(3) REVERSAL.—If, after January 1, 2024, there are enacted into law each of the full year discretionary appropriation Acts, then the adjustment to the applicable discretionary spending limits in paragraph (1) shall have no force or effect, and the discretionary spending limits for the revised security category and revised nonsecurity category for the applicable fiscal year shall be such limits as in effect on December 31 of the applicable fiscal year.

''(e) REVISED DISCRETIONARY SPENDING LIMITS FOR FISCAL YEAR 2025.—

''(1) IN GENERAL.—Subject to paragraph (3), if on or after January 1, 2025, there is in effect an Act making continuing appropriations for part of fiscal year 2025 for any discretionary budget account, the discretionary spending limits specified in subsection (c)(10) for fiscal year 2025 shall be adjusted in the final sequestration report, in accordance with paragraph (2), as follows:

''(A) for the revised security category, the amount specified in subsection (c)(10)(A), reduced by one percent.

''(B) For the revised nonsecurity category, the amount specified in subsection (c)(10)(B), reduced by one percent.

''(2) FINAL REPORT; SEQUESTRATION ORDER.—If the conditions specified in paragraph (1) are met during fiscal year 2025, the final sequestration report for such fiscal year pursuant to section 254(f)(1) and any order pursuant to section 254(f)(5) shall be issued on the earlier of—

''(A) 10 days, not including weekends and holidays, for the Congressional Budget Office, and 15 days, not including weekends and holidays, for the Office of Management and Budget, after the enactment into law of annual full-year appropriations for all budget accounts that normally receive such annual appropriations (or the enactment of the applicable full-year appropriations Acts without any provision for such accounts); or

''(B) April 30, 2025.

''(3) REVERSAL.—If, after January 1, 2025, there are enacted into law each of the full year discretionary appropriation Acts, then the adjustment to the applicable discretionary spending limits in paragraph (1) shall have no force or effect, and the discretionary spending limits for the revised security category and revised nonsecurity category for the applicable fiscal year shall be such limits as in effect on December 31 of the applicable fiscal year.''.

Mr. COTTON. Madam President, colleagues, this bill has budget caps for domestic and defense spending. I don't like the defense number this year. I like it even less next year. That is why I am opposing it.

But it also has a much worse provision. It has a 1-percent automatic reduction that is based on last year's omnibus, not the caps on this bill. Let me restate that: last year's omnibus, not this bill.

So if we go to a continuing resolution on October 1, which we almost always do, domestic spending will go up by $61 billion while defense goes down by $27 billion—not the caps in this bill.

If the sequester of 1 percent kicks in, domestic spending will go up by $61 billion and defense will go down by $37 billion. Progressives will get more welfare for grown men who refuse to work while defense is slashed. Think about the incentives this gives to the Democratic leader when it comes to appropriations bills.

I ask for a simple change in this amendment. The sequester should be based on the caps that you are about to agree to, not last year's spending bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, I rise in opposition to the Senator's amendment.

Our defense spending is critical, but so are our investments to combat fentanyl; rebuild American manufacturing, especially for things like chips; improve access to childcare, early learning, and a lot more. We cannot shortchange our investments in families and our country's future, and the underlying bill will already force painful cuts.

This amendment would make it so the consequences of failing to pass our appropriations bills falls heavily on our nondefense programs, and that will hurt our families across the country. Let me be clear. We will not let that happen.

None of us want to end up in a situation where we have a CR in the first place. That is exactly why I am committed to making sure that we write the strongest 12 funding bills possible and get them passed in a timely way.

This amendment will set us back even further and target the programs that are a lifeline for working people in this country.

I urge my colleagues to vote no.

VOTE ON AMENDMENT NO. 106

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Tennessee (Mr. HAGERTY).

The result was announced—yeas 48, nays 51, as follows:

[Rollcall Vote No. 142 Leg.]

YEAS—48

Barrasso	Fischer	Paul
Blackburn	Graham	Ricketts
Boozman	Grassley	Risch
Braun	Hawley	Romney
Britt	Hoeven	Rounds
Budd	Hyde-Smith	Rubio
Capito	Johnson	Schmitt
Cassidy	Kennedy	Scott (FL)
Collins	Lankford	Scott (SC)
Cornyn	Lee	Sullivan
Cotton	Lummis	Thune
Cramer	Marshall	Tillis
Crapo	McConnell	Tuberville
Cruz	Moran	Vance
Daines	Mullin	Wicker
Ernst	Murkowski	Young

NAYS—51

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

NOT VOTING—1

Hagerty

The PRESIDENT pro tempore. On this vote, the yeas are 48 and the nays are 51.

Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

The amendment (No. 106) was rejected.

The PRESIDENT pro tempore. Who seeks recognition?

The Senator from North Carolina is recognized.

AMENDMENT NO. 134

Mr. BUDD. Madam President, I ask unanimous consent to call up Senate amendment No. 134 and ask that it be reported by number.

The PRESIDENT pro tempore. The clerk will report the amendment by number.

The bill clerk read the amendment as follows:

The Senator from North Carolina [Mr. BUDD] proposes an amendment numbered 134.

The amendment is as follows:

Strike title I of division B and insert the following:

TITLE I—RESCISSION OF UNOBLIGATED FUNDS

SEC. 201. RESCISSION OF UNOBLIGATED CORONAVIRUS FUNDS.

The unobligated balances of amounts appropriated or otherwise made available by the American Rescue Plan Act of 2021 (Public Law 117–2), and by each of Public Laws 116–123, 116–127, 116–136, and 116–139 and divisions M and N of Public Law 116–260, are hereby permanently rescinded, except for—

(1) such amounts that were appropriated or otherwise made available to the Department of Veterans Affairs; and

(2) amounts made available under section 601 of division HH of Public Law 117–328.

Mr. BUDD. Madam President, on March 13 of 2020, the Federal Government declared a national emergency concerning the COVID–19 pandemic. More than 3 years later, on May 11, 2023, that declaration ended. And yet, to this day, billions of COVID dollars throughout the Federal Government remain unspent.

So let's be clear. Each and every one of those dollars came from a hard-working taxpayer, from a working family's budget. That is why my amendment would rescind an additional $17 billion of unspent COVID money.

If we really want the Fiscal Responsibility Act to live up to its name, the least we can do is to rescind the taxpayer dollars that remain to fight a pandemic that everyone knows is over. Every taxpayer dollar is sacred and should be treated that way.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Oregon.

Mr. WYDEN. Madam President, I rise in opposition.

The bipartisan package importantly negotiated between Speaker MCCARTHY and President Biden, in fact, makes specific rescissions to unused COVID funds while protecting important funding for programs that are still necessary to support our community.

This amendment, colleagues, goes beyond the McCarthy-Biden agreement. This amendment would take an ax to nearly all of the funding in the Recovery Act and several other COVID bills, even if the communities are still depending or planning on using that money.

Blue States or red States, pass this amendment and you risk default. I strongly urge a vote against this amendment.

VOTE ON AMENDMENT NO. 134

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. BUDD. Madam President, any remaining time?

The PRESIDENT pro tempore. The Senator has 5 seconds.

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

The PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The senior assistant legislative clerk called the roll.

Mr. THUNE. The following Senator was necessarily absent: the Senator from Tennessee (Mr. HAGERTY).

The result was announced—yeas 47 nays 52, as follows:

[Rollcall Vote No. 143 Leg.]

YEAS—47

Barrasso	Fischer	Ricketts
Blackburn	Graham	Risch
Boozman	Grassley	Romney
Braun	Hawley	Rounds
Britt	Hoeven	Rubio
Budd	Hyde-Smith	Schmitt
Capito	Johnson	Scott (FL)
Cassidy	Kennedy	Scott (SC)
Collins	Lankford	Sullivan
Cornyn	Lee	Thune
Cotton	Lummis	Tillis
Cramer	Marshall	Tuberville
Crapo	McConnell	Vance
Cruz	Moran	Wicker
Daines	Mullin	Young
Ernst	Paul	

NAYS—52

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

NOT VOTING—1

Hagerty

The PRESIDENT pro tempore. On this vote, the yeas are 47, the nays are 52.

Under the previous order requiring 60 votes for adoption of this amendment, the amendment is rejected.

The amendment (No. 134) was rejected.

Mr. SCHUMER. All right, everybody, that is our record—9:20. Let's beat it.

The PRESIDENT pro tempore. The Senator from Utah.

AMENDMENT NO. 98

Mr. LEE. Madam President, I call up my amendment No. 98 and ask that it be reported by number.

The PRESIDENT pro tempore. The clerk will report the amendment by number.

The senior assistant legislative clerk read as follows:

The Senator from Utah [Mr. LEE] proposes an amendment numbered 98.

The amendment is as follows:

(Purpose: To strike the waiver authority for Administrative PAYGO)

Strike section 265 of title III of division B.

Mr. LEE. Madam President, this amendment is simple. It strikes section 265 of this bill. Section 263 creates a regulatory pay-go measure, but section 265 nullifies that by giving outright, complete discretion to the Director of OMB—who, by the way, just announced the day before yesterday from the White House that she would use this effectively to nullify the regulatory pay-as-you-go measure.

Please support my amendment.

I yield the rest of my time to the Senator from Louisiana.

The PRESIDENT pro tempore. The Senator from Louisiana is recognized.

Mr. KENNEDY. Madam President, it is late, and I will be candid.

To my colleagues, I say, not a single one of you is a dummy. Not a single one of your mothers raised a fool, and if she did, it was one of your siblings. We all know that a pay-go requirement for a regulation that can be waived by the proponent of the regulation is meaningless.

This amendment will provide that the pay-go requirement cannot be waived.

The PRESIDENT pro tempore. The Senator's time is expired.

The Senator from Michigan is recognized.

Mr. PETERS. Madam President, the Lee amendment is an unnecessary roadblock to this bipartisan deal, and it would interfere with the delivery of essential government services in times of need.

If adopted, this amendment would prevent Agencies from exercising their discretion and acting quickly in times of need, such as during a national emergency or natural disaster. The government must be able to provide essential services to the public. And it is important to promote offsets and save taxpayer dollars. We understand that. But we must also ensure that the American people receive the services they need and protect our economy. That is why we must vote to quickly pass this bipartisan bill without amendment to avoid a catastrophic default.

I urge my colleagues to vote no on the Lee amendment.

VOTE ON AMENDMENT NO. 98

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

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

The PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Tennessee (Mr. HAGERTY).

The result was announced—yeas 48, nays 51, as follows:

[Rollcall Vote No. 144 Leg.]

YEAS—48

Barrasso	Fischer	Paul
Blackburn	Graham	Ricketts
Boozman	Grassley	Risch
Braun	Hawley	Romney
Britt	Hoeven	Rounds
Budd	Hyde-Smith	Rubio
Capito	Johnson	Schmitt
Cassidy	Kennedy	Scott (FL)
Collins	Lankford	Scott (SC)
Cornyn	Lee	Sullivan
Cotton	Lummis	Thune
Cramer	Marshall	Tillis
Crapo	McConnell	Tuberville
Cruz	Moran	Vance
Daines	Mullin	Wicker
Ernst	Murkowski	Young

NAYS—51

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

NOT VOTING—1

Hagerty

The amendment (No. 98) was rejected.

The PRESIDENT pro tempore. The Senator from Virginia.

AMENDMENT NO. 101

Mr. KAINE. Madam President, I call up my amendment No. 101 and ask that it be reported by number.

The PRESIDENT pro tempore. The clerk will report the amendment by number.

The bill clerk read as follows:

The Senator from Virginia [Mr. KAINE] proposes an amendment numbered 101.

The amendment is as follows:

(Purpose: To strike a provision relating to expediting completion of the Mountain Valley Pipeline)

Strike section 324.

Mr. KAINE. I ask unanimous consent that there be 4 minutes equally divided prior to the vote on my amendment, with Senators CAPITO and MANCHIN each controlling 1 minute in opposition.

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

Mr. KAINE. Madam President, I rise to offer an amendment to strip a single provision out of this bill: the provision green-lighting the Mountain Valley Pipeline.

I offer my amendment for three reasons.

First, this provision that would put Congress's thumb on a permitting scale is completely unrelated to the debt ceiling and should not be included in this bill.

Second, I object on behalf of Virginia landowners. If you could build a pipeline in midair, that is one thing. But the only way to build it is to use eminent domain to take people's land. Virginians don't want to have their land taken for a pipeline unless there is a thorough process where they have all the rights accorded to them by law, administrative agency, and judicial review. Cutting off those rights is disrespectful to these landowners, who, in this part of the State, sometimes land is all they have, and it has been in their family for generations.

Finally, this bill would strip jurisdiction of a case away from the Fourth Circuit in the middle of the case. That is unprecedented and historic.

I used to try cases all the time in this circuit. I lost them, and I would appeal them. But I wouldn't try to get Congress to strip jurisdiction away from the court because I was unhappy. No everyday person gets this deal. No criminal defendant gets this deal. No small business gets this deal. Nobody gets this deal, and we shouldn't give it to some company just because they are powerful and they have influence in Congress.

For these reasons I ask for a ''yes'' vote on my amendment.

The PRESIDENT pro tempore. The Senator from West Virginia.

Mrs. CAPITO. Madam President, I rise in opposition to the Senator's amendment. This Mountain Valley Pipeline is an important infrastructure. It has been vetted numerous times. It has permitting—all permits that are from the Virginia Department of Environmental Quality, the Fish and Wildlife, and the Bureau of Land Management. These are all permits through both administrations—both the Biden and Trump administrations—that have already been offered. They are in a judicial hellhole right now where they can't get out. This is absolutely essential to the eastern seaboard.

It is jobs and tax revenues in the State of West Virginia, and I think this is an opportunity for us to cut through this redtape and move forward with the very essential infrastructure package.

The PRESIDENT pro tempore. The Senator from West Virginia.

Mr. MANCHIN. Madam President, I also rise in opposition. For eight years—eight years—and three administrations this project has been under review. Eight times NEPA—eight times of NEPA reviews. Three times through every Agency. This has been reviewed more than anything in the United States of America. The people in this eastern, southeastern part of the country, especially in the Carolinas, are paying sometimes 10 times more for gas because of the shortages during severe weather.

This is critical for the people of this country. If you believe in energy security, if you believe in energy independence, and you believe that we should be the superpower of the world, this helps us do that. It puts more product in the market than anything that we have available. This will be up and running in 6 months—6 months. Already, 293 miles are already built. We only have 20 more miles to go to finish it. It is time to finish this project.

Please vote no on this, an amendment by my friend, who I respectfully disagree with.

VOTE ON AMENDMENT NO. 101

The PRESIDENT pro tempore. The question now occurs on agreeing to amendment No. 101.

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

The PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Tennessee (Mr. HAGERTY).

The result was announced—yeas 30, nays 69, as follows:

[Rollcall Vote No. 145 Leg.]

YEAS—30

Baldwin	Hirono	Rosen
Blumenthal	Kaine	Sanders
Booker	Klobuchar	Smith
Cantwell	Lee	Van Hollen
Cardin	Luján	Warner
Carper	Markey	Warnock
Cortez Masto	Menendez	Warren
Duckworth	Merkley	Welch
Gillibrand	Murphy	Whitehouse
Heinrich	Paul	Wyden

NAYS—69

Barrasso	Fischer	Peters
Bennet	Graham	Reed
Blackburn	Grassley	Ricketts
Boozman	Hassan	Risch
Braun	Hawley	Romney
Britt	Hickenlooper	Rounds
Brown	Hoeven	Rubio
Budd	Hyde-Smith	Schatz
Capito	Johnson	Schmitt
Casey	Kelly	Schumer
Cassidy	Kennedy	Scott (FL)
Collins	King	Scott (SC)
Coons	Lankford	Shaheen
Cornyn	Lummis	Sinema
Cotton	Manchin	Stabenow
Cramer	Marshall	Sullivan
Crapo	McConnell	Tester
Cruz	Moran	Thune
Daines	Mullin	Tillis
Durbin	Murkowski	Tuberville
Ernst	Murray	Vance
Feinstein	Ossoff	Wicker
Fetterman	Padilla	Young

NOT VOTING—1

Hagerty

The PRESIDENT pro tempore. On this vote, the yeas are 30, the nays are 69.

The amendment is not agreed to.

The amendment (No. 101) was rejected.

AMENDMENT NO. 102

The PRESIDENT pro tempore. The Senator from Louisiana is recognized.

Mr. KENNEDY. Madam President, I call up my amendment No. 102 and ask that it be reported by number.

The PRESIDENT pro tempore. The clerk will report the amendment by number.

The senior assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. KENNEDY] proposes an amendment numbered 102.

The amendment is as follows:

(Purpose: To require up-to-date employment data for waivers of work requirements)

In division C, after section 311, insert the following:

SEC. 312. WAIVERS.

Section 6(o)(4)(A)(i) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(o)(4)(A)(i)) is amended by inserting ‘‘, as determined by the most up-to-date employment data’’ before ‘‘; or’’.

The PRESIDENT pro tempore. On this amendment, there is 6 minutes of debate, equally divided.

The Senator from Louisiana is recognized.

Mr. KENNEDY. Madam President, this is the last amendment of the evening. I have 3 minutes. I can read a room, and I can count votes.

This amendment would require States to use the most up-to-date unemployment data for waivers of food stamp work requirements. Thank you.

The PRESIDENT pro tempore. The Senator from Michigan.

Ms. STABENOW. Madam President, I will be equally brief. The good news is this is already required by law.

This is a total duplication. States must already provide up-to-date employment data in order to measure if they hit a 10-percent unemployment rate in order to get a State waiver. This is unnecessary. Please do not risk a default of our country on language that is already in the law.

Would my friend accept a voice vote?

Mr. KENNEDY. Madam President.

The PRESIDENT pro tempore. The Senator from Louisiana.

Mr. KENNEDY. Madam President, I will accept a voice vote.

VOTE ON AMENDMENT NO. 102

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment (No. 102) was rejected.

Mr. GRASSLEY. Madam President, for 2 years, Democrats had control of the House, the Senate, and the Presidency. They took the reins of power as the Nation began to emerge from a pandemic that had upended our economy and the lives of all Americans.

Up to that point, Republicans and Democrats had worked together to pass multiple rounds of COVID relief with strong bipartisan support. That spirit of cooperation and bipartisanship came to a screeching halt when Democrats took total control in January of 2021.

Rather than viewing the pandemic as a challenge that required temporary measures to overcome, Democrats saw it as an opportunity to permanently expand the size and scope of government. That was the exact opposite of what we needed as a nation.

Our public debt as a share of the economy had soared to heights many would have viewed as unthinkable a few years earlier. What was sorely needed was a bipartisan focus on putting our fiscal house in order.

Instead, Democrats rammed through a nearly $2 trillion partisan spending bill that prominent Democrat economists warned risked sparking inflation. Then, as inflation soared to 40-year highs, Democrats doubled down on their reckless spending with additional legislation and executive actions adding trillions more to our national debt.

Thankfully, the American people had enough. They made their voices heard through the ballot box. Republicans were handed control of the House of Representatives based on a promise of a return to fiscal sanity.

Speaker MCCARTHY repeatedly called on the President to negotiate a fiscally responsible and timely debt limit increase. Unfortunately, President Biden proved not to be a willing dance partner. He sat idly by for nearly 100 days watching the clock tick down to default despite the urgent need to raise the debt ceiling and begin to put our fiscal house in order.

Speaker MCCARTHY thankfully never took no for an answer. He kept pushing and rallied House Republicans to pass a debt limit package to pair back spending excesses of the prior Congress and impose meaningful spending controls moving forward.

House passage of the Limit, Save, Grow Act put a reasonable and fiscally responsible offer on the table that President Biden couldn't ignore.

The bipartisan negotiations that ensued brought us to where we are today, a bipartisan agreement to address the debt ceiling while imposing meaningful brakes on government spending largess.

As is the case with any bipartisan agreement, neither side got everything they wanted. I would have preferred an agreement closer to the House-passed bill. But in a closely divided government, you can't let the perfect be the enemy of the good.

The Fiscal Responsibility Act is a step in the right direction after years of unchecked Democrat spending. It will impose meaningful caps on discretionary spending that, over the next 2 years, will produce hundreds of billions of dollars in savings.

The agreement also strengthens work requirements in social welfare programs and claws back tens of billions in unspent COVID funds.

On the whole, over the next 10 years, this agreement will produce $1.5 trillion in savings. However, for all these savings to be realized, Republicans in the House and in the Senate will need to stick to their guns and vigorously enforce the spending caps.

As the ranking member of the Senate Budget Committee, I am prepared to do my part to hold the line and expect the House chairman is prepared to do the same.

As I said earlier, this agreement is a step in the right direction. However, we have a long road ahead to put our debt and deficits on a sustainable path.

Even assuming all the savings in this agreement is realized, public debt as a share of our economy will exceed World War II era record levels in a matter of years, and annual interest costs will balloon to over a $1 trillion.

We have a moral obligation to the Nation's youth to leave them a country that is on solid financial ground. Passage of the Fiscal Responsibility Act is a start, but much remains to be done.

Mr. CRAPO. Madam President, the Inflation Reduction Act, IRA, contained a provision for the Internal Revenue Service, IRS, to spend $15 million to deliver a report to Congress on an IRS-run and maintained ‘‘Direct eFile’’ tax return system. This was not a bipartisan provision. In fact, not one Republican Senator or Representative supported the IRA, and none had an opportunity to vote on this specific provision.

The report, released on May 16, 2023, was supposed to address the cost of such a system and the safeguards to protect taxpayers, surveys of taxpayer opinions and findings of an ‘‘independent third party’’ on the overall feasibility, approach, schedule, cost, organizational design and IRS capacity to deliver such a Direct eFile tax return system. It fell far short of these requirements and was conducted by third parties who had previously expressed a desire for the IRS to make such an undertaking. Beyond these flaws, the report simultaneously announced that the IRS had already built functioning multilingual, mobile friendly, tax preparation and filing software. However, the Inflation Reduction Act only authorized the IRS to spend funds on a report, not the building of the prototype system.

The implementation of this provision by the Biden administration has clearly violated Congress's statutory direction. Worse, the decision by the administration to build and publicly launch such a Direct eFile system by January 2024, all without congressional authority, and using report and IRA funds further violates the IRA and exceeds the IRS's statutory authority.

The IRS has publicly indicated it began the diversion of report funds to the building of the software as early as December 2022, but the software development using report funds was not disclosed to the public or the Senate until May 16, 2023. This is particularly disappointing and completely without justification.

IRS Commissioner Daniel Werfel appeared before the Senate Finance Committee on April 19, 2023. In response to specific questions by both the majority and minority about the report and the IRS's intentions, he not only failed to disclose the building of this software and the diversion of report funds for this purpose, but also stated that the IRS had not yet decided to act, when the facts strongly suggest that it had. These responses do not build the trust he will need to obtain bipartisan support from committee members.

The Fiscal Responsibility Act contains a provision rescinding certain IRA funds for the IRS, including unspent funds on the report provision. An honest and forthright accounting from the IRS with respect to its actions here is essential, including when expenditures were made and if payments were being made in advance of

the work being accomplished. Such accountability is a top priority.

With respect to the Direct eFile system, the IRS has provided no evidence it has authority to create such a system, and, indeed, the evidence strongly indicates it does not. The IRS must immediately disclose to the Finance Committee and American people the statutory provisions it has relied upon to authorize the administration's grand foray into becoming a tax preparation company, blurring lines that should not be crossed. In doing so, the IRS will also have to explain how it has not violated case law prohibiting study provisions authorized by Congress from being converted by administrative agencies into implementation decisions, as well as those addressing instances where the IRS has been found to have unilaterally acted beyond its statutory authority.

Make no mistake: Congress has the final say on the ability of the IRS to build and field a Direct eFile program that puts the IRS—the tax collector and enforcer—in the business of tax preparation. Beyond this clearly being Congress's prerogative, many policy reasons weigh against the IRS action, including the intractable conflict of interest of the IRS being tax return preparer, adviser, collector, enforcer, and, in many cases, adjudicator.

It is particularly poignant in the context of a bill that attempts to rein in excessive Federal spending to address an Agency action that will assuredly result in billions in future, and ongoing, expenses to the Federal fisc.

We must return to regular order and let Congress express itself, rather than be ignored by an Agency intent on overstepping its bounds.

Mr. KELLY. Madam President, the CHIPS for America Act uses innovative funding tools to incentivize private companies to construct, modernize, or expand advanced semiconductor manufacturing facilities in the United States. Properly structured, these incentives can encourage companies to build more facilities, faster, than without Federal support. In order to maximize this opportunity to bring chip manufacturing back to the United States, we can't allow redundant regulations to delay projects already underway.

The benefit of Federal funding has influenced the pace of investment in the U.S. At the same time, Federal funding doesn't control the outcome of projects that are currently being constructed. The role of the Department of Commerce under the CHIPS for America Act is to determine whether the project is worthy of investing taxpayer dollars.

The enactment of the CHIPS for America Act has greatly accelerated the pace of investment in the U.S., but a Federal grant will not create control over the outcome of project plans that are already being implemented. Notably, Arizona has four new leading-edge semiconductor fabs under construction. These were announced after the CHIPS for America Act was enacted and with the hope for potential Federal support, but companies aren't going to walk away from the multi-billion investment they have already made into these ongoing projects.

The change to the definition of ''major Federal action'' included in section 111 of H.R. 3746, the Fiscal Responsibility Act of 2023, will ensure that certain projects that would not otherwise be subject to the National Environmental Policy Act—NEPA—do not in fact trigger NEPA simply by receiving a Federal incentive investment through programs, like the CHIPS for America Act, where the provision of Federal funds does not control the outcome of the project. It is important to note that privately funded semiconductor manufacturing facilities undergo significant environmental reviews.

I am grateful that H.R. 3746 clarifies the scope of NEPA as it applies to this narrow subset of projects where Federal agencies do not control the outcome of a project.

Mr. OSSOFF. Madam President, today the Senate takes up legislation to avert an economically catastrophic default on U.S. sovereign obligations. The Department of the Treasury has advised the Congress that without passage of this legislation by June 5, the United States will default.

Any modifications to the legislative text under consideration by the Senate will require reconsideration of the measure by the House, pushing passage of such legislation past Treasury's June 5 deadline and forcing a default. Our overriding governing responsibility is to avoid default and the massive economic damage it would impose on American families and businesses.

Accordingly, I will oppose all amendments offered to this measure to ensure Senate passage of the measure as passed by the House and to protect families and businesses from economic catastrophe.

Mr. SCHUMER. Madam President, first, I want to thank everybody for cooperating. I think we got the most votes in the least time.

Second, and more importantly, we are about to vote on something so important to the country, and so many of us on both sides of the aisle will know that if we do this, we will not default. That is very, very important.

Thank you for your cooperation.

The next vote is Tuesday at 5:30 p.m.

The PRESIDENT pro tempore. Under the previous order, the bill is considered read a third time.

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

The PRESIDENT pro tempore. The bill having been read the third time, the question is, Shall the bill pass?

Ms. STABENOW. I ask for the yeas and nays.

The PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Tennessee (Mr. HAGERTY).

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

The result was announced—yeas 63, nays 36, as follows:

[Rollcall Vote No. 146 Leg.]

YEAS—63

Baldwin	Grassley	Peters
Bennet	Hassan	Reed
Blumenthal	Heinrich	Romney
Booker	Hickenlooper	Rosen
Boozman	Hirono	Rounds
Brown	Hoeven	Schatz
Cantwell	Kaine	Schumer
Capito	Kelly	Shaheen
Cardin	King	Sinema
Carper	Klobuchar	Smith
Casey	Luján	Stabenow
Collins	Manchin	Tester
Coons	McConnell	Thune
Cornyn	Menendez	Tillis
Cortez Masto	Moran	Van Hollen
Cramer	Mullin	Warner
Duckworth	Murkowski	Warnock
Durbin	Murphy	Welch
Ernst	Murray	Whitehouse
Feinstein	Ossoff	Wyden
Gillibrand	Padilla	Young

NAYS—36

Barrasso	Graham	Ricketts
Blackburn	Hawley	Risch
Braun	Hyde-Smith	Rubio
Britt	Johnson	Sanders
Budd	Kennedy	Schmitt
Cassidy	Lankford	Scott (FL)
Cotton	Lee	Scott (SC)
Crapo	Lummis	Sullivan
Cruz	Markey	Tuberville
Daines	Marshall	Vance
Fetterman	Merkley	Warren
Fischer	Paul	Wicker

NOT VOTING—1

Hagerty

The PRESIDING OFFICER (Mr. PADILLA). On this vote, the yeas are 63, the nays are 36.

The 60-vote threshold having been achieved, the bill is passed.

The bill (H.R. 3746) was passed.

Mr. THUNE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SCHUMER. Mr. President, I move to proceed to executive session to consider Calendar No. 179.

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

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of David Crane, of New Jersey, to be Under Secretary of Energy.

CLOTURE MOTION

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

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

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 179, David Crane, of New Jersey, to be Under Secretary of Energy.

Charles E. Schumer, Joe Manchin III, Thomas R. Carper, Mazie K. Hirono, Kirsten E. Gillibrand, Margaret Wood Hassan, Tammy Baldwin, Sheldon Whitehouse, Peter Welch, Richard J. Durbin, Richard Blumenthal, Tina Smith, Alex Padilla, Debbie Stabenow, Tammy Duckworth, Chris Van Hollen, Ben Ray Luján.

LEGISLATIVE SESSION

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

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

The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SCHUMER. Mr. President, I move to proceed to executive session to consider Calendar No. 26.

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

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Dale E. Ho, of New York, to be United States District Judge for the Southern District of New York.

CLOTURE MOTION

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

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

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 26, Dale E. Ho, of New York, to be United States District Judge for the Southern District of New York.

Charles E. Schumer, Richard J. Durbin, Richard Blumenthal, Christopher A. Coons, Benjamin L. Cardin, Tina Smith, Christopher Murphy, Mazie K. Hirono, Tammy Baldwin, Margaret Wood Hassan, John W. Hickenlooper, Sheldon Whitehouse, Catherine Cortez Masto, Brian Schatz, Gary C. Peters, Alex Padilla, Michael F. Bennet.

LEGISLATIVE SESSION

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

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

The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SCHUMER. Mr. President, I move to proceed to executive session to consider Calendar No. 81.

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

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Dilawar Syed, of California, to be Deputy Administrator of the Small Business Administration.

CLOTURE MOTION

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

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

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 81, Dilawar Syed, of California, to be Deputy Administrator of the Small Business Administration.

Charles E. Schumer, Benjamin L. Cardin, Sherrod Brown, Margaret Wood Hassan, Tammy Baldwin, Alex Padilla, Debbie Stabenow, Tina Smith, Jeff Merkley, Gary C. Peters, Jeanne Shaheen, Mazie K. Hirono, Tim Kaine, Brian Schatz, Sheldon Whitehouse, Richard Blumenthal, Jack Reed.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the mandatory quorum calls for the cloture motions filed today, June 1, be waived.

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

LEGISLATIVE SESSION

MORNING BUSINESS

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

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

VOTE EXPLANATION

Mr. WARNER. Mr. President, I was absent on Tuesday, May 30, 2023, for rollcall vote No. 133. Had I been present, I would have voted yea on confirmation for Darrel James Papillion, of Louisiana, to be U.S. District Judge for the Eastern District of Louisiana.

Mr. President, I was absent on Wednesday, May 31, 2023, for rollcall vote No. 134. Had I been present, I would have voted nay on the motion to proceed to H.J. Res. 45, providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Education relating to ''Waivers and Modifications of Federal Student Loans''.

Mr. President, I was absent on Thursday, June 1, 2023, for rollcall vote No. 135. Had I been present, I would have voted nay on H.J. Res. 45, providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Education relating to ''Waivers and Modifications of Federal Student Loans''.

VOTE EXPLANATION

Mr. BENNET. Mr. President, I was necessarily absent for rollcall vote No. 133, Confirmation of Darrel Papillion of LA to be U.S. District Judge. Had I been present for the vote, I would have voted yea.

Mr. President, I was necessarily absent for rollcall vote No. 134, Motion to proceed to H.J. Res. 45. Had I been present for the vote, I would have voted nay.

Mr. President, I was necessarily absent for rollcall vote No. 135. Had I been present for the vote, I would have voted nay. Joint Resolution, H.J. Res. 45, forces Federal student loan borrowers across Colorado to repay payments and interest and retroactively disqualify months of credit towards Public Service Loan Forgiveness and Income-Driven Repayment Forgiveness Programs.

ADDITIONAL STATEMENTS

RECOGNIZING CLASSROOM CLINIC

● Ms. ERNST. Mr. President, as ranking member of the Senate Committee on Small Business and Entrepreneurship, each week I recognize an outstanding Iowa small business that exemplifies the American entrepreneurial spirit. This week, it is my privilege to recognize Classroom Clinic of Carroll, IA, as the Senate Small Business of the Week.

Psychiatric nurse practitioner Sue Gehling founded Classroom Clinic in 2019 to help with the mental health needs of children attending schools in rural Iowa. Sue spent most of her life in rural Iowa and saw firsthand the opportunities to serve her community by addressing mental health needs while working at a clinic in Carroll. Classroom Clinic provides rural school districts with the ability to serve students using a telehealth model. Since 2019, Classroom Clinic has worked with four districts, including seven schools,

and has provided mental health care services to over 250 Iowa students.

In October 2022, founder Sue Gehling received the Iowa School Mental Health Hero Award. The award honors a practitioner, researcher, educator, or community partner for their defining contribution to school mental health in Iowa. Additionally, Classroom Clinic was chosen as the winner of the Small Business Development Center Iowa's statewide August Small Business of the Month award due to their contributions to the community. Today, Classroom Clinic is striving to reach more students across Iowa to have a more positive impact within these students and families' lives.

Classroom Clinic's commitment to providing mental health services in Iowa is clear. I want to congratulate Sue Gehling, and the entire team at Classroom Clinic for their continued dedication to providing students from rural Iowa with the additional mental health services and resources they need. I look forward to seeing their continued growth and success in Iowa.●

TRIBUTE TO MABEL HASHISAKA

● Ms. HIRONO. Mr. President, later this month, on June 14, we will welcome Hawaii businesses to our Nation's Capital for the seventh annual Hawaii on the Hill. These businesses will have an opportunity to hear from government leaders, Federal officials, policy experts, and others about the important issues facing small businesses and entrepreneurs in the United States. The businesses will also have an opportunity to showcase their products and share what we have to offer from the Aloha State.

Since the inaugural event in July 2014, Hawaii on the Hill has been very successful. But such success would not be possible without the dedication, commitment, and hard work of business owners from our State, who make this event possible every year. We are excited to welcome them back to Washington, DC, for the first time since the pandemic. Recognizing this dedication, I would like to acknowledge one particular business owner who has been with us since the very beginning: Mabel Hashisaka, of Kauai Kookie.

Mabel's story is pretty remarkable. Her father immigrated from Japan to Hawaii in 1905. She was born in Lihue, Kauai, and graduated from Waimea High School in 1946. At a time when many girls did not go to college, Mabel attended the University of Hawaii, earning a bachelor's degree in psychology, and then attended Indiana University, where she graduated with a master's degree in education. She was then a school teacher on Hawaii Island for many years.

In 1965, she decided Kauai needed more ''omiyage''—or gifts that visitors could bring back to share with their family and friends—so she started Kauai Kookie. She began by making chocolate macadamia nut shortbread cookies and serving them on the side of plate lunches at the Big Save grocery store that her father owned. The cookies gained popularity, and soon, customers were coming in just for the cookies. Mabel purchased a used stove and oven from another Hanapepe business for $100 and hired a few employees. Kauai Kookie was born.

More than 50 years later, Kauai Kookie remains a Kauai community staple. During the pandemic, the company delivered food to families in need with their ''Souper Sundays'' program and provided ''Kookies for Heroes'' to first responders on the front line.

Kauai Kookie now bakes over 50,000 cookies and other baked goods each day and also offers salad dressings and marinades. It has two locations on Kauai, the original factory in Hanapepe and the bakery and cafe in Kalaheo. Kauai Kookie products can be found throughout Hawaii, in specialty stores in the continental United States, and overseas. The products are made with some of the finest ''Made-In-Hawaii'' products like macadamia nuts, Kona coffee, and Kauai Makaweli poi. Kauai Kookies originally came in eight island flavors—Kona Coffee Macadamia, Chocolate Chip Macadamia, Peanut Butter, Guava Macadamia, Coconut Krispies, Cornflake Crunch, Macadamia Nut Shortbread, and Almond—but have since expanded to many more varieties and flavors.

Mabel claims that she is not a baker and that her philosophy has always been to hire someone smarter than her to help with the business. But despite her humble approach, it is clear she has built something truly impressive that has an important place in the community. Today, she still lives on Kauai with her husband Norman and her two daughters Ann and Ruth, who lead the company. So even to this day, her legacy continues.

Mahalo, Mabel, for your contributions to our State as a recognized business leader. You continue to inspire all of us to ''just do it.''●

TRIBUTE TO MICHELINE NADER

● Mr. MENENDEZ. Mr. President, every year, Fairleigh Dickinson University in my home State of New Jersey honors its heritage and history by bringing together alumni, friends, and partners to celebrate Charter Day. It is a wonderful tradition on campus, often requiring months of planning in advance by a legion of dedicated staff, all to recognize the people and the places that make FDU a shining beacon for the Garden State.

Today, on this year's Charter Day, it brings me great pleasure to join the Fairleigh Dickinson community as they recognize the esteemed author, entrepreneur, and philanthropist: Ms. Micheline Nader. As a member of the FDU board of trustees, Ms. Nader is tasked with providing sage counsel to the university's leadership, including its president, Dr. Michael Alvaltroni. However, in addition to her duties as a trustee, Ms. Nader is a testament to the different ways that one can answer the call to serve. Ms. Nader began her legendary career as a trail-blazing hospital administrator who, in addition to her business acumen, successfully translated her experience into a second calling as a writer helping support others. In both of these roles, she has helped individuals overcome obstacles, unlock their potential, and achieve long-lasting wellness and success.

Ms. Nader is a visionary leader who has never let anything slow her down. After all, it was her drive that led her to found the Blue Dolphin Healthcare Group, a pioneering chain of nursing homes that give seniors the care, support, and fulfillment they need to enjoy retirement. Her best-selling books have also provided guidance for others to leverage their passions to foster personal growth and create social impact.

From founding and leading her own company to currently serving as president of her family nonprofit, Ms. Nader is an inspiration for New Jerseyans everywhere. In addition to serving on the Fairleigh Dickinson University's board of trustees and on the advisory board of the Silberman College of Business, Ms. Nader is a staunch advocate for the next generation of leaders. Her mantra of LEAP—lean, execute, align, and program—has been used countless times by leading figures to transcend the past and create a new future.

I join her family, friends, loved ones and her devoted husband Dr. Francois Nader, in thanking Micheline for her many years of service to New Jersey and the communities who call it home. It is my distinct honor to submit this recognition into the CONGRESSIONAL RECORD so that it may stand the test of time alongside her numerous contributions and accomplishments.●

RECOGNIZING FANCY PANTS BOUTIQUE

● Mr. RISCH. Mr. President, Idaho small businesses are the backbone of our great State's economy. These small businesses deserve to be celebrated for their great work in preserving the values unique to our communities. I am proud to relaunch Support Local Gems, a statewide initiative, on June 9, to encourage Idahoans to support the small businesses that make the Gem State special. As a member and former chairman of the Senate Committee on Small Business and Entrepreneurship, I am pleased to honor Fancy Pants in Boise as one of Idaho's Small Businesses of the Month for June 2023.

Fancy Pants was established in 2006 in the heart of downtown Boise. Owners Courtney Holden and Jaime Petrilli created a space unlike any other boutique. Their vision was a shop featuring the best pieces your favorite brands have to offer, accompanied with styling advice and shopping assistance.

From the original 1,200-square-foot store to a now double in size and space on the corner of 9th and Idaho, Fancy Pants has built an expansive and loyal customer base for 17 years. Courtney and Jaime carefully curate inventory tailored to fit the diversity of their clients' needs and lifestyles, including pieces by A.L.C., Alice + Olivia, Veronica Beard, Vince, and Rag and Bone.

Fancy Pants is a key member of the small business community of downtown Boise and a proud supporter of local causes including the Women's and Children's Alliance of Boise, Dress for Success, and the Boise Festival of Trees. At the heart of their mission, Courtney and Jaime strive to make everyone feel confident and comfortable. When you are at their store, you will discover hand-selected pieces along with knowledgeable, friendly employees to help you find that perfect pair of jeans. From casual to fancy or trendy to classic, there is something for every occasion.

Congratulations to Courtney Holden, Jaime Petrilli, and all of the employees at Fancy Pants for being selected as an Idaho Small Business of the Month for June 2023. You are an outstanding example of what it means to be one of Idaho's Local Gems. You make our great State proud, and I look forward to your continued growth and success.●

RECOGNIZING McKEE'S FEED, GARDEN & PET CENTERS

● Mr. RISCH. Mr. President, Idaho small businesses are the backbone of our economy and our communities. These small businesses not only employ friends and neighbors, but they showcase Idaho's creativity and values. Our small businesses provide invaluable goods and services and are an intrinsic part of the Gem State. These small businesses deserve to be celebrated for the integral role they play in our communities. I am proud to relaunch Support Local Gems, a statewide initiative, on June 9, to encourage Idahoans to support the small businesses that make the Gem State special. As a member and former chairman of the Senate Committee on Small Business and Entrepreneurship, I am pleased to honor McKee's Feed, Garden & Pet Centers as one of Idaho's Small Businesses of the Month for June 2023.

Bill McKee opened McKee's Feed, Garden & Pet Center in 1976. At both the Pocatello and Chubbuck locations, McKee's staff is dedicated to assisting customers with their pet, livestock, and gardening needs. Well known throughout Bannock County, McKee's Petting Zoo has served the local community free of charge for years. Bill McKee started the petting zoo to offer children and families the opportunity to interact with and learn about animals without spending a lot of money. In addition to year-round learning opportunities, McKee's Petting Zoo provides homes for displaced animals.

McKee's continuously supports local schools and Boy Scouts, Relay for Life, educational programs and field trips, and live nativities every winter. McKee's partners with the Humane Society and various rest homes and veterans' facilities to provide ''pet therapy'' to residents.

Congratulations to the McKees and all of the employees at McKee's Feed, Garden & Pet Centers for being selected as an Idaho Small Business of the Month for June 2023. You are an outstanding example of what it means to be one of Idaho's Local Gems. You make the Gem State proud, and I look forward to your continued growth and success.●

RECOGNIZING PERRINE MAN PRESS

● Mr. RISCH. Mr. President, Idaho small businesses are the backbone of our economy and our communities. These small businesses not only employ friends and neighbors, but they showcase Idaho's creativity and values. Idaho small businesses provide invaluable goods and services and are an important part of the Gem State. These small businesses deserve to be celebrated for the integral role they play in our communities. I am proud to relaunch Support Local Gems, a statewide initiative, on June 9, to encourage Idahoans to support the small businesses that make the Gem State special. As a member and former chairman of the Senate Committee on Small Business and Entrepreneurship, I am pleased to honor Perrine Man Press as one of Idaho's Small Businesses of the Month for June 2023.

Cory and Kenji Paulson started Perrine Man Press out of their home in 2017 and opened a physical storefront on Twin Falls' Maine Avenue in the fall of 2020. The Paulsons grew up in southern Idaho and have always been inspired by Idaho's beautiful landscape and way of life, which Kenji hand draws on their product designs. Their signature design, the ''Perrine Man'' highlights their hometown's iconic landmark: the Perrine Bridge.

Perrine Man Press' mission is more than simply selling good tees, but about ensuring every customer knows they are ''made for more.'' Perrine Man Press is committed to reminding everyone they are incredibly valuable and giving back to great causes.

Congratulations to Cory and Kenji Paulson and all of the employees at Perrine Man Press for being selected as an Idaho Small Business of the Month for June 2023. You are an outstanding example of what it means to be one of Idaho's Local Gems. You make our great State proud, and I look forward to your continued growth and success.●

RECOGNIZING THE ONLY STORE

● Mr. RISCH. Mr. President, Idaho small businesses are the backbone of our economy and our communities. These small businesses not only employ friends and neighbors, but they showcase Idaho's creativity and values. Idaho small businesses provide invaluable goods and services and are an important part of the Gem State. These small businesses deserve to be celebrated for the integral role they play in our communities. I am proud to relaunch Support Local Gems, a statewide initiative, on June 9, to encourage Idahoans to support the small businesses that make the Gem State special. As a member and former chairman of the Senate Committee on Small Business and Entrepreneurship, I am pleased to honor The Only Store located in Nezperce as one of Idaho's Small Businesses of the Month for June 2023.

Sandi Herker Berry began her grocery store career in 1985, when The Only Store was known as the Nezperce Cash & Carry. A decade later, in 1996, Sandi bought the store from owner Jim Schmidt and recently renamed it The Only Store. Sandi loves the grocery business, including the long hours, restocking shelves, the cleaning, the problem-solving, the creativity, and, most notably, freight day.

Sandi credits her six employees and the Nezperce community for her success. To that end, she is committed to supporting her small town through the Nezperce School District, the Lewis County Fair, donating a portion of her earnings to emergency medical services, purchasing school clothes for underprivileged children, and delivering groceries to elderly members of the community.

Congratulations to Sandi Herker Berry and all of the employees at The Only Store for being selected as an Idaho Small Business of the Month for June 2023. You are an outstanding example of what it means to be one of Idaho's Local Gems. You make our great State proud, and I look forward to your continued growth and success.●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Ms. Kelly, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on Foreign Relations.

(The message received today is printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 11:25 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the

following bill, in which it requests the concurrence of the Senate:

H.R. 2797. An act to amend the Securities Act of 1933 to require certification examinations for accredited investors, and for other purposes.

MEASURES REFERRED

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

H.R. 2797. An act to amend the Securities Act of 1933 to require certification examinations for accredited investors, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

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

EC–1292. A communication from the Assistant Secretary of Defense (Legislative Affairs), transmitting additional legislative proposals that the Department of Defense requests be enacted during the first session of the 118th Congress; to the Committee on the Judiciary.

EC–1293. A communication from the Assistant Secretary for Legislative Affairs, Department of Homeland Security, transmitting a legislative proposal, which would clarify the U.S. Secret Service's authority to investigate various crimes related to digital asset transactions and would significantly strengthen the ability of the agency to counter transnational cyber criminal activity; to the Committee on the Judiciary.

EC–1294. A communication from the Assistant Secretary for Legislative Affairs, Department of Homeland Security, transmitting a legislative proposal entitled ''Improving the Naturalization Process for Older Applicants''; to the Committee on the Judiciary.

EC–1295. A communication from the Assistant Secretary for Legislative Affairs, Department of Homeland Security, transmitting a legislative proposal entitled ''Recapturing Unallocated U Nonimmigrant Visa Numbers''; to the Committee on the Judiciary.

EC–1296. A communication from the Assistant Secretary for Legislative Affairs, Department of Homeland Security, transmitting a legislative proposal entitled ''Renunciation of Citizenship''; to the Committee on the Judiciary.

EC–1297. A communication from the Assistant Secretary for Legislative Affairs, Department of Homeland Security, transmitting a legislative proposal entitled ''Eligibility of Asylees to Adjust''; to the Committee on the Judiciary.

EC–1298. A communication from the Section Chief of the Diversion Control Division, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Designation of 4-Piperidone as a List I Chemical'' ((21 CFR Part 1310) (Docket No. DEA–951)) received during adjournment of the Senate in the Office of the President of the Senate on May 22, 2023; to the Committee on the Judiciary.

EC–1299. A communication from the Section Chief of the Diversion Control Division, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Schedules of Controlled Substances: Placement of Brorphine in Schedule I'' ((21 CFR Part 1308) (Docket No. DEA–716)) received during adjournment of the Senate in the Office of the President of the Senate on May 22, 2023; to the Committee on the Judiciary.

EC–1300. A communication from the Section Chief of the Diversion Control Division, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Specific Listing for Eutylone, a Currently Controlled Schedule I Substance'' ((21 CFR Part 1308) (Docket No. DEA–1003)) received during adjournment of the Senate in the Office of the President of the Senate on May 22, 2023; to the Committee on the Judiciary.

EC–1301. A communication from the Section Chief of the Diversion Control Division, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Schedules of Controlled Substances: Placement of Methiopropamine in Schedule I'' ((21 CFR Part 1308) (Docket No. DEA–737)) received during adjournment of the Senate in the Office of the President of the Senate on May 22, 2023; to the Committee on the Judiciary.

EC–1302. A communication from the Legal Advisor, Office of the Intellectual Property Enforcement Coordinator, Executive Office of the President, transmitting, pursuant to law, a report relative to a vacancy in the position of Intellectual Property Enforcement Coordinator, Executive Office of the President, received during adjournment of the Senate in the Office of the President of the Senate on May 22, 2023; to the Committee on the Judiciary.

EC–1303. A communication from the Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report relative to the Victims Compensation Fund established by the Witness Security Reform Act of 1984; to the Committee on the Judiciary.

EC–1304. A communication from the Chair of the U.S. Sentencing Commission, transmitting, pursuant to law, the amendments to the federal sentencing guidelines that were proposed by the Commission during the 2022–2023 amendment cycle; to the Committee on the Judiciary.

EC–1305. A communication from the Director of Border and Immigration Policy, Office of the General Counsel, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Circumvention of Lawful Pathways'' ((RIN1615–AC83) (RIN1125–AB26)) received during adjournment of the Senate in the Office of the President of the Senate on May 22, 2023; to the Committee on the Judiciary.

EC–1306. A communication from the Secretary, Judicial Conference of the United States, transmitting, a report relative to bankruptcy judgeship recommendations; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

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

POM–22. A joint resolution adopted by the Legislature of the State of Oklahoma stating that a delegation of commissioners selected as provided in this resolution shall be authorized to attend and participate in a gathering of states proposed by any state legislature for the purposes of developing rules and procedures for an Article V Convention for proposing amendments to the United States Constitution to require a balanced federal budget, or to impose fiscal restraints on the federal government, to limit the power and jurisdiction of the federal government and to limit the terms of office for federal officials and members of Congress and for proposing an initial date and location for the meeting of the several states in an Article V Convention; to the Committee on the Judiciary.

HOUSE JOINT RESOLUTION NO. 1017

Whereas, Article V of the Constitution of the United States provides that upon receipt of applications from two-thirds of the legislatures of the several states, Congress shall call a convention of the states for proposing amendments; and

Whereas, the Oklahoma Legislature adopted Senate Joint Resolution 4 in the 2nd Session of the 55th Oklahoma Legislature, and Senate Joint Resolution 23 in the 1st Session of the 57th Oklahoma Legislature, that applied to the Congress of the United States ''for the calling of a convention of the states limited to proposing an amendment to the Constitution of the United States requiring that in the absence of a national emergency the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year, together with any related and appropriate fiscal restraints''; and

Whereas, it appears that two-thirds of the states, including Oklahoma, soon will have applied for a convention to propose such an amendment adding to the United States Constitution a requirement that the federal government balance its budget; and

Whereas, it has also been proposed by several states, including Oklahoma, that a convention be called for proposing amendments to ''impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and for members of Congress''; and

Whereas, in its call Congress will be required to specify an initial time and place for the meeting of the Article V Convention for proposing amendments; and

Whereas, it is appropriate for the state legislatures to prepare for the Article V Convention and recommend to Congress an initial time and place to hold the convention; and

Whereas, a gathering of the states called by a state legislature and consisting of members authorized by other state legislatures would be an effective way of considering and recommending solutions to common issues related to an Article V Convention, including planning for and recommending rules and procedures for an Article V Convention, and recommending to Congress the initial date and location of an Article V Convention; and

Whereas, a planning convention of the several states convened on September 12, 2017, in Phoenix, Arizona, and was attended by a delegation from Oklahoma as authorized by House Concurrent Resolution No. 1007 of the 1st Session of the 56th Oklahoma Legislature (2017). Now, therefore,

Be it resolved by the House of Representatives and the Senate of the 1st Session of the 59th Oklahoma Legislature:

That a delegation of commissioners selected as provided in this resolution shall be authorized to attend and participate in a gathering of states proposed by any state legislature for the purposes of developing rules and procedures for an Article V Convention for proposing amendments to the United States Constitution to require a balanced federal budget, or to impose fiscal restraints on the federal government, to limit the power and jurisdiction of the federal government and to limit the terms of office for federal officials and members of Congress

and for proposing an initial date and location for the meeting of the several states in an Article V Convention.

That the delegation of commissioners shall be composed of seven members, three of whom shall be appointed by the Speaker of the Oklahoma House of Representatives, three of whom shall be appointed by the President Pro Tempore of the Oklahoma State Senate, and one of whom shall be appointed by agreement of both the Speaker of the Oklahoma House of Representatives and the President Pro Tempore of the Oklahoma State Senate.

That two of the commissioners appointed by the Speaker of the Oklahoma House of Representatives shall be current members of the Oklahoma House of Representatives at the time of appointment, and two of the commissioners appointed by the President Pro Tempore of the Oklahoma State Senate shall be current members of the Oklahoma State Senate at the time of appointment. The third commissioner appointed by the Speaker of the Oklahoma House of Representatives shall be a current or former member of the Oklahoma House of Representatives and the third commissioner appointed by the President Pro Tempore of the Oklahoma State Senate shall be a current or former member of the Oklahoma State Senate.

That the commissioners shall be bound by the rules adopted by the gathering of the states or provided for in the proposal for the Article V Convention.

That unless otherwise provided by the Oklahoma Legislature, the commissioners provided for in this resolution shall also serve as commissioners to the Article V Convention for proposing amendments to the United States Constitution when called and shall be bound by the rules adopted by the members of the Article V Convention.

That if a commissioner is unable to participate in either the state gathering or an Article V Convention to propose amendments to the United States Constitution either permanently or temporarily, the appointing authority or authorities shall select an alternate, who shall be a current or former member of the appointing authority's legislative body, to serve for the time the commissioner is unable to serve. The alternate shall be bound by the same rules and procedures as the original commissioner.

That no commissioner or alternate from this state to an Article V Convention shall have the authority to vote to allow consideration of or vote to approve an unauthorized amendment for ratification to the United States Constitution.

That any commissioner or alternate casting a vote to allow consideration or approval of an unauthorized amendment shall be immediately recalled by the appointing authority or authorities and be replaced by an alternate.

That all voting in either a gathering of states or an Article V Convention shall be by state with each state having one vote.

That commissioners and alternates shall take the following oath of office before accepting their appointment:

''I do solemnly swear or affirm that to the best of my abilities I will, as a commissioner (alternate commissioner) to a convention for proposing any amendment to the United States Constitution, uphold the Constitution and laws of the United States and the State of Oklahoma.

I will abide by my specific instructions from the Legislature of the State of Oklahoma. I will not vote to allow consideration of or to approve any amendment proposed for ratification to the United States Constitution that is unrelated to the subject of the approved call of the convention by Congress.

I will vote only for convention rules that provide that each state have one equal vote and that a state or commissioner shall not be allowed to propose an amendment that is unrelated to the approved call of the convention. I acknowledge that any violation of this oath may result in being recalled by the Legislature of the State of Oklahoma or its authorized committee.''

That an Article V Convention Committee shall be composed of three members, one appointed by the Speaker of the Oklahoma House of Representatives, one appointed by the President Pro Tempore of the Oklahoma State Senate and one appointed jointly by the Speaker and President Pro Tempore. A member of the Article V Convention Committee may not be a member of the delegation. The duties of the Article V Convention Committee and their appointing authority or authorities include:

1. Monitoring the delegation to determine if it is following legislative instructions and obeying convention rules;

2. Advising the delegation on the Legislature's position on issues before the convention;

3. Disciplining any commissioner who violates the oath of office or instructions or is otherwise guilty of malfeasance or nonfeasance. Discipline may include recall from the convention, removal as a commissioner or demotion to the office of alternate commissioner;

4. Notifying the convention that a commissioner has been recalled, removed as a commissioner or demoted to the office of alternate commissioner; and

5. Replacing any recalled commissioner.

That commissioners shall vote only for Article V Convention rules consistent with the following principles:

1. The convention is convened under the authority reserved to the state legislatures of the several states by Article V of the Constitution of the United States;

2. The only participants at this convention are the several states represented by their respective delegations duly selected in the manner that their respective legislatures have determined;

3. The scope of the convention's authority is defined by applications adopted by at least two-thirds of the legislatures of the several states, which authority is limited to the subject of the approved call of the convention. The convention has no authority to propose or discuss an amendment on any other subject outside the approved call of the convention by Congress;

4. The convention shall provide for disciplining a commissioner or delegation for exceeding the scope of the convention's authority by raising subjects for discussion or debate that lie outside the convention's authority;

5. The convention shall not infringe on the respective state legislatures' authority to instruct, discipline, recall and replace commissioners; and

6. All voting at the convention or in a committee shall be by state with each state having one vote without apportionment or division. Each state legislature shall determine the internal voting and quorum rules for casting the vote of its delegation.

That the Chief Clerk of the House of Representatives, immediately after the passage of this resolution, shall prepare and file one copy thereof with the Secretary of State and one copy with the Attorney General and transmit copies to the President and Secretary of the United States Senate and to the Speaker and Clerk of the United States House of Representatives, to the members of the Oklahoma Congressional Delegation, and to the presiding officers of each of the legislative houses in the several states, requesting their cooperation.

POM–23. A concurrent memorial adopted by the Legislature of the State of Arizona urging the United States Congress to enact H.R. 9174, the State Immigration Enforcement Act, or similar legislation; to the Committee on the Judiciary.

HOUSE CONCURRENT MEMORIAL NO. 2007

Whereas, the Biden Administration has consistently refused to enforce our nation's federal immigration laws; and

Whereas, this gross dereliction of duty has resulted in large numbers of illegal immigrants pouring over the United States southern border in what has become a historic invasion; and

Whereas, Congressman Andy Biggs of Arizona introduced legislation in Congress that would empower states and localities to pass and enforce their own immigration enforcement laws similar to federal immigration laws; and

Whereas, H.R. 9174, known as the State Immigration Enforcement Act, would allow states to bypass the current Administration's open border policies and restore the rule of law.

Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

1. That the United States Congress enact H.R. 9174, the State Immigration Enforcement Act, or similar legislation.

2. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona.

POM–24. A joint resolution adopted by the General Assembly of the State of Tennessee urging the United States Congress to enact legislation that will make state child abuse registries public records; to the Committee on the Judiciary.

HOUSE JOINT RESOLUTION NO. 19

Whereas, in Tennessee, the Department of Children's Services maintains the official Child Abuse Registry, which includes the names of people who have been substantiated as perpetrators of child abuse or neglect; and

Whereas, the purpose of the Registry is to protect children from persons who have been identified as perpetrators of child abuse or neglect; a person's name is not placed on the Registry until all reviews or hearings have concluded or the person has waived their right to due process; and

Whereas, the Department of Children's Services may release the name of a person who is listed on the Registry only to other state agencies or organizations due to the nature of the employment or licensing of the person as statutorily required in certain circumstances; and

Whereas, due to prohibitive federal rules and regulations, the general public does not have access to the Child Abuse Registry; now, therefore,

Be it *Resolved by the House of Representatives of the One Hundred Thirteenth General Assembly of the State of Tennessee, The Senate Concurring*, that we urge the United States Congress to enact legislation to make state child abuse registries public records; and be it further

Resolved, that a certified copy of this resolution be transmitted to the Speaker and the Clerk of the United States House of Representatives, the President and the Secretary of the United States Senate, and each member of the Tennessee Congressional delegation.

POM–25. A resolution adopted by the City Council of Durham, North Carolina, urging

the Executive Office of the President to act immediately to designate Temporary Protected Status (TPS) for Guatemala, and calls on the Department of Homeland Security to grant a TPS designation for Guatemalans currently residing in the United States, a program that provides support to people fleeing uncertainty, natural disasters, and violence; to the Committee on the Judiciary.

POM–26. A resolution adopted by the Board of Supervisors of the City and County of San Francisco, California, urging the Department of Homeland Security (DHS) and the President's Administration to reject the recent attack on San Francisco's long-standing Sanctuary Ordinance and urging DHS to extradite the accused individuals without further delay; to the Committee on the Judiciary.

POM–27. A resolution adopted by the Board of Supervisors of the City and County of San Francisco, California, condemning the passage of ''Red-Baiting'' House Concurrent Resolution 9, and urging the United States Congress not to engage in, vote for, or otherwise support fearmongering and red-baiting by the federal government; to the Committee on the Judiciary.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. MENENDEZ for the Committee on Foreign Relations.

Stephanie Syptak-Ramnath, of Texas, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Peru.

Nominee: Stephanie Syptak-Ramnath.

Post: Ambassador Extraordinary and Plenipotentiary to the Republic of Peru.

(The following is a list of members of my immediate family. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self: None.

2. Spouse: None.

Arthur W. Brown, of Pennsylvania, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Ecuador.

Nominee: Arthur W. Brown.

Post: Ambassador to Ecuador.

(The following is a list of members of my immediate family. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

Self: None.

Spouse: (Krista L. Brown): $250, August 22, 2020, ActBlue; $100, January 3, 2021, ActBlue.

Ana A. Escrogima, of New York, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Sultanate of Oman.

Nominee: Ana Escrogima.

Post: Ambassador to the Sultanate of Oman.

(The following is a list of members of my immediate family. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, donee:

Self: $50, 9/2020, Elissa Slotkin; $50, 6/2020, Sri Kulkarni; $250, 11/2018, Elissa Slotkin; $500, 9/2017, Elissa Slotkin.

Houssam Eddine Beggas: None.

Ervin Jose Massinga, of Washington, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Democratic Republic of Ethiopia.

Nominee: Ervin Jose Massinga.

Post: Addis Ababa, Ethiopia.

(The following is a list of members of my immediate family. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: Lauryne Massinga, None.

Yael Lempert, of New York, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Hashemite Kingdom of Jordan.

Nominee: Yael Lempert.

Post: Jordan.

Nominated: January 3, 2023.

(The following is a list of members of my immediate family. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, donee, date, and amount:

Self: None.

Spouse: None.

Roger F. Nyhus, of Washington, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Barbados, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federation of Saint Kitts and Nevis, Saint Lucia, Antigua and Barbuda, the Commonwealth of Dominica, Grenada, and Saint Vincent and the Grenadines.

Nominee: Roger Fay Nyhus.

Post: U.S. Ambassador Extraordinary and Plenipotentiary to Barbados, the Federation of St. Kitts and Nevis, Saint Lucia, Antigua and Barbuda, the Commonwealth of Dominica, Grenada, and Saint Vincent and the Grenadines.

(The following is a list of members of my immediate family. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

Self: $1,000.00, 6/17/2019, Inslee for America; $2,800.00, 6/19/2019, Biden for President; $2,800.00, 6/19/2019, Biden for President; $250.00, 3/1/2020, Strickland for Washington; $250.00, 5/18/2020, Biden for President; $250.00, 5/18/2020, Biden Victory Fund; $2,550.00, 6/3/2020, Biden for President; $2,800.00, 6/3/2020, Biden Victory Fund; $250.00, 6/3/2020, DNC Services Corp/Democratic National Committee; $1,000.00, 6/29/2020, Dr Kim Schrier for Congress; $500.00, 7/17/2020, Citizens to Elect Rick Larsen; $250.00, 8/9/2020, Strickland for Washington; $250.00, 9/15/2020, Strickland for Washington; $500.00, 9/20/2020, Mark Kelly; $500.00, 9/20/2020, Mark Kelly for Senate; $250.00, 9/20/2020, Sara Gideon for Maine; $250.00, 9/20/2020, Stop Republicans**; $250.00, 9/21/2020, Hickenlooper for Colorado; $250.00, 9/24/2020, Jaime Harrison for US Senate; $250.00, 9/25/2020, Teresa Greenfield for Iowa; $5,000.00, 10/11/2020, Biden Victory Fund; $5,000.00, 10/11/2020, DNC Services Corp/Democratic National Committee; $250.00, 10/22/2020, Strickland for Washington; $100.00, 11/19/2020, Actblue—Patty Murray; $80.00, 12/31/2020, People for Patty Murray; $5,000.00, 1/11/2021, PIC 2021 Inc.; $500.00, 2/22/2021, People for Derek Kilmer; $1,000.00, 3/8/2021, Dr Kim Schrier for Congress; $500.00, 3/18/2021, People for Derek Kilmer; $1,000.00, 4/30/2021, Rick Larsen for Congress; $500.00, 6/8/2021, Murray Victory Fund; $1,000.00, 7/13/2021, People for Patty Murray; $500.00, 8/16/2021, People for Patty Murray.

** Please note my political giving centers on individuals, not political parties. This particular donation was mistakenly made on my mobile phone using giving software. I did not intend to make this donation.

Julie Turner, of Maryland, to be Special Envoy on North Korean Human Rights Issues, with the rank of Ambassador.

Nominee: Julie Turner.

Post: Special Envoy on North Korean Human Rights Issues, with the rank of Ambassador.

(The following is a list of members of my immediate family. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.

Lisa A. Johnson, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Lebanese Republic.

Nominee: Lisa A. Johnson.

Post: Lebanese Republic.

(The following is a list of members of my immediate family. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date and donee:

1. Self: None.

William W. Popp, of Missouri, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Uganda.

Nominee: William Wayne Popp.

Post: Uganda.

(The following is a list of members of my immediate family. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, donee:

Self: none, none, none.

Spouse: Milena Baptista Popp: none, none, none.

By Mr. DURBIN for the Committee on the Judiciary.

Shannon R. Saylor, of Virginia, to be United States Marshal for the Eastern District of Virginia for the term of four years.

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

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first

and second times by unanimous consent, and referred as indicated:

By Mrs. SHAHEEN (for herself and Mr. WICKER):

S. 1786. A bill to amend the Afghan Allies Protection Act of 2009 to authorize additional special immigrant visas, to require a strategy for efficient processing, and to establish designated senior special immigrant visa coordinating officials, and for other purposes; to the Committee on the Judiciary.

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

S. 1787. A bill to amend the Internal Revenue Code of 1986 to provide special rules for purposes of determining if financial guaranty insurance companies are qualifying insurance corporations under the passive foreign investment company rules; to the Committee on Finance.

By Ms. BALDWIN (for herself and Ms. KLOBUCHAR):

S. 1788. A bill to require the Director of the United States Fish and Wildlife Service to update the Post-delisting Monitoring Plan for the Western Great Lakes Distinct Population Segment of the Gray Wolf, and for other purposes; to the Committee on Environment and Public Works.

By Mr. KENNEDY:

S. 1789. A bill to amend title 38, United States Code, to improve the review of claims for benefits under laws administered by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Ms. WARREN (for herself, Mr. HAWLEY, Ms. CORTEZ MASTO, Mr. BRAUN, Mr. VANCE, Mr. MENENDEZ, Mr. WARNER, Mr. VAN HOLLEN, Ms. SMITH, Mrs. BRITT, Mr. CRAMER, Mr. WARNOCK, and Mr. FETTERMAN):

S. 1790. A bill to amend the Federal Deposit Insurance Act to clarify that the Federal Deposit Insurance Corporation and appropriate Federal regulators have the authority to claw back certain compensation paid to executives, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ROMNEY (for himself, Mr. MANCHIN, Mr. SULLIVAN, and Mr. KING):

S. 1791. A bill to require the Director of the Defense Intelligence Agency to conduct a comparative study on the defense budgets of the People's Republic of China and the United States, and for other purposes; to the Select Committee on Intelligence.

By Mr. TESTER (for himself, Mr. BRAUN, Mr. CORNYN, Ms. BALDWIN, Ms. ROSEN, Mr. PETERS, and Mr. HOEVEN):

S. 1792. A bill to amend title 38, United States Code, to modify the program of comprehensive assistance for family caregivers of veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HEINRICH:

S. 1793. A bill to amend the Internal Revenue Code of 1986 to establish a tax credit for installation of regionally significant electric power transmission lines; to the Committee on Finance.

By Mr. BROWN (for himself, Ms. STABENOW, Mr. VANCE, and Mr. PETERS):

S. 1794. A bill to waive time limitations in order to allow the Medal of Honor to be awarded to Gary Lee McKiddy, of Miamisburg, Ohio, for acts of valor while a helicopter crew chief and door gunner with the 1st Calvary Division during the Vietnam War; to the Committee on Armed Services.

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

S. 1795. A bill to modify the criteria for recognition of accrediting agencies or associations for institutions of higher education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MORAN (for himself and Ms. CANTWELL):

S. 1796. A bill to amend title 49, United States Code, to direct the Administrator of the Federal Aviation Authority to continue operation of the Advanced Materials Center of Excellence, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CASEY (for himself, Mr. BOOKER, and Mr. MENENDEZ):

S. 1797. A bill to establish a demonstration program to allow States to test payment models for maternity care provided under Medicaid and the Children's Health Insurance Program; to the Committee on Finance.

By Mr. PETERS (for himself and Mr. CORNYN):

S. 1798. A bill to establish a Countering Weapons of Mass Destruction Office and an Office of Health Security in the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. HAGERTY:

S. 1799. A bill to amend the Securities Exchange Act of 1934 to require the registration of proxy advisory firms, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. MURKOWSKI (for herself, Ms. KLOBUCHAR, Mr. MORAN, and Mr. KING):

S. 1800. A bill to amend the Public Health Service Act to reauthorize and extend the Fetal Alcohol Spectrum Disorders Prevention and Services program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LUJÁN (for himself, Mr. PADILLA, Mr. MENENDEZ, Ms. HIRONO, and Mr. WYDEN):

S. 1801. A bill to ensure that large online platforms are addressing the needs of non-English users; to the Committee on Commerce, Science, and Transportation.

By Mr. PETERS (for himself, Mrs. FISCHER, Mr. BUDD, and Ms. ROSEN):

S. 1802. A bill to direct the Secretary of Defense to establish a fund for the conduct of collaborative defense projects between the United States and Israel in emerging technologies, and for other purposes; to the Committee on Foreign Relations.

By Mr. BENNET (for himself and Mrs. BLACKBURN):

S. 1803. A bill to amend title XVIII of the Social Security Act to revise payment for air ambulance services under the Medicare program; to the Committee on Finance.

By Mr. HEINRICH:

S. 1804. A bill to amend the Federal Power Act to facilitate more expeditious review and permitting of certain electric transmission facilities, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. DURBIN (for himself, Ms. DUCKWORTH, Mr. MARKEY, Mr. WELCH, Mrs. FEINSTEIN, Mr. MURPHY, Mr. MENENDEZ, Mr. MERKLEY, Mr. CARDIN, Mr. CASEY, Mr. WYDEN, Mr. BOOKER, Mr. LUJÁN, Ms. HIRONO, Ms. BALDWIN, Mr. REED, Mr. KAINE, Mr. WARNOCK, Ms. CANTWELL, Ms. KLOBUCHAR, Mr. HEINRICH, and Mr. PADILLA):

S. Res. 231. A resolution expressing support for the designation of June 2, 2023, as ''National Gun Violence Awareness Day'' and June 2023 as ''National Gun Violence Awareness Month''; to the Committee on the Judiciary .

By Mr. RUBIO (for himself, Mr. REED, Mrs. FISCHER, Mrs. CAPITO, Mr. BRAUN, Mr. CASEY, Mrs. HYDE-SMITH, and Mr. MARSHALL):

S. Res. 232. A resolution expressing support for the designation of May 17, 2023, as ''DIPG Pediatric Brain Cancer Awareness Day'' to raise awareness of, and encourage research on, diffuse intrinsic pontine glioma tumors and pediatric cancers in general; considered and agreed to.

By Ms. ERNST (for herself and Mr. PETERS):

S. Res. 233. A resolution expressing support for the designation of May 2023 as Motorcycle Safety Awareness Month; considered and agreed to.

By Mr. KELLY (for himself, Mr. BRAUN, Mr. CASEY, Mr. SCOTT of Florida, Mr. VANCE, Mr. RICKETTS, Ms. WARREN, Mr. FETTERMAN, Mr. BLUMENTHAL, and Mr. RUBIO):

S. Res. 234. A resolution designating May 2023 as ''Older Americans Month''; considered and agreed to.

By Mr. KING (for himself, Mr. CORNYN, and Mr. PADILLA):

S. Res. 235. A resolution supporting the designation of the week of May 7, 2023, as ''Children's Mental Health Awareness Week'' and May 11, 2023, as ''Children's Mental Health Awareness Day''; considered and agreed to.

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

S. Res. 236. A resolution honoring the 125th anniversary of the Rough Riders in the Spanish American War and designating June 2, 2023, as ''National Rough Rider Day''; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 10

At the request of Mr. TESTER, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 10, a bill to improve the workforce of the Department of Veterans Affairs, and for other purposes.

S. 45

At the request of Mr. CARDIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 45, a bill to amend the Internal Revenue Code of 1986 to simplify reporting requirements, promote tax compliance, and reduce tip reporting compliance burdens in the beauty service industry.

S. 100

At the request of Mr. CASEY, the name of the Senator from Arizona (Mr. KELLY) was added as a cosponsor of S. 100, a bill to amend title XIX of the Social Security Act to expand access to home and community-based services (HCBS) under Medicaid, and for other purposes.

S. 120

At the request of Mr. CASSIDY, the name of the Senator from Wyoming (Ms. LUMMIS) was added as a cosponsor of S. 120, a bill to amend the Internal Revenue Code of 1986 to allow a credit against tax for charitable donations to

nonprofit organizations providing education scholarships to qualified elementary and secondary students.

S. 131

At the request of Mr. BROWN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 131, a bill to amend chapter 81 of title 5, United States Code, to cover, for purposes of workers' compensation under such chapter, services by physician assistants and nurse practitioners provided to injured Federal workers, and for other purposes.

S. 184

At the request of Mr. PAUL, the name of the Senator from Alabama (Mr. TUBERVILLE) was added as a cosponsor of S. 184, a bill to amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law.

S. 198

At the request of Mr. BARRASSO, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 198, a bill to amend title XVIII of the Social Security Act to modernize provisions relating to rural health clinics under Medicare.

S. 639

At the request of Mr. CARDIN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 639, a bill to amend the Internal Revenue Code of 1986 to improve the historic rehabilitation tax credit, and for other purposes.

S. 652

At the request of Ms. MURKOWSKI, the name of the Senator from Maryland (Mr. VAN HOLLEN) was added as a cosponsor of S. 652, a bill to amend the Employee Retirement Income Security Act of 1974 to require a group health plan or health insurance coverage offered in connection with such a plan to provide an exceptions process for any medication step therapy protocol, and for other purposes.

S. 711

At the request of Mr. BUDD, the name of the Senator from Virginia (Mr. KAINE) was added as a cosponsor of S. 711, a bill to require the Secretary of the Treasury to mint coins in commemoration of the invaluable service that working dogs provide to society.

S. 766

At the request of Mr. SANDERS, the name of the Senator from Pennsylvania (Mr. FETTERMAN) was added as a cosponsor of S. 766, a bill to ensure that teachers are paid a livable and competitive salary throughout their career, and for other purposes.

S. 789

At the request of Mr. VAN HOLLEN, the names of the Senator from Maryland (Mr. CARDIN), the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Delaware (Mr. COONS), the Senator from Oregon (Mr. MERKLEY), the Senator from Hawaii (Mr. SCHATZ) and the Senator from Vermont (Mr. WELCH) were added as cosponsors of S. 789, a bill to require the Secretary of the Treasury to mint a coin in recognition of the 100th anniversary of the United States Foreign Service and its contribution to United States diplomacy.

S. 805

At the request of Mr. BROWN, the names of the Senator from Indiana (Mr. BRAUN) and the Senator from Ohio (Mr. VANCE) were added as cosponsors of S. 805, a bill to amend the Tariff Act of 1930 to increase civil penalties for, and improve enforcement with respect to, customs fraud, and for other purposes.

S. 895

At the request of Mr. BLUMENTHAL, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 895, a bill to provide for further comprehensive research at the National Institute of Neurological Disorders and Stroke on unruptured intracranial aneurysms.

S. 993

At the request of Ms. CORTEZ MASTO, the name of the Senator from Mississippi (Mrs. HYDE-SMITH) was added as a cosponsor of S. 993, a bill to prohibit certain uses of xylazine, and for other purposes.

S. 994

At the request of Mr. PETERS, the name of the Senator from Vermont (Mr. WELCH) was added as a cosponsor of S. 994, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide that COPS grant funds may be used for local law enforcement recruits to attend schools or academies if the recruits agree to serve in precincts of law enforcement agencies in their communities.

S. 1025

At the request of Mr. MENENDEZ, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1025, a bill to enhance the consideration of human rights in arms exports.

S. 1110

At the request of Mr. CASEY, the name of the Senator from Mississippi (Mrs. HYDE-SMITH) was added as a cosponsor of S. 1110, a bill to amend title XVIII of the Social Security Act to rebase the calculation of payments for sole community hospitals and Medicare-dependent hospitals, and for other purposes.

S. 1111

At the request of Mrs. CAPITO, the names of the Senator from West Virginia (Mr. MANCHIN) and the Senator from North Dakota (Mr. CRAMER) were added as cosponsors of S. 1111, a bill to enhance United States civil nuclear leadership, support the licensing of advanced nuclear technologies, strengthen the domestic nuclear energy fuel cycle and supply chain, and improve the regulation of nuclear energy, and for other purposes.

S. 1119

At the request of Mr. BROWN, the name of the Senator from Illinois (Ms. DUCKWORTH) was added as a cosponsor of S. 1119, a bill to amend title 38, United States Code, to increase the maximum age for children eligible for medical care under the CHAMPVA program, and for other purposes.

S. 1181

At the request of Mr. REED, the names of the Senator from Minnesota (Ms. SMITH) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 1181, a bill to amend the Federal Deposit Insurance Act to improve financial stability, and for other purposes.

S. 1189

At the request of Mrs. CAPITO, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1189, a bill to establish a pilot grant program to improve recycling accessibility, and for other purposes.

S. 1190

At the request of Mr. SCHATZ, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 1190, a bill to repeal the debt ceiling, and for other purposes.

S. 1205

At the request of Mr. BROWN, the name of the Senator from New Mexico (Mr. LUJÁN) was added as a cosponsor of S. 1205, a bill to modify market development programs under the Department of Agriculture, and for other purposes.

S. 1273

At the request of Ms. ROSEN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1273, a bill to require a study on Holocaust education efforts of States, local educational agencies, and public elementary and secondary schools, and for other purposes.

S. 1329

At the request of Mr. MENENDEZ, the names of the Senator from Maryland (Mr. CARDIN), the Senator from Michigan (Ms. STABENOW), the Senator from Massachusetts (Ms. WARREN), the Senator from Wisconsin (Ms. BALDWIN), the Senator from California (Mrs. FEINSTEIN) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 1329, a bill to direct the Librarian of Congress to carry out activities to support Armenian Genocide education programs, and for other purposes.

S. 1355

At the request of Mr. BENNET, the names of the Senator from South Dakota (Mr. ROUNDS), the Senator from New York (Mrs. GILLIBRAND) and the Senator from Colorado (Mr. HICKENLOOPER) were added as cosponsors of S. 1355, a bill to establish a program to develop antimicrobial innovations targeting the most challenging pathogens and most threatening infections, and for other purposes.

S. 1375

At the request of Mr. MARSHALL, the name of the Senator from West Virginia (Mrs. CAPITO) was added as a cosponsor of S. 1375, a bill to amend title XXVII of the Public Health Service Act to apply additional payments, discounts, and other financial assistance towards the cost-sharing requirements of health insurance plans, and for other purposes.

S. 1409

At the request of Mr. BLUMENTHAL, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1409, a bill to protect the safety of children on the internet.

S. 1516

At the request of Ms. SMITH, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1516, a bill to authorize funding to expand and support enrollment at institutions of higher education that sponsor construction and manufacturing-oriented registered apprenticeship programs, and for other purposes.

S. 1530

At the request of Mr. GRAHAM, the name of the Senator from Vermont (Mr. WELCH) was added as a cosponsor of S. 1530, a bill to permit COPS grants to be used for the purpose of increasing the compensation and hiring of law enforcement officers, and for other purposes.

S. 1557

At the request of Ms. CANTWELL, the names of the Senator from Maine (Mr. KING) and the Senator from Louisiana (Mr. CASSIDY) were added as cosponsors of S. 1557, a bill to amend the Internal Revenue Code of 1986 to reform the low-income housing credit, and for other purposes.

S. 1573

At the request of Mr. BENNET, the names of the Senator from Michigan (Ms. STABENOW), the Senator from Mississippi (Mrs. HYDE-SMITH), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from New York (Mrs. GILLIBRAND) and the Senator from Minnesota (Ms. SMITH) were added as cosponsors of S. 1573, a bill to reauthorize the Prematurity Research Expansion and Education for Mothers who deliver Infants Early Act.

S. 1594

At the request of Mr. BLUMENTHAL, the name of the Senator from Georgia (Mr. OSSOFF) was added as a cosponsor of S. 1594, a bill to require the Secretary of Health and Human Services to convene a task force to develop strategies and coordinate efforts to eliminate preventable maternal mortality, and for other purposes.

S. 1641

At the request of Mr. CRUZ, the name of the Senator from Alabama (Mr. TUBERVILLE) was added as a cosponsor of S. 1641, a bill to require the Comptroller General of the United States to submit reports to Congress on theft of mail and United States Postal Service property, and for other purposes.

S. 1785

At the request of Mr. MARKEY, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 1785, a bill to establish programs to address addiction and overdoses caused by illicit fentanyl and other opioids, and for other purposes.

S.J. RES. 21

At the request of Mr. CRUZ, the name of the Senator from West Virginia (Mrs. CAPITO) was added as a cosponsor of S.J. Res. 21, a joint resolution proposing an amendment to the Constitution of the United States to require that the Supreme Court of the United States be composed of nine justices.

S. RES. 156

At the request of Mr. PETERS, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. Res. 156, a resolution calling on the Government of the Russian Federation to release United States citizen Paul Whelan.

S. RES. 208

At the request of Mrs. SHAHEEN, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. Res. 208, a resolution expressing support for the designation of November 12, 2023, as ''National Warrior Call Day'' and recognizing the important of connecting warriors in the United States to support structures necessary to transition from the battlefield, especially peer-to-peer connection.

S. RES. 230

At the request of Ms. WARREN, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. Res. 230, a resolution recognizing the 102nd anniversary of the 1921 Tulsa Race Massacre.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 231—EXPRESSING SUPPORT FOR THE DESIGNATION OF JUNE 2, 2023, AS ''NATIONAL GUN VIOLENCE AWARENESS DAY'' AND JUNE 2023 AS ''NATIONAL GUN VIOLENCE AWARENESS MONTH''

Mr. DURBIN (for himself, Ms. DUCKWORTH, Mr. MARKEY, Mr. WELCH, Mrs. FEINSTEIN, Mr. MURPHY, Mr. MENENDEZ, Mr. MERKLEY, Mr. CARDIN, Mr. CASEY, Mr. WYDEN, Mr. BOOKER, Mr. LUJÁN, Ms. HIRONO, Ms. BALDWIN, Mr. REED, Mr. KAINE, Mr. WARNOCK, Ms. CANTWELL, Ms. KLOBUCHAR, Mr. HEINRICH, and Mr. PADILLA) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 231

Whereas, each year in the United States, more than—

(1) 43,000 individuals are killed and 76,000 individuals are wounded by gunfire;

(2) 17,000 individuals are killed in homicides involving guns;

(3) 25,000 individuals die by suicide using a gun; and

(4) 500 individuals are killed in unintentional shootings;

Whereas, since 1968, more individuals have died from guns in the United States than have died on the battlefields of all the wars in the history of the United States;

Whereas 2022 was an especially deadly year for the United States, with an estimated 20,100 people killed in homicides involving guns or nonsuicide-related shootings;

Whereas, in 2022, unintentional shootings by children surpassed 350 incidents for the third year in a row, resulting in nearly 140 deaths annually;

Whereas, by one count, in 2022 in the United States, there were 646 mass-shooting incidents in which not fewer than 4 people were killed or wounded by gunfire;

Whereas, from 2010 to 2021 in the United States, 65,000 military veterans died by suicide, the overwhelming majority of such deaths being the result of a firearm;

Whereas, every year in the United States, nearly 4,000 children and teens are killed by gun violence and 15,000 children and teens are shot and wounded;

Whereas approximately 9,300 individuals in the United States under 25 years of age die because of gun violence annually, including Hadiya Pendleton, who, in 2013, was killed at 15 years of age in Chicago, Illinois, while standing in a park;

Whereas, on June 2, 2023, to recognize the 26th birthday of Hadiya Pendleton (born June 2, 1997), people across the United States will recognize ''National Gun Violence Awareness Day'' and wear orange in tribute to—

(1) Hadiya Pendleton and other victims of gun violence; and

(2) the loved ones of those victims; and

Whereas June 2023 is an appropriate month to designate as ''National Gun Violence Awareness Month'': Now, therefore, be it

Resolved, That the Senate—

(1) supports—

(A) the designation of ''National Gun Violence Awareness Month'' and the goals and ideals of that month; and

(B) the designation of ''National Gun Violence Awareness Day'', in remembrance of the victims of gun violence; and

(2) calls on the people of the United States to—

(A) promote greater awareness of gun violence and gun safety;

(B) wear orange, the color that hunters wear to show that they are not targets, on ''National Gun Violence Awareness Day'';

(C) concentrate heightened attention on gun violence during the summer months, when gun violence typically increases; and

(D) bring community members and leaders together to discuss ways to make communities safer.

SENATE RESOLUTION 232—EXPRESSING SUPPORT FOR THE DESIGNATION OF MAY 17, 2023, AS ''DIPG PEDIATRIC BRAIN CANCER AWARENESS DAY'' TO RAISE AWARENESS OF, AND ENCOURAGE RESEARCH ON, DIFFUSE INTRINSIC PONTINE GLIOMA TUMORS AND PEDIATRIC CANCERS IN GENERAL

Mr. RUBIO (for himself, Mr. REED, Mrs. FISCHER, Mrs. CAPITO, Mr. BRAUN, Mr. CASEY, Mrs. HYDE-SMITH, and Mr. MARSHALL) submitted the following resolution; which was considered and agreed to:

S. RES. 232

Whereas diffuse intrinsic pontine glioma (referred to in this preamble as ''DIPG'') tumors regularly affect 150 to 300 children in the United States each year;

Whereas brain tumors are the leading cause of cancer-related death among children;

Whereas DIPG tumors are the leading cause of pediatric brain cancer deaths;

Whereas, with respect to a child who is diagnosed with a DIPG tumor and receives treatment for a DIPG tumor, the median amount of time that the child survives after diagnosis is approximately 11 months;

Whereas, with respect to an individual who is diagnosed with a DIPG tumor, the rate of survival 5 years after diagnosis is approximately 2 percent;

Whereas the average age at which a child is diagnosed with a DIPG tumor is between 5 and 10 years, resulting in a life expectancy approximately 70 years shorter than the average life expectancy in the United States; and

Whereas the prognosis for children diagnosed with DIPG tumors has not improved during the past 50 years: Now, therefore, be it

Resolved, That the Senate—

(1) supports designating May 17, 2023, as ''DIPG Pediatric Brain Cancer Awareness Day'';

(2) supports efforts—

(A) to better understand diffuse intrinsic pontine glioma tumors;

(B) to develop effective treatments for diffuse intrinsic pontine glioma tumors; and

(C) to provide comprehensive care for children with diffuse intrinsic pontine glioma tumors and their families; and

(3) encourages all individuals in the United States to become more informed about—

(A) diffuse intrinsic pontine glioma tumors;

(B) pediatric brain cancer in general; and

(C) challenges relating to research on pediatric cancers and ways to advance that research.

SENATE RESOLUTION 233—EXPRESSING SUPPORT FOR THE DESIGNATION OF MAY 2023 AS MOTORCYCLE SAFETY AWARENESS MONTH

Ms. ERNST (for herself and Mr. PETERS) submitted the following resolution; which was considered and agreed to:

S. RES. 233

Whereas, in the United States, motorcycling is a great tradition enjoyed by an estimated 30,000,000 individuals annually, representing approximately 9 percent of the population;

Whereas motorcycles are a valuable component of the transportation mix;

Whereas motorcycles are fuel-efficient and decrease congestion while having little impact on the transportation infrastructure of the United States;

Whereas the motorcycling community promotes rider safety education, licensing, and motorcycle awareness;

Whereas the motorcycling community is committed to decreasing motorcycle crashes through training and safety education, personal responsibility, and increased public awareness;

Whereas approximately 87 percent of motorcycles operated on highways are operated in conjunction with other vehicles;

Whereas motorcyclist fatalities occur more frequently than passenger vehicle motorist fatalities;

Whereas motorcycle awareness is beneficial to all road users and will help decrease motorcycle crashes; and

Whereas the National Highway Traffic Safety Administration promotes Motorcycle Safety Awareness Month to encourage riders to be properly licensed, receive training, and wear personal protective equipment, and to remind all riders and motorists to always share the road: Now, therefore, be it

Resolved, That the Senate—

(1) supports the designation of Motorcycle Safety Awareness Month;

(2) recognizes the contribution of motorcycles to the transportation mix;

(3) encourages motorcycle awareness by all road users;

(4) recognizes that motorcyclists have a right to the road and that all motorists should safely share the roadways;

(5) encourages rider safety education, training, and proper gear for safe motorcycle operation; and

(6) supports the goals of Motorcycle Safety Awareness Month.

SENATE RESOLUTION 234—DESIGNATING MAY 2023 AS ''OLDER AMERICANS MONTH''

Mr. KELLY (for himself, Mr. BRAUN, Mr. CASEY, Mr. SCOTT of Florida, Mr. VANCE, Mr. RICKETTS, Ms. WARREN, Mr. FETTERMAN, Mr. BLUMENTHAL, and Mr. RUBIO) submitted the following resolution; which was considered and agreed to:

S. RES. 234

Whereas President John F. Kennedy first designated May as ''Senior Citizens Month'' in 1963;

Whereas, in 1963, only approximately 17,778,000 individuals living in the United States were 65 years of age or older, approximately ⅓ of those individuals lived in poverty, and few programs existed to meet the needs of older individuals in the United States;

Whereas, in 2022, there were more than 57,794,852 individuals who were 65 years of age or older living in the United States and those individuals accounted for 17.3 percent of the total population of the United States;

Whereas, during the COVID–19 pandemic—

(1) more than 853,670 individuals in the United States who were 65 years of age or older have died due to COVID–19; and

(2) more than 200,000 residents and workers in long-term care facilities, including more than 168,000 in nursing homes, have succumbed to the virus;

Whereas approximately 11,224 individuals in the United States turn 65 years of age each day;

Whereas, in 2022, more than 8,543,000 veterans of the Armed Forces were 65 years of age or older;

Whereas older individuals in the United States rely on Federal programs, such as programs under the Social Security Act (42 U.S.C. 301 et seq.), including the Medicare program under title XVIII of that Act (42 U.S.C. 1395 et seq.) and the Medicaid program under title XIX of that Act (42 U.S.C. 1396 et seq.), for financial security and high-quality affordable health care;

Whereas the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) provides—

(1) supportive services to help individuals in the United States who are 60 years of age or older maintain maximum independence in the homes and communities of those individuals; and

(2) funding for programs, including nutrition services, transportation, and care management to assist more than 10,000,000 older individuals in the United States each year;

Whereas, as local aging network leaders, Area Agencies on Aging are critical partners in the healthy aging continuum;

Whereas, in 2022, an estimated 6,779,000 individuals in the United States who were 65 years of age or older continued to work as full-time, year-round employees;

Whereas older individuals in the United States play an important role in society by continuing to contribute their experience, knowledge, wisdom, and accomplishments;

Whereas older individuals in the United States play vital roles in their communities and remain involved in volunteer work, the arts, cultural activities, and activities relating to mentorship and civic engagement;

Whereas more than 140,000 older individuals serve as AmeriCorps Seniors volunteers in the Foster Grandparent, Senior Companion Program, and the Retired and Senior Volunteer Program, helping communities by mentoring and tutoring children, providing independent living support and companionship to other older adults, addressing food insecurity, and more; and

Whereas a society that recognizes the success of older individuals and continues to enhance the access of older individuals to quality and affordable health care will—

(1) encourage the ongoing participation and heightened independence of older individuals; and

(2) ensure the continued safety and well-being of older individuals: Now, therefore, be it

Resolved, That the Senate—

(1) designates May 2023 as ''Older Americans Month''; and

(2) encourages the people of the United States to provide opportunities for older individuals to continue to flourish by—

(A) emphasizing the importance and leadership of older individuals through public recognition of the ongoing achievements of older individuals;

(B) presenting opportunities for older individuals to share their wisdom, experience, and skills with younger generations; and

(C) recognizing older individuals as valuable assets in strengthening communities across the United States.

SENATE RESOLUTION 235—SUPPORTING THE DESIGNATION OF THE WEEK OF MAY 7, 2023, AS ''CHILDREN'S MENTAL HEALTH AWARENESS WEEK'' AND MAY 11, 2023, AS ''CHILDREN'S MENTAL HEALTH AWARENESS DAY''

Mr. KING (for himself, Mr. CORNYN, and Mr. PADILLA) submitted the following resolution; which was considered and agreed to:

S. RES. 235

Whereas children in the United States have been documented to have undergone an acute public health crisis of mental and behavioral health for many years, even before the additional challenges of the COVID–19 pandemic;

Whereas a 2022 study found as many as 1 in 5 children in the United States have a mental, emotional, or behavioral health condition;

Whereas the Centers for Disease Control and Prevention, based on survey data from the Youth Risk behavior survey, estimate that, in 2021, more than 4 in 10 (42 percent) high school students felt persistently sad or hopeless, and nearly 1 in 3 (29 percent) experienced poor mental health;

Whereas, in 2019, according to the Census Bureau, over 11 percent of children aged 3 to

17 received treatment or counseling from a mental health professional;

Whereas, according to the Centers for Disease Control and Prevention, suicide is—

(1) the second leading cause of death among individuals aged 10 to 14;

(2) the third leading cause of death among individuals aged 15 to 24; and

(3) the tenth leading cause of death for individuals aged 5 to 9;

Whereas there has been a significant increase in demand for mental health services for children, including a more than 30 percent increase in mental health visits to emergency departments for children aged 12 to 17 from 2019 to April 2020;

Whereas barriers exist to access to mental health delivery systems, particularly impacting children and adults who have been exposed to adverse childhood experiences; and

Whereas the stigma surrounding mental and behavioral health persists, and acknowledging this public health crisis and creating awareness as early as possible is as important as ever: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the importance of connecting children with appropriate mental and behavioral health services and supports;

(2) seeks to create awareness for the additional challenges children and their families have faced during the COVID–19 pandemic due to isolation from family and peers, barriers to services, and exposure to traumas;

(3) supports programs and services aimed at providing access to care, building resiliency, and addressing trauma; and

(4) shows appreciation and gratitude for family members, friends, educators, mental and behavioral health service providers, and others in their support for the mental health and well-being of children.

SENATE RESOLUTION 236—HONORING THE 125TH ANNIVERSARY OF THE ROUGH RIDERS IN THE SPANISH AMERICAN WAR AND DESIGNATING JUNE 2, 2023, AS ''NATIONAL ROUGH RIDER DAY''

Mr. SCOTT of Florida (for himself and Mr. RUBIO) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 236

Whereas the brief history of the 1st United States Volunteer Cavalry Regiment (referred to in this preamble as the ''Rough Riders'') fighting to defend and protect the United States has made an indelible contribution to the history of the United States;

Whereas the Rough Riders were 1 of 3 volunteer cavalry regiments created by Congress on April 25, 1898, with Leonard Wood named Colonel of the regiment and Theodore Roosevelt named Lieutenant Colonel of the regiment;

Whereas although the volunteer cavalry regiments were initially to recruit from the Texas, Arizona, New Mexico, and Oklahoma Territories, the notoriety of the leaders of the Rough Riders inspired recruits from all portions of the United States to go to San Antonio, Texas, to enlist;

Whereas the Rough Riders were given numerous nicknames, with the most prevalent being ''Roosevelt's Rough Riders'';

Whereas the Rough Riders trained in Texas and were ordered on May 8, 1898, to board 7 trains and proceed to Tampa, Florida;

Whereas June 2, 2023, marks the 125th anniversary of the Rough Riders arrival to Tampa, Florida, to join the 5th Corps of the Army and await embarkation for the invasion of Cuba;

Whereas the Rough Riders—

(1) were ordered to embark on June 8, 1898, with the Army invasion fleet; and

(2) in their eagerness to be part of the invasion fleet, infamously commandeered a train to take them to Port Tampa to embark;

Whereas, at Port Tampa, things were in great disarray, and the 5th Corps was highly disorganized;

Whereas, in the confusion of moving the 5th Corps invasion forces on to the Army invasion fleet transports—

(1) several 5th Corps regiments were assigned to the same transport vessel, the S.S. Yucatan; and

(2) Lieutenant Colonel Roosevelt got his men aboard the S.S. Yucatan, and realizing that once aboard they would probably not be forced to disembark, the Rough Riders stayed aboard, to the chagrin of the other regiments;

Whereas, the Army invasion fleet sailed on June 14 with the Rough Riders, and the 5th Corps landed at Daquiri, Cuba on June 22, 1898;

Whereas, on June 24, 1898, the Rough Riders, along with the 10th Unites States Cavalry Regiment (referred to in this preamble as the ''Buffalo Soldiers'')—

(1) led the advance of the 5th Corps; and

(2) met, engaged, and caused the retreat, of Spanish forces at the Battle of Las Guasimas, while sustaining the first casualties of the Cuba campaign;

Whereas, on July 1, 1898, the Rough Riders, under the command of the future President Lieutenant Colonel Roosevelt, led the charge at Kettle Hill and San Juan Hill, serving alongside the Buffalo Soldiers;

Whereas, despite the Rough Riders sustaining considerable losses, the Rough Riders participated in the siege of Santiago de Cuba and were present for the surrender of the enemy forces, which signaled the end of hostilities in Cuba;

Whereas, during the Cuba campaign, the courage and tenacity of the Rough Riders in battle resulted in—

(1) 2 officers and 21 enlisted killed in action; and

(2) 7 officers and 97 enlisted wounded in action;

Whereas Lieutenant Colonel Roosevelt was promoted to Colonel and the Rough Riders proved their worth and lived up to the publicity they had already received;

Whereas Colonel Roosevelt was nominated for and later received the Medal of Honor for his leadership actions and bravery in leading from the front at Kettle Hill and San Juan Hill;

Whereas, in August 1898, the Rough Riders departed Cuba for Montauk, New York, and were disbanded on September 15, 1898;

Whereas from the formation of the Rough Riders to its disbandment, the Rough Riders suffered a 37 percent casualty rate during the Cuba campaign, the highest of any cavalry or infantry regiment in the Armed Forces;

Whereas, after their service, numerous members of the Rough Riders went on to serve the United States in various roles, including—

(1) as President of the United States;

(2) as Secretary of the Navy;

(3) as various State Governors;

(4) as Army Generals and Colonels;

(5) as educators; and

(6) in many other professions;

Whereas the history and military achievements of the members of the Rough Riders, including their post-service contributions to the United States and their fight to defend the United States and liberate an oppressed people, warrant special expressions of the gratitude by the people of the United States; and

Whereas the decedents and beneficiaries of the achievements of the Rough Riders celebrate June 2, 2023, as the 125th Anniversary of the Rough Riders in the Spanish American War: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 2, 2023, as ''National Rough Rider Day''; and

(2) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 98. Mr. LEE (for himself and Mr. KENNEDY) proposed an amendment to the bill H.R. 3746, to provide for a responsible increase to the debt ceiling.

SA 99. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 3746, supra; which was ordered to lie on the table.

SA 100. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 3746, supra; which was ordered to lie on the table.

SA 101. Mr. KAINE proposed an amendment to the bill H.R. 3746, supra.

SA 102. Mr. KENNEDY proposed an amendment to the bill H.R. 3746, supra.

SA 103. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 3746, supra; which was ordered to lie on the table.

SA 104. Mr. KENNEDY proposed an amendment to the bill H.R. 3746, supra.

SA 105. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 3746, supra; which was ordered to lie on the table.

SA 106. Mr. COTTON (for himself and Mr. SULLIVAN) proposed an amendment to the bill H.R. 3746, supra.

SA 107. Mr. PAUL proposed an amendment to the bill H.R. 3746, supra.

SA 108. Ms. LUMMIS submitted an amendment intended to be proposed by her to the bill H.R. 3746, supra; which was ordered to lie on the table.

SA 109. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill H.R. 3746, supra; which was ordered to lie on the table.

SA 110. Mr. MARSHALL proposed an amendment to the bill H.R. 3746, supra.

SA 111. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 3746, supra; which was ordered to lie on the table.

SA 112. Mr. BUDD submitted an amendment intended to be proposed by him to the bill H.R. 3746, supra; which was ordered to lie on the table.

SA 113. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 3746, supra; which was ordered to lie on the table.

SA 114. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 3746, supra; which was ordered to lie on the table.

SA 115. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 3746, supra; which was ordered to lie on the table.

SA 116. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 3746, supra; which was ordered to lie on the table.

SA 117. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill H.R. 3746, supra; which was ordered to lie on the table.

SA 118. Ms. LUMMIS submitted an amendment intended to be proposed by her to the bill H.R. 3746, supra; which was ordered to lie on the table.

SA 119. Mr. RISCH (for himself and Mr. CRAPO) submitted an amendment intended to

be proposed by him to the bill H.R. 3746, supra; which was ordered to lie on the table.

SA 120. Mr. GRAHAM (for himself and Mr. SULLIVAN) submitted an amendment intended to be proposed by him to the bill H.R. 3746, supra; which was ordered to lie on the table.

SA 121. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 3746, supra; which was ordered to lie on the table.

SA 122. Mr. GRAHAM (for himself and Mr. SULLIVAN) submitted an amendment intended to be proposed by him to the bill H.R. 3746, supra; which was ordered to lie on the table.

SA 123. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 3746, supra; which was ordered to lie on the table.

SA 124. Mr. GRAHAM (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 3746, supra; which was ordered to lie on the table.

SA 125. Mr. SULLIVAN proposed an amendment to the bill H.R. 3746, supra.

SA 126. Mr. LANKFORD submitted an amendment intended to be proposed by him to the bill H.R. 3746, supra; which was ordered to lie on the table.

SA 127. Mr. BUDD submitted an amendment intended to be proposed by him to the bill H.R. 3746, supra; which was ordered to lie on the table.

SA 128. Mr. BUDD submitted an amendment intended to be proposed by him to the bill H.R. 3746, supra; which was ordered to lie on the table.

SA 129. Mr. BUDD submitted an amendment intended to be proposed by him to the bill H.R. 3746, supra; which was ordered to lie on the table.

SA 130. Mr. BUDD submitted an amendment intended to be proposed by him to the bill H.R. 3746, supra; which was ordered to lie on the table.

SA 131. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill H.R. 3746, supra; which was ordered to lie on the table.

SA 132. Mr. MERKLEY (for himself, Mr. WELCH, Mr. MARKEY, Mr. MENENDEZ, and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill H.R. 3746, supra; which was ordered to lie on the table.

SA 133. Mr. MERKLEY (for himself and Mr. KAINE) submitted an amendment intended to be proposed by him to the bill H.R. 3746, supra; which was ordered to lie on the table.

SA 134. Mr. BUDD proposed an amendment to the bill H.R. 3746, supra.

TEXT OF AMENDMENTS

SA 98. Mr. LEE (for himself and Mr. KENNEDY) proposed an amendment to the bill H.R. 3746, to provide for a responsible increase to the debt ceiling; as follows:

Strike section 265 of title III of division B.

SA 99. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 3746, to provide for a responsible increase to the debt ceiling; which was ordered to lie on the table; as follows:

Strike title III of division B and insert the following:

TITLE III—REGULATIONS FROM THE EXECUTIVE IN NEED OF SCRUTINY

SEC. 261. SHORT TITLE.

This title may be cited as the ''Regulations from the Executive in Need of Scrutiny Act of 2023''.

SEC. 262. PURPOSE.

The purpose of this title is to increase accountability for and transparency in the Federal regulatory process. Section 1 of article I of the Constitution of the United States grants all legislative powers to Congress. Over time, Congress has excessively delegated its constitutional charge while failing to conduct appropriate oversight and retain accountability for the content of the laws it passes. By requiring a vote in Congress, this title will result in more carefully drafted and detailed legislation, an improved regulatory process, and a legislative branch that is truly accountable to the American people for the laws imposed upon them.

SEC. 263. CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.

Chapter 8 of title 5, United States Code, is amended to read as follows:

''CHAPTER 8—CONGRESSIONAL REVIEW OF AGENCY RULEMAKING

''§ 801. Congressional review

''(a)(1)(A) Before a rule may take effect, the Federal agency promulgating such rule shall publish in the Federal Register a list of information on which the rule is based, including data, scientific and economic studies, and cost-benefit analyses, and identify how the public can access such information online, and shall submit to each House of the Congress and to the Comptroller General a report containing—

''(i) a copy of the rule;

''(ii) a concise general statement relating to the rule;

''(iii) a classification of the rule as a major or nonmajor rule, including an explanation of the classification specifically addressing each criteria for a major rule contained within subparagraphs (A) through (C) of section 804(2);

''(iv) a list of any other related regulatory actions intended to implement the same statutory provision or regulatory objective as well as the individual and aggregate economic effects of those actions; and

''(v) the proposed effective date of the rule.

''(B) On the date of the submission of the report under subparagraph (A), the Federal agency promulgating the rule shall submit to the Comptroller General and make available to each House of Congress—

''(i) a complete copy of the cost-benefit analysis of the rule, if any, including an analysis of any jobs added or lost, differentiating between public and private sector jobs;

''(ii) the agency's actions pursuant to sections 603, 604, 605, 607, and 609 of this title;

''(iii) the agency's actions pursuant to sections 202, 203, 204, and 205 of the Unfunded Mandates Reform Act of 1995; and

''(iv) any other relevant information or requirements under any other Act and any relevant Executive orders.

''(C) Upon receipt of a report submitted under subparagraph (A), each House shall provide copies of the report to the chairman and ranking member of each standing committee with jurisdiction under the rules of the House of Representatives or the Senate to report a bill to amend the provision of law under which the rule is issued.

''(2)(A) The Comptroller General shall provide a report on each major rule to the committees of jurisdiction by the end of 15 calendar days after the submission or publication date. The report of the Comptroller General shall include an assessment of the agency's compliance with procedural steps required by paragraph (1)(B) and an assessment of whether the major rule imposes any new limits or mandates on private-sector activity.

''(B) Federal agencies shall cooperate with the Comptroller General by providing information relevant to the Comptroller General's report under subparagraph (A).

''(3) A major rule relating to a report submitted under paragraph (1) shall take effect upon enactment of a joint resolution of approval described in section 802 or as provided for in the rule following enactment of a joint resolution of approval described in section 802, whichever is later.

''(4) A nonmajor rule shall take effect as provided by section 803 after submission to Congress under paragraph (1).

''(5) If a joint resolution of approval relating to a major rule is not enacted within the period provided in subsection (b)(2), then a joint resolution of approval relating to the same rule may not be considered under this chapter in the same Congress by either the House of Representatives or the Senate.

''(b)(1) A major rule shall not take effect unless the Congress enacts a joint resolution of approval described under section 802.

''(2) If a joint resolution described in subsection (a) is not enacted into law by the end of 70 session days or legislative days, as applicable, beginning on the date on which the report referred to in subsection (a)(1)(A) is received by Congress (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress), then the rule described in that resolution shall be deemed not to be approved and such rule shall not take effect.

''(c)(1) Notwithstanding any other provision of this section (except subject to paragraph (3)), a major rule may take effect for one 90-calendar-day period if the President makes a determination under paragraph (2) and submits written notice of such determination to the Congress.

''(2) Paragraph (1) applies to a determination made by the President by Executive order that the major rule should take effect because such rule is—

''(A) necessary because of an imminent threat to health or safety or other emergency;

''(B) necessary for the enforcement of criminal laws;

''(C) necessary for national security; or

''(D) issued pursuant to any statute implementing an international trade agreement.

''(3) An exercise by the President of the authority under this subsection shall have no effect on the procedures under section 802.

''(d)(1) In addition to the opportunity for review otherwise provided under this chapter, in the case of any rule for which a report was submitted in accordance with subsection (a)(1)(A) during the period beginning on the date occurring—

''(A) in the case of the Senate, 60 session days; or

''(B) in the case of the House of Representatives, 60 legislative days,

before the date the Congress is scheduled to adjourn a session of Congress through the date on which the same or succeeding Congress first convenes its next session, sections 802 and 803 shall apply to such rule in the succeeding session of Congress.

''(2)(A) In applying sections 802 and 803 for purposes of such additional review, a rule described under paragraph (1) shall be treated as though—

''(i) such rule were published in the Federal Register on—

''(I) in the case of the Senate, the 15th session day; or

''(II) in the case of the House of Representatives, the 15th legislative day,
after the succeeding session of Congress first convenes; and

''(ii) a report on such rule were submitted to Congress under subsection (a)(1) on such date.

''(B) Nothing in this paragraph shall be construed to affect the requirement under subsection (a)(1) that a report shall be submitted to Congress before a rule can take effect.

''(3) A rule described under paragraph (1) shall take effect as otherwise provided by law (including other subsections of this section).

''§ 802. Congressional approval procedure for major rules

''(a)(1) For purposes of this section, the term 'joint resolution' means only a joint resolution addressing a report classifying a rule as major pursuant to section 801(a)(1)(A)(iii) that—

''(A) bears no preamble;

''(B) bears the following title (with blanks filled as appropriate): 'Approving the rule submitted by _____ relating to _____.';

''(C) includes after its resolving clause only the following (with blanks filled as appropriate): 'That Congress approves the rule submitted by _____ relating to _____.'; and

''(D) is introduced pursuant to paragraph (2).

''(2) After a House of Congress receives a report classifying a rule as major pursuant to section 801(a)(1)(A)(iii), the majority leader of that House (or his or her respective designee) shall introduce (by request, if appropriate) a joint resolution described in paragraph (1)—

''(A) in the case of the House of Representatives, within 3 legislative days; and

''(B) in the case of the Senate, within 3 session days.

''(3) A joint resolution described in paragraph (1) shall not be subject to amendment at any stage of proceeding.

''(b) A joint resolution described in subsection (a) shall be referred in each House of Congress to the committees having jurisdiction over the provision of law under which the rule is issued.

''(c) In the Senate, if the committee or committees to which a joint resolution described in subsection (a) has been referred have not reported it at the end of 15 session days after its introduction, such committee or committees shall be automatically discharged from further consideration of the resolution and it shall be placed on the calendar. A vote on final passage of the resolution shall be taken on or before the close of the 15th session day after the resolution is reported by the committee or committees to which it was referred, or after such committee or committees have been discharged from further consideration of the resolution.

''(d)(1) In the Senate, when the committee or committees to which a joint resolution is referred have reported, or when a committee or committees are discharged (under subsection (c)) from further consideration of a joint resolution described in subsection (a), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the Senate until disposed of.

''(2) In the Senate, debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 2 hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion to further limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.

''(3) In the Senate, immediately following the conclusion of the debate on a joint resolution described in subsection (a), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the joint resolution shall occur.

''(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a joint resolution described in subsection (a) shall be decided without debate.

''(e) In the House of Representatives, if any committee to which a joint resolution described in subsection (a) has been referred has not reported it to the House at the end of 15 legislative days after its introduction, such committee shall be discharged from further consideration of the joint resolution, and it shall be placed on the appropriate calendar. On the second and fourth Thursdays of each month it shall be in order at any time for the Speaker to recognize a Member who favors passage of a joint resolution that has appeared on the calendar for at least 5 legislative days to call up that joint resolution for immediate consideration in the House without intervention of any point of order. When so called up a joint resolution shall be considered as read and shall be debatable for 1 hour equally divided and controlled by the proponent and an opponent, and the previous question shall be considered as ordered to its passage without intervening motion. It shall not be in order to reconsider the vote on passage. If a vote on final passage of the joint resolution has not been taken by the third Thursday on which the Speaker may recognize a Member under this subsection, such vote shall be taken on that day.

''(f)(1) If, before passing a joint resolution described in subsection (a), one House receives from the other a joint resolution having the same text, then—

''(A) the joint resolution of the other House shall not be referred to a committee; and

''(B) the procedure in the receiving House shall be the same as if no joint resolution had been received from the other House until the vote on passage, when the joint resolution received from the other House shall supplant the joint resolution of the receiving House.

''(2) This subsection shall not apply to the House of Representatives if the joint resolution received from the Senate is a revenue measure.

''(g) If either House has not taken a vote on final passage of the joint resolution by the last day of the period described in section 801(b)(2), then such vote shall be taken on that day.

''(h) This section and section 803 are enacted by Congress—

''(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such are deemed to be part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution described in subsection (a) and superseding other rules only where explicitly so; and

''(2) with full recognition of the constitutional right of either House to change the rules (so far as they relate to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

''§ 803. Congressional disapproval procedure for nonmajor rules

''(a) For purposes of this section, the term 'joint resolution' means only a joint resolution introduced in the period beginning on the date on which the report referred to in section 801(a)(1)(A) is received by Congress and ending 60 days thereafter (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress), the matter after the resolving clause of which is as follows: 'That Congress disapproves the nonmajor rule submitted by the _____ relating to _____, and such rule shall have no force or effect.' (The blank spaces being appropriately filled in).

''(b) A joint resolution described in subsection (a) shall be referred to the committees in each House of Congress with jurisdiction.

''(c) In the Senate, if the committee to which is referred a joint resolution described in subsection (a) has not reported such joint resolution (or an identical joint resolution) at the end of 15 session days after the date of introduction of the joint resolution, such committee may be discharged from further consideration of such joint resolution upon a petition supported in writing by 30 Members of the Senate, and such joint resolution shall be placed on the calendar.

''(d)(1) In the Senate, when the committee to which a joint resolution is referred has reported, or when a committee is discharged (under subsection (c)) from further consideration of a joint resolution described in subsection (a), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the Senate until disposed of.

''(2) In the Senate, debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion to further limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.

''(3) In the Senate, immediately following the conclusion of the debate on a joint resolution described in subsection (a), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the joint resolution shall occur.

''(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a joint resolution described in subsection (a) shall be decided without debate.

''(e) In the Senate, the procedure specified in subsection (c) or (d) shall not apply to the consideration of a joint resolution respecting a nonmajor rule—

''(1) after the expiration of the 60 session days beginning with the applicable submission or publication date; or

''(2) if the report under section 801(a)(1)(A) was submitted during the period referred to in section 801(d)(1), after the expiration of the 60 session days beginning on the 15th session day after the succeeding session of Congress first convenes.

''(f) If, before the passage by one House of a joint resolution of that House described in subsection (a), that House receives from the other House a joint resolution described in subsection (a), then the following procedures shall apply:

''(1) The joint resolution of the other House shall not be referred to a committee.

''(2) With respect to a joint resolution described in subsection (a) of the House receiving the joint resolution—

''(A) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

''(B) the vote on final passage shall be on the joint resolution of the other House.

''§ 804. Definitions

''For purposes of this chapter:

''(1) The term 'Federal agency' means any agency as that term is defined in section 551(1).

''(2) The term 'major rule' means any rule, including an interim final rule, that the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget finds has resulted in or is likely to result in—

''(A) an annual effect on the economy of $100 million or more;

''(B) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

''(C) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets.

''(3) The term 'nonmajor rule' means any rule that is not a major rule.

''(4) The term 'rule' has the meaning given such term in section 551, except that such term does not include—

''(A) any rule of particular applicability, including a rule that approves or prescribes for the future rates, wages, prices, services, or allowances therefore, corporate or financial structures, reorganizations, mergers, or acquisitions thereof, or accounting practices or disclosures bearing on any of the foregoing;

''(B) any rule relating to agency management or personnel; or

''(C) any rule of agency organization, procedure, or practice that does not substantially affect the rights or obligations of nonagency parties.

''(5) The term 'submission or publication date', except as otherwise provided in this chapter, means—

''(A) in the case of a major rule, the date on which the Congress receives the report submitted under section 801(a)(1); and

''(B) in the case of a nonmajor rule, the later of—

''(i) the date on which the Congress receives the report submitted under section 801(a)(1); and

''(ii) the date on which the nonmajor rule is published in the Federal Register, if so published.

''§ 805. Judicial review

''(a) No determination, finding, action, or omission under this chapter shall be subject to judicial review.

''(b) Notwithstanding subsection (a), a court may determine whether a Federal agency has completed the necessary requirements under this chapter for a rule to take effect.

''(c) The enactment of a joint resolution of approval under section 802 shall not be interpreted to serve as a grant or modification of statutory authority by Congress for the promulgation of a rule, shall not extinguish or affect any claim, whether substantive or procedural, against any alleged defect in a rule, and shall not form part of the record before the court in any judicial proceeding concerning a rule except for purposes of determining whether or not the rule is in effect.

''§ 806. Exemption for monetary policy

''Nothing in this chapter shall apply to rules that concern monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.

''§ 807. Effective date of certain rules

''Notwithstanding section 801—

''(1) any rule that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial, recreational, or subsistence activity related to hunting, fishing, or camping; or

''(2) any rule other than a major rule which an agency for good cause finds (and incorporates the finding and a brief statement of reasons therefore in the rule issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest,

shall take effect at such time as the Federal agency promulgating the rule determines.''.

SEC. 264. BUDGETARY EFFECTS OF RULES SUBJECT TO SECTION 802 OF TITLE 5, UNITED STATES CODE.

Section 257(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 907(b)(2)) is amended by adding at the end the following new subparagraph:

''(E) BUDGETARY EFFECTS OF RULES SUBJECT TO SECTION 802 OF TITLE 5, UNITED STATES CODE.—Any rule subject to the congressional approval procedure set forth in section 802 of title 5, United States Code, affecting budget authority, outlays, or receipts shall be assumed to be effective unless it is not approved in accordance with such section.''.

SEC. 265. GOVERNMENT ACCOUNTABILITY OFFICE STUDY OF RULES.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study to determine, as of the date of the enactment of this Act—

(1) how many rules (as such term is defined in section 804 of title 5, United States Code) were in effect;

(2) how many major rules (as such term is defined in section 804 of title 5, United States Code) were in effect; and

(3) the total estimated economic cost imposed by all such rules.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to Congress that contains the findings of the study conducted under subsection (a).

SA 100. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 3746, to provide for a responsible increase to the debt ceiling; which was ordered to lie on the table; as follows:

Strike division D and insert the following:

DIVISION D—INCREASE IN THE DEBT LIMIT

SEC. 401. TEMPORARY EXTENSION OF PUBLIC DEBT LIMIT.

(a) SUSPENSION.—Section 3101(b) of title 31, United States Code, shall not apply during the period beginning on the date of the enactment of this Act and ending on the applicable date.

(b) DOLLAR LIMITATION ON SUSPENSION.—Subsection (a) shall not apply to the extent that the application of such subsection would result in the face amount of obligations subject to limitation under section 3101(b) of title 31, United States Code, exceeding the sum of—

(1) the dollar limitation in effect under such section on the date of enactment of this Act; and

(2) $1,500,000,000,000.

(c) APPLICABLE DATE.—For purposes of this section, the term ''applicable date'' means the earlier of—

(1) March 31, 2024; or

(2) the first date on which subsection (a) does not apply by reason of subsection (b).

(d) SPECIAL RULE RELATING TO OBLIGATIONS ISSUED DURING SUSPENSION PERIOD.—Effective on the day after the applicable date, the limitation in effect under section 3101(b) of title 31, United States Code, is increased to the extent that—

(1) the face amount of obligations issued under chapter 31 of such title and the face amount of obligations whose principal and interest are guaranteed by the United States Government (except guaranteed obligations held by the Secretary of the Treasury) outstanding on the day after the applicable date; exceeds

(2) the face amount of such obligations outstanding on the date of enactment of this Act.

(e) EXTENSION LIMITED TO NECESSARY OBLIGATIONS.—An obligation shall not be taken into account under subsection (d)(1) unless the issuance of such obligation was necessary to fund a commitment incurred by the Federal Government that required payment on or before the applicable date.

SA 101. Mr. KAINE proposed an amendment to the bill H.R. 3746, to provide for a responsible increase to the debt ceiling; as follows:

Strike section 324.

SA 102. Mr. KENNEDY proposed an amendment to the bill H.R. 3746, to provide for a responsible increase to the debt ceiling; as follows:

In division C, after section 311, insert the following:

SEC. 312. WAIVERS.

Section 6(o)(4)(A)(i) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(o)(4)(A)(i)) is amended by inserting '', as determined by the most up-to-date employment data'' before ''; or''.

SA 103. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 3746, to provide for a responsible increase to the debt ceiling; which was ordered to lie on the table; as follows:

Strike section 303 of division C and insert the following:

SEC. 303. ELIMINATION OF SMALL CHECKS SCHEME.

Section 407(b) of the Social Security Act (42 U.S.C. 607(b)) is amended by adding at the end the following:

''(6) SPECIAL RULE REGARDING CALCULATION OF THE MINIMUM PARTICIPATION RATE.—The Secretary shall determine participation rates under this section without regard to any individual engaged in work in a family that receives no assistance under this part and less than $75 in assistance funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i)).''.

SA 104. Mr. KENNEDY proposed an amendment to the bill H.R. 3746, to provide for a responsible increase to the debt ceiling; as follows:

In division C, in section 311, strike subsection (b) and insert the following:

(b) APPLICATION.—A State agency shall apply section 6(o)(3) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(6)(o)(3)), as amended by subsection (a), to any application for initial certification or recertification received starting 90 days after the date of enactment of this Act.

SA 105. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 3746, to provide for a responsible increase to the debt ceiling; which was ordered to lie on the table; as follows:

Strike section 267, and insert the following:

SEC. 267. JUDICIAL REVIEW.

(a) IN GENERAL.—Subject to subsection (b), no determination, finding, action, or omission under this title shall be subject to judicial review.

(b) EXCEPTION.—Any waiver determination under section 265(a) shall be subject to judicial review.

SA 106. Mr. COTTON (for himself and Mr. SULLIVAN) proposed an amendment to the bill H.R. 3746, to provide for a responsible increase to the debt ceiling; as follows:

Strike section 102 and insert the following:

SEC. 102. SPECIAL ADJUSTMENTS FOR FISCAL YEARS 2024 AND 2025.

Section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding at the end the following:

''(d) REVISED DISCRETIONARY SPENDING LIMITS FOR FISCAL YEAR 2024.—

''(1) IN GENERAL.—Subject to paragraph (3), if on or after January 1, 2024, there is in effect an Act making continuing appropriations for part of fiscal year 2024 for any discretionary budget account, the discretionary spending limits specified in subsection (c)(9) for fiscal year 2024 shall be adjusted in the final sequestration report, in accordance with paragraph (2), as follows:

''(A) For the revised security category, the amount specified in subsection (c)(9)(A), reduced by one percent.

''(B) For the revised nonsecurity category, the amount specified in subsection (c)(9)(B), reduced by one percent.

''(2) FINAL REPORT; SEQUESTRATION ORDER.—If the conditions specified in paragraph (1) are met during fiscal year 2024, the final sequestration report for such fiscal year pursuant to section 254(f)(1) and any order pursuant to section 254(f)(5) shall be issued on the earlier of—

''(A) 10 days, not including weekends and holidays, for the Congressional Budget Office and 15 days, not including weekends and holidays, for the Office of Management and Budget, after the enactment into law of annual full-year appropriations for all budget accounts that normally receive such annual appropriations (or the enactment of the applicable full-year appropriations Acts without any provision for such accounts); or

''(B) April 30, 2024.

''(3) REVERSAL.—If, after January 1, 2024, there are enacted into law each of the full year discretionary appropriation Acts, then the adjustment to the applicable discretionary spending limits in paragraph (1) shall have no force or effect, and the discretionary spending limits for the revised security category and revised nonsecurity category for the applicable fiscal year shall be such limits as in effect on December 31 of the applicable fiscal year.

''(e) REVISED DISCRETIONARY SPENDING LIMITS FOR FISCAL YEAR 2025.—

''(1) IN GENERAL.—Subject to paragraph (3), if on or after January 1, 2025, there is in effect an Act making continuing appropriations for part of fiscal year 2025 for any discretionary budget account, the discretionary spending limits specified in subsection (c)(10) for fiscal year 2025 shall be adjusted in the final sequestration report, in accordance with paragraph (2), as follows:

''(A) for the revised security category, the amount specified in subsection (c)(10)(A), reduced by one percent.

''(B) For the revised nonsecurity category, the amount specified in subsection (c)(10)(B), reduced by one percent.

''(2) FINAL REPORT; SEQUESTRATION ORDER.—If the conditions specified in paragraph (1) are met during fiscal year 2025, the final sequestration report for such fiscal year pursuant to section 254(f)(1) and any order pursuant to section 254(f)(5) shall be issued on the earlier of—

''(A) 10 days, not including weekends and holidays, for the Congressional Budget Office, and 15 days, not including weekends and holidays, for the Office of Management and Budget, after the enactment into law of annual full-year appropriations for all budget accounts that normally receive such annual appropriations (or the enactment of the applicable full-year appropriations Acts without any provision for such accounts); or

''(B) April 30, 2025.

''(3) REVERSAL.—If, after January 1, 2025, there are enacted into law each of the full year discretionary appropriation Acts, then the adjustment to the applicable discretionary spending limits in paragraph (1) shall have no force or effect, and the discretionary spending limits for the revised security category and revised nonsecurity category for the applicable fiscal year shall be such limits as in effect on December 31 of the applicable fiscal year.''.

SA 107. Mr. PAUL proposed an amendment to the bill H.R. 3746, to provide for a responsible increase to the debt ceiling; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Five Penny Plan of 2023''.

SEC. 2. STATUTORY ENFORCEMENT OF OUTLAY LIMITS THROUGH SEQUESTRATION.

(a) IN GENERAL.—Part C of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.) is amended by adding at the end the following:

''SEC. 258D. ENFORCING OUTLAY LIMITS.

''(a) ENFORCING OUTLAY LIMITS.—In this section, the term 'outlay limit' means an amount equal to—

''(1) for fiscal year 2024, $4,839,204,000,000 in outlays;

''(2) for fiscal year 2025, $4,597,244,000,000 in outlays;

''(3) for fiscal year 2026, $4,367,382,000,000 in outlays;

''(4) for fiscal year 2027, $4,149,013,000,000 in outlays; and

''(5) for fiscal year 2028, $3,941,562,000,000 in outlays.

''(b) TOTAL FEDERAL OUTLAYS.—In this section, total Federal outlays shall include all on-budget outlays.

''(c) SEQUESTRATION.—

''(1) OMB REPORT.—Not later than 15 days after the end of session for each of fiscal years 2024 through 2028, OMB shall prepare a report specifying whether outlays for the preceding fiscal year exceeded the outlay limit for that fiscal year.

''(2) SEQUESTRATION.—If a report under paragraph (1) shows that outlays for a fiscal year exceeded the outlay limits for that fiscal year, the President shall issue a sequestration order reducing direct spending and discretionary appropriations for the fiscal year after the fiscal year for which outlays exceeded the limit by the uniform percentage necessary to reduce outlays during that fiscal year by the amount of the excess outlays.

''(3) PROCEDURES.—In implementing the sequestration under paragraph (2), OMB shall follow the procedures specified in section 6 of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 935) and the special rules specified in section 256 of this Act.

''(d) CONSIDERATION IN HOUSE AND SENATE.—

''It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, or conference report that would cause the most recently reported current outlay limits set forth in subsection (a) to be exceeded.''.

(b) TABLE OF CONTENTS.—The table of contents in section 250(a) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900(a)) is amended by adding at the end the following:

''Sec. 258D. Enforcing outlay limits.''.

SEC. 3. LIMIT ON TOTAL SPENDING.

Section 250(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900(c)) is amended—

(1) by striking paragraph (4); and

(2) by redesignating paragraphs (5) through (21) as paragraphs (4) through (20), respectively.

SEC. 4. PUBLIC DEBT LIMIT.

Section 3101(b) of title 31, United States Code, is amended by striking ''$14,294,000,000,000'' and inserting ''$14,794,000,000,000''.

SA 108. Ms. LUMMIS submitted an amendment intended to be proposed by her to the bill H.R. 3746, to provide for a responsible increase to the debt ceiling; which was ordered to lie on the table; as follows:

Strike division D and insert the following:

DIVISION D—INCREASE IN DEBT LIMIT

SEC. 401. LIMITED SUSPENSION OF DEBT CEILING.

(a) SUSPENSION.—Section 3101(b) of title 31, United States Code, shall not apply during the period beginning on the date of enactment of this Act and ending on the applicable date.

(b) DOLLAR LIMITATION ON SUSPENSION.—Subsection (a) shall not apply to the extent that the application of such subsection would result in the face amount of obligations subject to limitation under section 3101(b) of title 31, United States Code, to exceed the sum of—

(1) the dollar limitation in effect under such section on the date of the enactment of this Act; increased by

(2) $1,000,000,000,000.

(c) APPLICABLE DATE.—For purposes of this section, the term ''applicable date'' means the earlier of—

(1) November 1, 2023; or

(2) the first date on which subsection (a) does not apply by reason of subsection (b).

(d) SPECIAL RULE RELATING TO OBLIGATIONS ISSUED DURING SUSPENSION PERIOD.—Effective as of the close of the applicable date, the dollar limitation in section 3101(b) of title 31, United States Code, is increased to the extent that—

(1) the face amount of obligations subject to limitation under such section outstanding as of the close of the applicable date; exceeds

(2) the face amount of such obligations outstanding on the date of enactment of this Act.

(e) RESTORING CONGRESSIONAL AUTHORITY OVER THE NATIONAL DEBT.—

(1) EXTENSION LIMITED TO NECESSARY OBLIGATIONS.—An obligation shall not be taken into account under subsection (d)(1) unless the issuance of such obligation was necessary to fund a commitment incurred pursuant to law by the Federal Government that required payment on or before the applicable date.

(2) PROHIBITION ON CREATION OF CASH RESERVE DURING EXTENSION PERIOD.—The Secretary of the Treasury shall not issue obligations during the period specified in subsection (a) for the purpose of increasing the cash balance above normal operating balances in anticipation of the expiration of such period.

SA 109. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill H.R. 3746, to provide for a responsible increase to the debt ceiling; which was ordered to lie on the table; as follows:

At the end of title I of division A, add the following:

SEC. 104. ENFORCING ADDITIONAL SPENDING LIMITS.

(a) IN GENERAL.—Section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(c)), as amended by section 101 of this division, is amended—

(1) in paragraph (9)(B), by striking ''and'' at the end; and

(2) by inserting after paragraph (10) the following:

''(11) for fiscal year 2026 $1,621,959,000,000 for the discretionary category;

''(12) for fiscal year 2027, $1,638,179,000,000 for the discretionary category;

''(13) for fiscal year 2028, $1,654,560,000,000 for the discretionary category; and

''(14) for fiscal year 2029, $1,671,106,000,000 for the discretionary category;''.

(b) CONFORMING AMENDMENT RELATING TO SEQUESTRATION REPORTS.—Section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 904), as amended by section 101 of this division, is amended—

(1) in subsection (c)(2), by striking ''2025'' and inserting ''2029''; and

(2) in subsection (f)(2)(A), by striking ''2025'' and inserting ''2029''.

SA 110. Mr. MARSHALL proposed an amendment to the bill H.R. 3746, to provide for a responsible increase to the debt ceiling; as follows:

At the end of the bill, add the following:

DIVISION E—BORDER SECURITY, IMMIGRATION ENFORCEMENT, AND FOREIGN AFFAIRS

SECTION 500. SHORT TITLE.

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

TITLE I—BORDER SECURITY

SEC. 501. DEFINITIONS.

In this title:

(1) CBP.—The term ''CBP'' means U.S. Customs and Border Protection.

(2) COMMISSIONER.—The term ''Commissioner'' means the Commissioner of U.S. Customs and Border Protection.

(3) DEPARTMENT.—The term ''Department'' means the Department of Homeland Security.

(4) OPERATIONAL CONTROL.—The term ''operational control'' has the meaning given such term in section 2(b) of the Secure Fence Act of 2006 (Public Law 109–367; 8 U.S.C. 1701 note).

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

(6) SITUATIONAL AWARENESS.—The term ''situational awareness'' has the meaning given such term in section 1092(a)(7) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 6 U.S.C. 223(a)(7)).

(7) UNMANNED AIRCRAFT SYSTEM.—The term ''unmanned aircraft system'' has the meaning given such term in section 44801 of title 49, United States Code.

SEC. 502. BORDER WALL CONSTRUCTION.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

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

(B) the Committee on Appropriations of the Senate;

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

(D) the Committee on Appropriations of the House of Representatives.

(2) TACTICAL INFRASTRUCTURE.—The term ''tactical infrastructure'' includes boat ramps, access gates, checkpoints, lighting, and roads associated with a border wall.

(3) TECHNOLOGY.—The term ''technology'' includes border surveillance and detection technology, including linear ground detection systems, associated with a border wall.

(b) IN GENERAL.—

(1) IMMEDIATE RESUMPTION OF BORDER WALL CONSTRUCTION.—Not later than 7 days after the date of the enactment of this Act, the Secretary shall resume all activities related to the construction of the border wall along the border between the United States and Mexico that were underway or being planned for before January 20, 2021.

(2) USE OF FUNDS.—To carry out this section, the Secretary shall expend all unexpired funds appropriated or explicitly obligated for the construction of the border wall that were appropriated or obligated, as the case may be, for use beginning on October 1, 2019.

(3) USE OF MATERIALS.—Any unused materials purchased before the date of the enactment of this Act for the construction of the border wall may be used for activities related to the construction of the border wall in accordance with paragraph (1).

(c) PLAN TO COMPLETE TACTICAL INFRASTRUCTURE AND TECHNOLOGY.—Not later than 90 days after the date of the enactment of this Act and annually thereafter until construction of the border wall has been completed, the Secretary shall submit to the appropriate congressional committees—

(1) an implementation plan, including annual benchmarks for the construction of 200 miles of such wall; and

(2) associated cost estimates for satisfying all requirements of the construction of the border wall, including installation and deployment of tactical infrastructure, technology, and other elements as identified by the Department before January 20, 2021, through the expenditure of funds appropriated or explicitly obligated, as the case may be, for use, and any future funds appropriated or otherwise made available by Congress.

SEC. 503. STRENGTHENING THE REQUIREMENTS FOR BARRIERS ALONG THE SOUTHERN BORDER.

Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Division C of Public Law 104–208; 8 U.S.C. 1103 note) is amended—

(1) by amending subsection (a) to read as follows:

''(a) IN GENERAL.—The Secretary of Homeland Security shall take such actions as may be necessary (including the removal of obstacles to detection of illegal entrants) to design, test, construct, install, deploy, integrate, and operate physical barriers, tactical infrastructure, and technology in the vicinity of the southwest border to achieve situational awareness and operational control of the southwest border and deter, impede, and detect unlawful activity.'';

(2) in subsection (b)—

(A) in the subsection heading, by striking ''FENCING AND ROAD IMPROVEMENTS'' and inserting ''PHYSICAL BARRIERS'';

(B) in paragraph (1)—

(i) in the heading, by striking ''FENCING'' and inserting ''BARRIERS'';

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

''(A) REINFORCED BARRIERS.—In carrying out this section, the Secretary of Homeland Security shall construct a border wall, including physical barriers, tactical infrastructure, and technology, along not fewer than 900 miles of the southwest border until situational awareness and operational control of the southwest border is achieved.'';

(iii) by amending subparagraph (B) to read as follows:

''(B) PHYSICAL BARRIERS AND TACTICAL INFRASTRUCTURE.—In carrying out this section, the Secretary of Homeland Security shall deploy along the southwest border the most practical and effective physical barriers, tactical infrastructure, and technology available for achieving situational awareness and operational control of the southwest border.'';

(iv) in subparagraph (C)—

(I) by amending clause (i) to read as follows:

''(i) IN GENERAL.—In carrying out this section, the Secretary of Homeland Security shall consult with the Secretary of the Interior, the Secretary of Agriculture, appropriate representatives of State, Tribal, and local governments, and appropriate private property owners in the United States to minimize the impact on natural resources, commerce, and sites of historical or cultural significance for the communities and residents located near the sites at which physical barriers, tactical infrastructure, and technology are to be constructed. Such consultation may not delay such construction for longer than 7 days.''; and

(II) in clause (ii)—

(aa) in subclause (I), by striking ''or'' after the semicolon at the end;

(bb) by amending subclause (II) to read as follows:

''(II) delay the transfer to the United States of the possession of property or affect the validity of any property acquisition by the United States by purchase or eminent domain, or to otherwise affect the eminent domain laws of the United States or of any State; or''; and

(cc) by adding at the end the following new subclause:

''(III) create any right or liability for any party.''; and

(v) by striking subparagraph (D);

(C) in paragraph (2)—

(i) by striking ''Attorney General'' and inserting ''Secretary of Homeland Security'';

(ii) by striking ''this subsection'' and inserting ''this section''; and

(iii) by striking ''construction of fences'' and inserting ''the construction of physical barriers, tactical infrastructure, and technology'';

(D) by amending paragraph (3) to read as follows:

''(3) AGENT SAFETY.—In carrying out this section, the Secretary of Homeland Security,

when designing, testing, constructing, installing, deploying, integrating, and operating physical barriers, tactical infrastructure, or technology, shall incorporate such safety features into such design, test, construction, installation, deployment, integration, or operation of such physical barriers, tactical infrastructure, or technology, as the case may be, that the Secretary determines are necessary to maximize the safety and effectiveness of officers and agents of the Department of Homeland Security or of any other Federal agency deployed in the vicinity of such physical barriers, tactical infrastructure, or technology.''; and

(E) in paragraph (4), by striking ''this subsection'' and inserting ''this section'';

(3) in subsection (c)—

(A) by amending paragraph (1) to read as follows:

''(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Homeland Security shall waive all legal requirements necessary to ensure the expeditious design, testing, construction, installation, deployment, integration, operation, and maintenance of the physical barriers, tactical infrastructure, and technology under this section. The Secretary shall ensure the maintenance and effectiveness of such physical barriers, tactical infrastructure, or technology. Any such action by the Secretary shall be effective upon publication in the Federal Register.'';

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following new paragraph:

''(2) NOTIFICATION.—Not later than 7 days after the date on which the Secretary of Homeland Security exercises a waiver pursuant to paragraph (1), the Secretary shall notify the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives of such waiver.''; and

(4) by adding at the end the following:

''(e) TECHNOLOGY.—In carrying out this section, the Secretary of Homeland Security shall deploy along the southwest border the most practical and effective technology available for achieving situational awareness and operational control.

''(f) DEFINITIONS.—In this section:

''(1) ADVANCED UNATTENDED SURVEILLANCE SENSORS.—The term 'advanced unattended surveillance sensors' means sensors that utilize an onboard computer to analyze detections in an effort to discern between vehicles, humans, and animals, and ultimately filter false positives prior to transmission.

''(2) OPERATIONAL CONTROL.—The term 'operational control' has the meaning given such term in section 2(b) of the Secure Fence Act of 2006 (Public Law 109–367; 8 U.S.C. 1701 note).

''(3) PHYSICAL BARRIERS.—The term 'physical barriers' includes reinforced fencing, the border wall, and levee walls.

''(4) SITUATIONAL AWARENESS.—The term 'situational awareness' has the meaning given such term in section 1092(a)(7) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 6 U.S.C. 223(a)(7)).

''(5) TACTICAL INFRASTRUCTURE.—The term 'tactical infrastructure' includes boat ramps, access gates, checkpoints, lighting, and roads.

''(6) TECHNOLOGY.—The term 'technology' includes border surveillance and detection technology, including—

''(A) tower-based surveillance technology;

''(B) deployable, lighter-than-air ground surveillance equipment;

''(C) vehicle and Dismount Exploitation Radars (VADER);

''(D) 3-dimensional, seismic acoustic detection and ranging border tunneling detection technology;

''(E) advanced unattended surveillance sensors;

''(F) mobile vehicle-mounted and manportable surveillance capabilities;

''(G) unmanned aircraft systems;

''(H) tunnel detection systems and other seismic technology;

''(I) fiber-optic cable; and

''(J) other border detection, communication, and surveillance technology.

''(7) UNMANNED AIRCRAFT SYSTEM.—The term 'unmanned aircraft system' has the meaning given such term in section 44801 of title 49, United States Code.''.

SEC. 504. BORDER AND PORT SECURITY TECHNOLOGY INVESTMENT PLAN.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

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

(B) the Committee on Appropriations of the Senate;

(C) the Committee on Homeland Security of the House of Representatives; and

(D) the Committee on Appropriations of the House of Representatives.

(2) COVERED OFFICIALS.—The term ''covered officials'' means—

(A) the Under Secretary for Management of the Department;

(B) the Under Secretary for Science and Technology of the Department; and

(C) the Chief Information Officer of the Department.

(3) UNLAWFULLY PRESENT.—The term ''unlawfully present'' has the meaning provided such term in section 212(a)(9)(B)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(9)(B)(ii)).

(b) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Commissioner, in consultation with covered officials and border and port security technology stakeholders, shall submit to the appropriate congressional committees a strategic 5-year technology investment plan (referred to in this section as the ''Plan''). The Plan may include a classified annex, if appropriate.

(c) CONTENTS OF PLAN.—The Plan shall include—

(1) an analysis of security risks at and between ports of entry along the northern and southern borders of the United States;

(2) the identification of capability gaps with respect to security at and between such ports of entry to be mitigated in order to—

(A) prevent terrorists and instruments of terror from entering the United States;

(B) combat and reduce cross-border criminal activity, including—

(i) the transport of illegal goods, such as illicit drugs; and

(ii) human smuggling and human trafficking; and

(C) facilitate the flow of legal trade across the southwest border;

(3) an analysis of current and forecast trends relating to the number of aliens who—

(A) unlawfully entered the United States by crossing the northern or southern border of the United States; or

(B) are unlawfully present in the United States;

(4) a description of security-related technology acquisitions, listed in order of priority, to address the security risks and capability gaps analyzed and identified pursuant to paragraphs (1) and (2), respectively;

(5) a description of each planned security-related technology program, including objectives, goals, and timelines for each such program;

(6) the identification of each deployed security-related technology that is at or near the end of the life cycle of such technology;

(7) a description of the test, evaluation, modeling, and simulation capabilities, including target methodologies, rationales, and timelines, necessary to support the acquisition of security-related technologies pursuant to paragraph (4);

(8) the identification and an assessment of ways to increase opportunities for communication and collaboration with the private sector, small and disadvantaged businesses, intragovernment entities, university centers of excellence, and Federal laboratories to ensure CBP is able to engage with the market for security-related technologies that are available to satisfy its mission needs before engaging in an acquisition of a security-related technology;

(9) an assessment of the management of planned security-related technology programs by the acquisition workforce of CBP;

(10) the identification of ways to leverage already-existing acquisition expertise within the Federal Government;

(11) a description of the security resources, including information security resources, required to protect security-related technology from physical or cyber theft, diversion, sabotage, or attack;

(12) a description of initiatives—

(A) to streamline the acquisition process of CBP; and

(B) to provide to the private sector greater predictability and transparency with respect to such process, including information relating to the timeline for testing and evaluation of security-related technology;

(13) an assessment of the privacy and security impact on border communities of security-related technology;

(14) in the case of a new acquisition leading to the removal of equipment from a port of entry along the northern or southern border of the United States, a strategy to consult with the private sector and community stakeholders affected by such removal;

(15) a strategy to consult with the private sector and community stakeholders with respect to security impacts at a port of entry described in paragraph (14); and

(16) the identification of recent technological advancements in—

(A) manned aircraft sensor, communication, and common operating picture technology;

(B) unmanned aerial systems and related technology, including counter-unmanned aerial system technology;

(C) surveillance technology, including—

(i) mobile surveillance vehicles;

(ii) associated electronics, including cameras, sensor technology, and radar;

(iii) tower-based surveillance technology;

(iv) advanced unattended surveillance sensors; and

(v) deployable, lighter-than-air, ground surveillance equipment;

(D) nonintrusive inspection technology, including non-x-ray devices utilizing muon tomography and other advanced detection technology;

(E) tunnel detection technology; and

(F) communications equipment, including—

(i) radios;

(ii) long-term evolution broadband; and

(iii) miniature satellites.

(d) LEVERAGING THE PRIVATE SECTOR.—To the extent practicable, the Plan shall—

(1) leverage emerging technological capabilities, and research and development trends, within the public and private sectors;

(2) incorporate input from the private sector, including from border and port security

stakeholders, through requests for information, industry day events, and other innovative means consistent with the Federal Acquisition Regulation (or any successor regulation); and

(3) identify security-related technologies that are in development or deployed, with or without adaptation, that may satisfy the mission needs of CBP.

(e) FORM.—To the extent practicable, the Plan shall be published in unclassified form on the website of the Department.

(f) DISCLOSURE.—The Plan shall identify individuals who contributed to the development of the Plan who are not employed by the Federal Government, and their professional affiliations.

(g) UPDATE AND REPORT.—Not later than 2 years after the date on which the Plan is submitted to the appropriate congressional committees pursuant to subsection (b) and biennially thereafter for the following 10 years, the Commissioner shall submit to the appropriate congressional committees—

(1) an update of the Plan, if appropriate; and

(2) a report that includes—

(A) the extent to which each security-related technology acquired by CBP since the initial submission of the plan or most recent update of the plan, as the case may be, is consistent with the planned technology programs and projects described pursuant to subsection (c)(5); and

(B) the type of contract and the reason for acquiring each such security-related technology.

SEC. 505. BORDER SECURITY TECHNOLOGY PROGRAM MANAGEMENT.

(a) IN GENERAL.—Subtitle C of title IV of the Homeland Security Act of 2002 (6 U.S.C. 231 et seq.) is amended by adding at the end the following:

''SEC. 437. BORDER SECURITY TECHNOLOGY PROGRAM MANAGEMENT.

''(a) DEFINED TERM.—In this section, the term 'major acquisition program' means an acquisition program of the Department that is estimated by the Secretary to require an eventual total expenditure of at least $100,000,000 (based on fiscal year 2023 constant dollars) over its life-cycle cost.

''(b) PLANNING DOCUMENTATION.—For each border security technology acquisition program of the Department that is determined to be a major acquisition program, the Secretary shall—

''(1) ensure that each such program has a written acquisition program baseline approved by the relevant acquisition decision authority;

''(2) document that each such program is satisfying cost, schedule, and performance thresholds as specified in such baseline, in compliance with relevant departmental acquisition policies and the Federal Acquisition Regulation; and

''(3) have a plan for satisfying program implementation objectives by managing contractor performance.

''(c) ADHERENCE TO STANDARDS.—The Secretary, acting through the Under Secretary for Management and the Commissioner of U.S. Customs and Border Protection, shall ensure border security technology acquisition program managers who are responsible for carrying out this section adhere to relevant internal control standards identified by the Comptroller General of the United States. The Commissioner shall provide information, as needed, to assist the Under Secretary in monitoring management of border security technology acquisition programs under this section.

''(d) PLAN.—The Secretary, acting through the Under Secretary for Management, in coordination with the Under Secretary for Science and Technology and the Commissioner of U.S. Customs and Border Protection, shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a plan for testing, evaluating, and using independent verification and validation of resources relating to the proposed acquisition of border security technology. Under such plan, the proposed acquisition of new border security technologies shall be evaluated through a series of assessments, processes, and audits to ensure—

''(1) compliance with relevant departmental acquisition policies and the Federal Acquisition Regulation (or any successor regulation); and

''(2) the effective use of taxpayer dollars.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 436 the following:

''Sec. 437. Border security technology program management.''.

(c) PROHIBITION ON ADDITIONAL AUTHORIZATION OF APPROPRIATIONS.—No additional funds are authorized to be appropriated to carry out section 437 of the Homeland Security Act of 2002, as added by subsection (a).

SEC. 506. U.S. CUSTOMS AND BORDER PROTECTION TECHNOLOGY UPGRADES.

(a) SECURE COMMUNICATIONS.—The Commissioner shall ensure that each CBP officer or agent, as appropriate, is equipped with a secure radio or other 2-way communication device that allows each such officer or agent to communicate—

(1) between ports of entry and inspection stations; and

(2) with other Federal, State, Tribal, and local law enforcement entities.

(b) BORDER SECURITY DEPLOYMENT PROGRAM.—

(1) EXPANSION.—Not later than September 30, 2025, the Commissioner shall—

(A) fully implement the CBP Border Security Deployment Program; and

(B) expand the integrated surveillance and intrusion detection system at land ports of entry along the northern and southern borders of the United States.

(2) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts otherwise authorized to be appropriated for such purpose, there is authorized to be appropriated $33,000,000 for fiscal years 2024 and 2025 to carry out paragraph (1).

(c) UPGRADE OF LICENSE PLATE READERS AT PORTS OF ENTRY.—

(1) UPGRADE.—Not later than 2 years after the date of the enactment of this Act, the Commissioner shall upgrade all existing license plate readers in need of upgrade, as determined by the Commissioner, along the northern and southern borders of the United States.

(2) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts otherwise authorized to be appropriated for such purpose, there is authorized to be appropriated $125,000,000 for fiscal years 2024 and 2025 to carry out paragraph (1).

SEC. 507. U.S. CUSTOMS AND BORDER PROTECTION PERSONNEL.

(a) RETENTION BONUS.—There is authorized to be appropriated up to $100,000,000 to the Commissioner to provide a retention bonus to any front-line U.S. Border Patrol law enforcement agent—

(1) whose position is equal to or below level GS-12 of the General Schedule;

(2) who has completed at least 5 years of service with the U.S. Border Patrol; and

(3) who commits to 2 years of additional service with the U.S. Border Patrol upon acceptance of such bonus.

(b) BORDER PATROL AGENTS.—Not later than September 30, 2025, the Commissioner shall hire, train, and assign a sufficient number of Border Patrol agents to maintain an active duty presence of not fewer than 22,000 full-time equivalent Border Patrol agents, who may not perform the duties of processing coordinators.

(c) PROHIBITION AGAINST ALIEN TRAVEL.—Personnel and equipment of Air and Marine Operations may not be used for the transportation of nondetained aliens, or detained aliens expected to be administratively released upon arrival, from the southwest border to destinations within the United States.

(d) GAO REPORT.—If the staffing level required under this section is not achieved by the date associated with such level, the Comptroller General of the United States shall—

(1) conduct a review of the reasons why such level was not so achieved; and

(2) not later than September 30, 2027, publish a report on a publicly available website of the Government Accountability Office that contains the findings of the review conducted pursuant to paragraph (1).

SEC. 508. ANTI-BORDER CORRUPTION ACT REAUTHORIZATION.

(a) HIRING FLEXIBILITY.—Section 3 of the Anti-Border Corruption Act of 2010 (6 U.S.C. 221; Public Law 111–376) is amended by striking subsection (b) and inserting the following:

''(b) WAIVER REQUIREMENT.—Subject to subsection (c), the Commissioner of U.S. Customs and Border Protection shall waive the application of subsection (a)(1)—

''(1) to a current, full-time law enforcement officer employed by a State or local law enforcement agency who—

''(A) has continuously served as a law enforcement officer for not fewer than 3 years;

''(B) is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and has statutory powers for arrest or apprehension; and

''(C) is not currently under investigation, has not been found to have engaged in criminal activity or serious misconduct, has not resigned from a law enforcement officer position under investigation or in lieu of termination, and has not been dismissed from a law enforcement officer position;

''(2) to a current, full-time Federal law enforcement officer who—

''(A) has continuously served as a law enforcement officer for not fewer than three years;

''(B) is authorized to make arrests, conduct investigations, conduct searches, make seizures, carry firearms, and serve orders, warrants, and other processes;

''(C) is not currently under investigation, has not been found to have engaged in criminal activity or serious misconduct, has not resigned from a law enforcement officer position under investigation or in lieu of termination, and has not been dismissed from a law enforcement officer position; and

''(D) holds a current Tier 4 background investigation or current Tier 5 background investigation; or

''(3) to a member of the Armed Forces (or a reserve component thereof) or a veteran, if such individual—

''(A) has served in the Armed Forces for not fewer than three years;

''(B) holds, or has held within the past five years, a Secret, Top Secret, or Top Secret/Sensitive Compartmented Information clearance;

''(C) holds, or has undergone within the past five years, a current Tier 4 background investigation or current Tier 5 background investigation;

''(D) received, or is eligible to receive, an honorable discharge from service in the Armed Forces and has not engaged in criminal activity or committed a serious military or civil offense under the Uniform Code of Military Justice; and

''(E) was not granted any waivers to obtain the clearance referred to in subparagraph (B).

''(c) TERMINATION OF WAIVER REQUIREMENT; SNAP-BACK.—The requirement to issue a waiver under subsection (b) shall terminate if the Commissioner of U.S. Customs and Border Protection certifies to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives that U.S. Customs and Border Protection has met all requirements pursuant to section 507 of the Secure the Border Act of 2023 relating to personnel levels. If at any time after such certification personnel levels fall below such requirements, the Commissioner shall waive the application of subsection (a)(1) until such time as the Commissioner recertifies to such congressional committees that U.S. Customs and Border Protection has so met all such requirements.''.

(b) SUPPLEMENTAL COMMISSIONER AUTHORITY; REPORTING; DEFINITIONS.—The Anti-Border Corruption Act of 2010 (Public Law 111–376) is amended by adding at the end the following:

''SEC. 5. SUPPLEMENTAL COMMISSIONER AUTHORITY.

''(a) NONEXEMPTION.—An individual who receives a waiver described in section 3(b) is not exempt from any other hiring requirements relating to suitability for employment and eligibility to hold a national security designated position, as determined by the Commissioner of U.S. Customs and Border Protection.

''(b) BACKGROUND INVESTIGATIONS.—An individual who receives a waiver described in section 3(b) who holds a current Tier 4 background investigation shall be subject to a Tier 5 background investigation.

''(c) ADMINISTRATION OF POLYGRAPH EXAMINATION.—The Commissioner of U.S. Customs and Border Protection is authorized to administer a polygraph examination to an applicant or employee who is eligible for or receives a waiver described in section 3(b) if information is discovered before the completion of a background investigation that results in a determination that a polygraph examination is necessary to make a final determination regarding suitability for employment or continued employment.

''SEC. 6. REPORTING.

''(a) ANNUAL REPORT.—Not later than 1 year after the date of the enactment of the Secure the Border Act of 2023 and annually thereafter while the waiver authority under section 3(b) is in effect, the Commissioner of U.S. Customs and Border Protection shall submit a report to Congress that includes, with respect to each such reporting period—

''(1) information relating to the number of waivers granted under such section 3(b);

''(2) information relating to the percentage of applicants who were hired after receiving such a waiver;

''(3) information relating to the number of instances that a polygraph was administered to an applicant who initially received such a waiver and the results of such polygraph;

''(4) an assessment of the current impact of such waiver authority on filling law enforcement positions at U.S. Customs and Border Protection; and

''(5) the identification of additional authorities needed by U.S. Customs and Border Protection to better utilize such waiver authority for its intended goals.

''(b) ADDITIONAL INFORMATION.—The first report submitted pursuant to subsection (a) shall include—

''(1) an analysis of other methods of employment suitability tests that detect deception and could be used in conjunction with traditional background investigations to evaluate potential applicants or employees for suitability for employment or continued employment; and

''(2) a recommendation regarding whether a test referred to in paragraph (1) should be adopted by U.S. Customs and Border Protection when the polygraph examination requirement is waived pursuant to section 3(b).

''SEC. 7. DEFINITIONS.

''In this Act:

''(1) FEDERAL LAW ENFORCEMENT OFFICER.—The term 'Federal law enforcement officer' means a 'law enforcement officer', as such term is defined in section 8331(20) or 8401(17) of title 5, United States Code.

''(2) SERIOUS MILITARY OR CIVIL OFFENSE.—The term 'serious military or civil offense' means an offense for which—

''(A) a member of the Armed Forces may be discharged or separated from service in the Armed Forces; and

''(B) a punitive discharge is, or would be, authorized for the same or a closely related offense under the Manual for Court-Martial, as pursuant to Army Regulation 635–200, chapter 14–12.

''(3) TIER 4; TIER 5.—The terms 'Tier 4' and 'Tier 5', with respect to background investigations, have the meaning given such terms under the 2012 Federal Investigative Standards.

''(4) VETERAN.—The term 'veteran' has the meaning given such term in section 101(2) of title 38, United States Code.''.

(c) POLYGRAPH EXAMINERS.—Not later than September 30, 2025, the Secretary shall increase to not fewer than 150 the number of trained full-time equivalent polygraph examiners for administering polygraphs under the Anti-Border Corruption Act of 2010, as amended by this section.

SEC. 509. ESTABLISHMENT OF WORKLOAD STAFFING MODELS FOR U.S. BORDER PATROL AND AIR AND MARINE OPERATIONS OF CBP.

(a) DEFINED TERM.—In this section, the term ''appropriate congressional committees'' means—

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

(2) the Committee on Homeland Security of the House of Representatives.

(b) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Commissioner, in coordination with the Under Secretary for Management, the Chief Human Capital Officer, and the Chief Financial Officer of the Department, shall implement a workload staffing model for—

(1) the U.S. Border Patrol; and

(2) CBP Air and Marine Operations.

(c) RESPONSIBILITIES OF THE COMMISSIONER.—Section 411(c) of the Homeland Security Act of 2002 (6 U.S.C. 211(c)), is amended—

(1) by redesignating paragraphs (18) and (19) as paragraphs (20) and (21), respectively; and

(2) by inserting after paragraph (17) the following:

''(18) implement a staffing model for the U.S. Border Patrol, Air and Marine Operations, and the Office of Field Operations that includes consideration for essential frontline operator activities and functions, variations in operating environments, present and planned infrastructure, present and planned technology, and required operations support levels to enable such entities to manage and assign personnel of such entities to ensure field and support posts possess adequate resources to carry out duties specified in this section;

''(19) develop standard operating procedures for a workforce tracking system within the U.S. Border Patrol, Air and Marine Operations, and the Office of Field Operations, train the workforce of each of such entities on the use, capabilities, and purpose of such system, and implement internal controls to ensure timely and accurate scheduling and reporting of actual completed work hours and activities;''.

(d) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act with respect to subsection (b) and paragraphs (18) and (19) of section 411(c) of the Homeland Security Act of 2002, as amended by subsection (c), and annually thereafter with respect to such paragraphs (18) and (19), the Secretary shall submit a report to the appropriate congressional committees a report that includes a status update regarding—

(A) the implementation of subsection (b) and such paragraphs (18) and (19); and

(B) each relevant workload staffing model.

(2) DATA SOURCES AND METHODOLOGY REQUIRED.—Each report required under paragraph (1) shall include information relating to the data sources and methodology used to generate each relevant staffing model.

(e) INSPECTOR GENERAL REVIEW.—Not later than 90 days after the Commissioner develops the workload staffing models pursuant to subsection (b), the Inspector General of the Department shall review such models and provide feedback to the Secretary and the appropriate congressional committees with respect to the degree to which such models are responsive to the recommendations of the Inspector General, including—

(1) recommendations from the Inspector General's February 2019 audit; and

(2) any further recommendations to improve such models.

SEC. 510. OPERATION STONEGARDEN.

(a) IN GENERAL.—Subtitle A of title XX of the Homeland Security Act of 2002 (6 U.S.C. 601 et seq.) is amended by adding at the end the following:

''SEC. 2010. OPERATION STONEGARDEN.

''(a) ESTABLISHMENT.—There is established in the Department a program, to be known as 'Operation Stonegarden', under which the Secretary, acting through the Administrator, shall work through State administrative agencies to award grants to eligible law enforcement agencies, which shall be expended to enhance border security in accordance with this section.

''(b) ELIGIBLE RECIPIENTS.—A law enforcement agency is eligible to receive a grant under this section if the agency—

''(1) is located in—

''(A) a State bordering Canada or Mexico; or

''(B) a State or territory with a maritime border;

''(2) is involved in an active, ongoing, U.S. Customs and Border Protection operation coordinated through a U.S. Border Patrol sector office; and

''(3) has an agreement with U.S. Immigration and Customs Enforcement to support enforcement operations.

''(c) PERMITTED USES.—A recipient of a grant under this section may expend grant funds for costs associated with—

''(1) equipment, including maintenance and sustainment;

''(2) personnel, including overtime and backfill, in support of enhanced border law enforcement activities; and

''(3) any activity permitted for Operation Stonegarden under the most recent fiscal year Department of Homeland Security's Homeland Security Grant Program Notice of Funding Opportunity.

''(d) PERIOD OF PERFORMANCE.—The Secretary shall award grants under this section to grant recipients for a period that is not shorter than 3 years.

''(e) NOTIFICATION.—Immediately after denying a grant to a law enforcement agency, the Administrator shall provide written notice to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives that describes the reasons for such denial.

''(f) REPORT.—For each of the fiscal years 2024 through 2028 the Administrator shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives that contains—

''(1) information regarding the expenditures of grant funding under this section by each grant recipient; and

''(2) recommendations for other uses of such grant funding to further support eligible law enforcement agencies.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $110,000,000 for each of the fiscal years 2024 through 2028 for grants under this section.''.

(b) CONFORMING AMENDMENT.—Section 2002(a) of the Homeland Security Act of 2002 (6 U.S.C. 603(a)) is amended to read as follows:

''(a) GRANTS AUTHORIZED.—The Secretary, through the Administrator, may award grants under sections 2003, 2004, 2009, and 2010 to State, local, and Tribal governments, as appropriate.''.

(c) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 2009 the following:

''Sec. 2010. Operation Stonegarden.''.

SEC. 511. AIR AND MARINE OPERATIONS FLIGHT HOURS.

(a) DEFINITIONS.—In this section:

(1) GOT AWAY.—The term ''got away'' has the meaning given such term in section 1092(a)(3) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 6 U.S.C. 223(a)(3)).

(2) TRANSIT ZONE.—The term ''transit zone'' has the meaning given such term in section 1092(a)(8) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 6 U.S.C. 223(a)(8)).

(b) AIR AND MARINE OPERATIONS FLIGHT HOURS.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall ensure that not fewer than 110,000 annual flight hours are carried out by CBP Air and Marine Operations.

(c) UNMANNED AIRCRAFT SYSTEMS.—The Secretary, after coordination with the Administrator of the Federal Aviation Administration, shall ensure that Air and Marine Operations continuously operate unmanned aircraft systems along the southern border of the United States.

(d) PRIMARY MISSIONS.—The Commissioner shall ensure that—

(1) the primary missions for Air and Marine Operations are to directly support—

(A) U.S. Border Patrol activities along the borders of the United States; and

(B) Joint Interagency Task Force South and Joint Interagency Task Force East operations in the transit zone; and

(2) the Executive Assistant Commissioner, Air and Marine Operations assigns the greatest priority to support missions specified in paragraph (1).

(e) HIGH DEMAND FLIGHT HOUR REQUIREMENTS.—The Commissioner shall—

(1) ensure that U.S. Border Patrol Sector Chiefs identify air support mission-critical hours; and

(2) direct Air and Marine Operations to support requests from such Sector Chiefs as a component of the primary mission of Air and Marine Operations in accordance with subsection (d)(1)(A).

(f) CONTRACT AIR SUPPORT AUTHORIZATIONS.—The Commissioner shall contract for air support mission-critical hours to meet the requests for such hours, as identified pursuant to subsection (e).

(g) SMALL UNMANNED AIRCRAFT SYSTEMS.—

(1) IN GENERAL.—The Chief, U.S. Border Patrol shall be the executive agent with respect to the use of small unmanned aircraft by CBP for the purposes of—

(A) meeting the unmet flight hour operational requirements of U.S. Border Patrol; and

(B) achieving situational awareness and operational control of the borders of the United States.

(2) COORDINATION.—In carrying out paragraph (1), the Chief, U.S. Border Patrol shall coordinate—

(A) flight operations with the Administrator of the Federal Aviation Administration to ensure the safe and efficient operation of the national airspace system; and

(B) with the Executive Assistant Commissioner for CBP Air and Marine Operations—

(i) to ensure the safety of other CBP aircraft flying in the vicinity of small unmanned aircraft operated by U.S. Border Patrol; and

(ii) to establish a process to include data from flight hours in the calculation of got away statistics.

(3) CONFORMING AMENDMENT.—Section 411(e)(3) of the Homeland Security Act of 2002 (6 U.S.C. 211(e)(3)) is amended—

(A) in subparagraph (B), by striking ''and'' after the semicolon at the end;

(B) by redesignating subparagraph (C) as subparagraph (D); and

(C) by inserting after subparagraph (B) the following:

''(C) carry out the small unmanned aircraft (as such term is defined in section 44801 of title 49, United States Code) requirements pursuant to section 511(g) of the Secure the Border Act of 2023; and''.

(h) RULE OF CONSTRUCTION.—Nothing in this section may be construed as conferring, transferring, or delegating to the Secretary, the Commissioner, the Executive Assistant Commissioner for Air and Marine Operations, or the Chief, U.S. Border Patrol any authority of the Secretary of Transportation or the Administrator of the Federal Aviation Administration relating to the use of airspace or aviation safety.

SEC. 512. ERADICATION OF CARRIZO CANE AND SALT CEDAR.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary, in coordination with the heads of relevant Federal, State, and local agencies, shall hire contractors to begin eradicating the carrizo cane plant and any salt cedar along the Rio Grande River that impedes border security operations. Such eradication shall be completed—

(1) by not later than September 30, 2027, except for required maintenance; and

(2) in the most expeditious and cost-effective manner possible to maintain clear fields of view.

(b) APPLICATION.—The waiver authority under section 102(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note), as amended by section 503, shall apply to activities carried out pursuant to subsection (a).

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a strategic plan to eradicate all carrizo cane plant and salt cedar along the Rio Grande River that impedes border security operations by not later than September 30, 2027.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $7,000,000 to the Secretary for each of the fiscal years 2024 through 2028 to carry out this section.

SEC. 513. BORDER PATROL STRATEGIC PLAN.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act and biennially thereafter, the Commissioner, acting through the Chief, U.S. Border Patrol, shall issue a Border Patrol Strategic Plan (referred to in this section as the ''Plan'') to enhance the security of the borders of the United States.

(b) ELEMENTS.—The Plan shall include—

(1) the consideration of Border Patrol Capability Gap Analysis reporting, Border Security Improvement Plans, and any other strategic document authored by U.S. Border Patrol to address security gaps between ports of entry, including efforts to mitigate threats identified in such analyses, plans, and documents;

(2) information relating to the dissemination of information relating to border security or border threats with respect to the efforts of the Department and other appropriate Federal agencies;

(3) information relating to efforts by U.S. Border Patrol—

(A) to increase situational awareness, including—

(i) surveillance capabilities, such as capabilities developed or utilized by the Department of Defense, and any appropriate technology determined to be excess by the Department of Defense; and

(ii) the use of manned aircraft and unmanned aircraft;

(B) to detect and prevent terrorists and instruments of terrorism from entering the United States;

(C) to detect, interdict, and disrupt between ports of entry aliens unlawfully present in the United States;

(D) to detect, interdict, and disrupt human smuggling, human trafficking, drug trafficking, and other illicit cross-border activity;

(E) to focus intelligence collection to disrupt transnational criminal organizations outside of the international and maritime borders of the United States; and

(F) to ensure that any new border security technology can be operationally integrated with existing technologies in use by the Department;

(4) information relating to initiatives of the Department with respect to operational coordination, including any relevant task forces of the Department;

(5) information gathered from the lessons learned by the deployments of the National Guard to the southern border of the United States;

(6) a description of cooperative agreements relating to information sharing with State, local, Tribal, territorial, and other Federal law enforcement agencies that have jurisdiction on the borders of the United States;

(7) information relating to border security information received from—

(A) State, local, Tribal, territorial, and other Federal law enforcement agencies that have jurisdiction on the borders of the United States or in the maritime environment;

(B) border community stakeholders, including representatives from—

(i) border agricultural and ranching organizations;

(ii) business and civic organizations;
(iii) hospitals and rural clinics within 150 miles of a United States border;
(iv) victims of crime committed by aliens unlawfully present in the United States;
(v) victims impacted by drugs, transnational criminal organizations, cartels, gangs, or other criminal activity;
(vi) farmers, ranchers, and property owners along the border; and
(vii) other individuals negatively impacted by illegal immigration;
(8) information relating to the staffing requirements with respect to border security for the Department;
(9) a prioritized list of Department research and development objectives to enhance the security of the borders of the United States; and
(10) an assessment of training programs, including programs relating to—
(A) identifying and detecting fraudulent documents;
(B) understanding the scope of CBP enforcement authorities and appropriate use of force policies; and
(C) screening, identifying, and addressing vulnerable populations, such as children and victims of human trafficking.

SEC. 514. U.S. CUSTOMS AND BORDER PROTECTION SPIRITUAL READINESS.

Not later than 1 year after the date of the enactment of this Act and annually thereafter for the following 5 years, the Commissioner shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives regarding—
(1) the availability and usage of the assistance of chaplains, prayer groups, houses of worship, and other spiritual resources for members of CBP who identify as religiously affiliated and have attempted suicide, have suicidal ideation, or are at risk of suicide; and
(2) metrics on the impact such resources have in assisting religiously affiliated members who have access to and utilize such resources compared to religiously affiliated members who do not have such access.

SEC. 515. RESTRICTIONS ON FUNDING.

(a) ARRIVING ALIENS.—No funds are authorized to be appropriated to the Department to process the entry into the United States of aliens arriving in between ports of entry.
(b) RESTRICTION ON NONGOVERNMENTAL ORGANIZATION SUPPORT FOR UNLAWFUL ACTIVITY.—No funds are authorized to be appropriated to the Department for disbursement to any nongovernmental organization that facilitates or encourages unlawful activity, including unlawful entry, human trafficking, human smuggling, drug trafficking, and drug smuggling.
(c) RESTRICTION ON NONGOVERNMENTAL ORGANIZATION FACILITATION OF ILLEGAL IMMIGRATION.—No funds are authorized to be appropriated to the Department for disbursement to any nongovernmental organization to provide, or facilitate the provision of, transportation, lodging, or immigration legal services to inadmissible aliens who enter the United States after the date of the enactment of this Act.

SEC. 516. COLLECTION OF DNA AND BIOMETRIC INFORMATION AT THE BORDER.

Not later than 14 days after the date of the enactment of this Act, the Secretary shall ensure and certify to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives that CBP is fully compliant with Federal DNA and biometric collection requirements at United States land borders.

SEC. 517. ERADICATION OF NARCOTIC DRUGS AND FORMULATING EFFECTIVE NEW TOOLS TO ADDRESS YEARLY LOSSES OF LIFE; ENSURING TIMELY UPDATES TO U.S. CUSTOMS AND BORDER PROTECTION FIELD MANUALS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and not less frequently than triennially thereafter, the Commissioner of U.S. Customs and Border Protection shall review and update, as necessary, the current policies and manuals of the Office of Field Operations related to inspections at ports of entry, and of U.S. Border Patrol related to inspections between ports of entry, to ensure the uniform implementation of inspection practices that will effectively respond to technological and methodological changes designed to disguise unlawful activity, such as the smuggling of drugs and humans, along the border.
(b) REPORTING REQUIREMENT.—Not later than 90 days after each update required under subsection (a), the Commissioner of U.S. Customs and Border Protection shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives that summarizes any policy and manual changes pursuant to subsection (a).

SEC. 518. PUBLICATION OF OPERATIONAL STATISTICS BY U.S. CUSTOMS AND BORDER PROTECTION.

(a) DEFINITIONS.—In this section:
(1) ALIEN ENCOUNTERS.—The term ''alien encounters'' means aliens apprehended, determined inadmissible, or processed for removal by U.S. Customs and Border Protection.
(2) GOT AWAY.—The term ''got away'' has the meaning given such term in section 1092(a) of the National Defense Authorization Act for Fiscal Year 2017 (6 U.S.C. 223(a)).
(3) TERRORIST SCREENING DATABASE.—The term ''terrorist screening database'' has the meaning given such term in section 2101 of the Homeland Security Act of 2002 (6 U.S.C. 621).
(4) UNACCOMPANIED ALIEN CHILD.—The term ''unaccompanied alien child'' has the meaning given such term in section 462(g) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)).
(b) IN GENERAL.—Not later than the seventh day of each month beginning with the second full month after the date of the enactment of this Act, the Commissioner of U.S. Customs and Border Protection shall publish on a publicly available website of the Department of Homeland Security information for the immediately preceding month relating to—
(1) the total number of alien encounters and nationalities;
(2) unique alien encounters and nationalities;
(3) gang affiliated apprehensions and nationalities;
(4) drug seizures;
(5) alien encounters included in the terrorist screening database and nationalities;
(6) arrests of criminal aliens or individuals wanted by law enforcement and nationalities;
(7) known got aways;
(8) encounters with deceased aliens; and
(9) all other related or associated statistics recorded by U.S. Customs and Border Protection.
(c) CONTENTS.—Each monthly publication required under subsection (b) shall include—
(1) the aggregate such number, and such number disaggregated by geographic regions, of such recordings and encounters, including specifications relating to whether such recordings and encounters were at the southwest, northern, or maritime border;
(2) the identification of the Office of Field Operations field office, U.S. Border Patrol sector, or Air and Marine Operations branch making each recording or encounter;
(3) information relating to whether each recording or encounter of an alien was of a single adult, an unaccompanied alien child, or an individual in a family unit;
(4) information relating to the processing disposition of each alien recording or encounter;
(5) information relating to the nationality of each alien who is the subject of each recording or encounter;
(6) the total number of individuals included in the terrorist screening database (as such term is defined in section 2101 of the Homeland Security Act of 2002 (6 U.S.C. 621)) who have repeatedly attempted to cross unlawfully into the United States; and
(7) the total number of individuals included in the terrorist screening database who have been apprehended, including information relating to whether such individuals were released into the United States or removed.
(d) EXCEPTIONS.—If the Commissioner of U.S. Customs and Border Protection does not publish the information required under subsections (a) and (b) in any month by the date specified in subsection (a), the Commissioner shall brief the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives regarding the reason for such nonpublication by not later than the date that is 2 business days after the tenth day of such month.

SEC. 519. ALIEN CRIMINAL BACKGROUND CHECKS.

(a) IN GENERAL.—Not later than 7 days after the date of the enactment of this Act, the Commissioner shall submit a certification to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on the Judiciary of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on the Judiciary of the House of Representatives that CBP has real-time access to the criminal history databases of all countries of origin and transit for aliens encountered by CBP to perform criminal history background checks for such aliens.
(b) STANDARDS.—The certification required under subsection (a) shall include a determination whether the criminal history databases of a country are accurate, up to date, digitized, searchable, and otherwise meet the standards of the Federal Bureau of Investigation for criminal history databases maintained by State and local governments.
(c) CERTIFICATION.—The Secretary shall annually submit a certification to the congressional committees listed in subsection (a) that each database referred to in subsection (b) that the Secretary accessed or sought to access pursuant to this section met the standards described in subsection (b).

SEC. 520. PROHIBITED IDENTIFICATION DOCUMENTS AT AIRPORT SECURITY CHECKPOINTS; NOTIFICATION TO IMMIGRATION AGENCIES.

(a) DEFINITIONS.—In this section:
(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Transportation Security Administration.
(2) BIOMETRIC INFORMATION.—The term ''biometric information'' means—
(A) a fingerprint;
(B) a palm print;
(C) a photograph, including—
(i) a photograph of an individual's face for use with facial recognition technology; and
(ii) a photograph of any physical or anatomical feature, such as a scar, skin mark, or tattoo;
(D) a signature;

(E) a voice print; and
(F) an iris image.
(3) COVERED IDENTIFICATION DOCUMENT.—The term ''covered identification document'' means a valid and unexpired—
(A) United States passport or passport card;
(B) biometrically secure card issued by a trusted traveler program of the Department, including—
(i) Global Entry;
(ii) Nexus;
(iii) Secure Electronic Network for Travelers Rapid Inspection (SENTRI); and
(iv) Free and Secure Trade (FAST);
(C) identification card issued by the Department of Defense, including such a card issued to a dependent;
(D) document required for admission to the United States under section 211(a) of the Immigration and Nationality Act (8 U.S.C. 1181(a));
(E) enhanced driver's license issued by a State;
(F) photo identification card issued by a federally recognized Indian Tribe;
(G) personal identity verification credential issued in accordance with Homeland Security Presidential Directive 12;
(H) driver's license issued by a province of Canada;
(I) Secure Certificate of Indian Status issued by the Government of Canada;
(J) Transportation Worker Identification Credential (TWIC);
(K) Merchant Mariner Credential (MMC) issued by the Coast Guard;
(L) Veteran Health Identification Card (VHIC) issued by the Department of Veterans Affairs; and
(M) document that the Administrator determines, pursuant to a rulemaking in accordance with section 553 of title 5, United States Code, will satisfy the identity verification procedures of the Transportation Security Administration.
(4) IMMIGRATION LAWS.—The term ''immigration laws'' has the meaning given such term in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).
(5) PROHIBITED IDENTIFICATION DOCUMENT.—The term ''prohibited identification document'' means—
(A) a U.S. Immigration and Customs Enforcement Form I–200, Warrant for Arrest of Alien;
(B) a U.S. Immigration and Customs Enforcement Form I–205, Warrant of Removal/Deportation;
(C) a U.S. Immigration and Customs Enforcement Form I–220A, Order of Release on Recognizance;
(D) a U.S. Immigration and Customs Enforcement Form I–220B, Order of Supervision;
(E) a Department of Homeland Security Form I–862, Notice to Appear;
(F) a U.S. Customs and Border Protection Form I–94, Arrival/Departure Record (including a print-out of an electronic record);
(G) a Department of Homeland Security Form I–385, Notice to Report;
(H) any document that directs an individual to report to the Department of Homeland Security;
(I) any Department of Homeland Security work authorization or employment verification document; and
(J) any applicable successor form to any form listed in subparagraphs (A) through (I).
(6) STERILE AREA.—The term ''sterile area'' has the meaning given such term in section 1540.5 of title 49, Code of Federal Regulations, or in any successor regulation.
(b) IN GENERAL.—The Administrator may not accept as valid proof of identification a prohibited identification document at an airport security checkpoint.
(c) NOTIFICATION TO IMMIGRATION AGENCIES.—If an individual presents a prohibited identification document to a Transportation Security Administration officer at an airport security checkpoint, the Administrator shall promptly notify the Director of U.S. Immigration and Customs Enforcement, the Director of U.S. Customs and Border Protection, and the head of the appropriate local law enforcement agency to determine whether the individual is in violation of any term of release from the custody of any such agency.
(d) ENTRY INTO STERILE AREAS.—
(1) IN GENERAL.—Except as provided in paragraph (2), if an individual is found to be in violation of any term of release under subsection (c), the Administrator may not permit such individual to enter a sterile area.
(2) EXCEPTION.—An individual presenting a prohibited identification document under this section may enter a sterile area if the individual—
(A) is leaving the United States for the purposes of removal or deportation; or
(B) presents a covered identification document.
(e) COLLECTION OF BIOMETRIC INFORMATION FROM CERTAIN INDIVIDUALS SEEKING ENTRY INTO THE STERILE AREA OF AN AIRPORT.—
(1) IN GENERAL.—Beginning not later than 120 days after the date of the enactment of this Act, the Administrator shall collect biometric information from an individual described in paragraph (2) before authorizing such individual to enter into a sterile area.
(2) INDIVIDUAL DESCRIBED.—An individual described in this paragraph is an individual who—
(A) is seeking entry into the sterile area of an airport;
(B) does not present a covered identification document; and
(C) the Administrator cannot verify is a national of the United States.
(f) PARTICIPATION IN IDENT.—Beginning not later than 120 days after the date of the enactment of this Act, the Administrator, in coordination with the Secretary, shall submit biometric data collected under this section to the Automated Biometric Identification System (IDENT).

SEC. 521. PROHIBITION AGAINST ANY COVID–19 VACCINE MANDATE OR ADVERSE ACTION AGAINST DEPARTMENT OF HOMELAND SECURITY EMPLOYEES.

(a) LIMITATION ON IMPOSITION OF NEW MANDATE.—The Secretary may not issue any COVID–19 vaccine mandate unless Congress expressly authorizes such a mandate.
(b) PROHIBITION ON ADVERSE ACTION.—The Secretary may not take any adverse action against a Department employee based solely on the refusal of such employee to receive a vaccine for COVID–19.
(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives regarding—
(1) the number of Department employees who were terminated or resigned due to the COVID–19 vaccine mandate;
(2) an estimate of the cost to reinstate such employees; and
(3) how the Department would effectuate reinstatement of such employees.
(d) RETENTION AND DEVELOPMENT OF UNVACCINATED EMPLOYEES.—The Secretary shall make every effort—
(1) to retain Department employees who are not vaccinated against COVID–19; and
(2) to provide such employees with professional development, promotion, leadership opportunities, and consideration equal to that of their peers.

SEC. 522. U.S. CUSTOMS AND BORDER PROTECTION ONE MOBILE APPLICATION LIMITATION.

(a) LIMITATION.—The Department may use the CBP One Mobile Application or any other similar program, application, internet-based portal, website, device, or initiative only for the inspection of perishable cargo.
(b) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Commissioner shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives regarding—
(1) the date on which CBP began using CBP One to allow aliens to schedule interviews at land ports of entry;
(2) how many aliens have scheduled interviews at land ports of entry using CBP One;
(3) the nationalities of such aliens; and
(4) the stated final destinations of such aliens within the United States, if applicable.

SEC. 523. REPORT ON MEXICAN DRUG CARTELS.

Not later than 60 days after the date of the enactment of this Act, Congress shall commission a report that contains—
(1) a national strategy to address Mexican drug cartels;
(2) a determination regarding whether there should be a designation established to address such cartels; and
(3) information relating to actions by such cartels that causes harm to the United States.

SEC. 524. GOVERNMENT ACCOUNTABILITY OFFICE STUDY ON COSTS INCURRED BY STATES TO SECURE THE SOUTHWEST BORDER.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study to examine—
(1) the costs incurred by individual States as a result of actions taken by such States in support of the Federal mission to secure the southwest border; and
(2) the feasibility of a program to reimburse such States for such costs.
(b) CONTENTS.—The study required under subsection (a) shall consider—
(1) actions taken by the Department that have contributed to costs described in such subsection incurred by States to secure the border in the absence of Federal action, including the termination of the Migrant Protection Protocols and cancellation of border wall construction;
(2) actions taken by individual States along the southwest border to secure their respective borders, and the costs associated with such actions; and
(3) the feasibility of a program within the Department to reimburse States for the costs incurred in support of the Federal mission to secure the southwest border.

SEC. 525. REPORT BY INSPECTOR GENERAL OF THE DEPARTMENT OF HOMELAND SECURITY.

(a) ANNUAL REPORT.—Not later than 1 year after the date of the enactment of this Act and annually thereafter for the following 5 years, the Inspector General of the Department shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives that examines the economic and security impact of mass migration to municipalities and States along the southwest border.
(b) CONTENTS.—Each report required under subsection (a) shall include information regarding costs incurred by—
(1) State and local law enforcement to secure the southwest border;

(2) public school districts to educate students who are aliens unlawfully present in the United States;

(3) healthcare providers to provide care to aliens unlawfully present in the United States who have not paid for such care; and

(4) farmers and ranchers due to migration impacts to their properties.

(c) CONSULTATION.—In compiling the report required under subsection (a), the Inspector General of the Department shall consult with the individuals and representatives of the entities described in paragraphs (1) through (4) of subsection (b).

SEC. 526. OFFSETTING AUTHORIZATIONS OF APPROPRIATIONS.

(a) INTELLIGENCE, ANALYSIS, AND SITUATIONAL AWARENESS.—There is authorized to be appropriated $216,000,000 for Intelligence, Analysis, and Situational Awareness of the Department.

(b) OFFICE OF THE SECRETARY AND EMERGENCY MANAGEMENT.—No funds are authorized to be appropriated—

(1) to U.S. Immigration and Customs Enforcement for the Alternatives to Detention Case Management Pilot Program; or

(2) to the Office of the Secretary of the Department for the Immigration Detention Ombudsman.

(c) MANAGEMENT DIRECTORATE.—No funds are authorized to be appropriated to the Management Directorate of the Department for electric vehicles or the construction of the St. Elizabeths Campus.

(d) U.S. CUSTOMS AND BORDER PROTECTION.—No funds are authorized to be appropriated for the Shelter Services Program for U.S. Customs and Border Protection.

SEC. 527. REPORT TO CONGRESS ON FOREIGN TERRORIST ORGANIZATIONS.

(a) DEFINED TERM.—In this section, the term ''foreign terrorist organization'' means an organization described in section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

(b) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter for the following 5 years, the Secretary shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives that assesses attempts by foreign terrorist organizations to move their members or affiliates into the United States through the southern, northern, or maritime border.

SEC. 528. ASSESSMENT BY INSPECTOR GENERAL OF THE DEPARTMENT OF HOMELAND SECURITY REGARDING THE MITIGATION OF UNMANNED AIRCRAFT SYSTEMS AT THE SOUTHWEST BORDER.

Not later than 90 days after the date of the enactment of this Act, the Inspector General of the Department shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives that assesses the ability of U.S. Customs and Border Protection to mitigate unmanned aircraft systems at the southwest border, including information regarding any intervention between January 1, 2021 and the date of the enactment of this Act by any Federal agency affecting U.S. Customs and Border Protection's authority to so mitigate such systems.

TITLE II—ASYLUM REFORM AND BORDER PROTECTION

SEC. 531. SAFE THIRD COUNTRY.

Section 208(a)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1158(a)(2)(A)) is amended—

(1) by striking ''if the Attorney General determines that'' and inserting ''if the Attorney General or the Secretary of Homeland Security determines that—'';

(2) by striking ''the alien may be removed, pursuant to a bilateral or multilateral agreement,'' and inserting the following:

''(i) the alien may be removed'';

(3) by inserting ''or the Secretary, on a case by case basis,'' before ''finds that'';

(4) by striking the period at the end and inserting ''; or''; and

(5) by adding at the end the following:

''(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—

''(aa) a victim of a severe form of trafficking in which—

''(AA) a commercial sex act was induced by force, fraud, or coercion;

''(BB) the person induced to perform such act was younger than 18 years of age; or

''(CC) 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

''(bb) unable to apply for protection from persecution in each country through which the alien transited en route to the United States as a result of such severe form of trafficking; or

''(III) the only countries through which the alien transited en route to the United States were, at the time of the transit, not parties to the 1951 United Nations Convention relating to the Status of Refugees, the 1967 Protocol Relating to the Status of Refugees, or the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.''.

SEC. 532. CREDIBLE FEAR INTERVIEWS.

Section 235(b)(1)(B)(v) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(B)(v)) is amended by striking ''there is a significant possibility'' and all that follows, and inserting '', taking into account the credibility of the statements made by the alien in support of the alien's claim, as determined pursuant to section 208(b)(1)(B)(iii), and such other facts as are known to the officer, the alien more likely than not could establish eligibility for asylum under section 208, and it is more likely than not that the statements made by, and on behalf of, the alien in support of the alien's claim are true.''.

SEC. 533. CLARIFICATION OF ASYLUM ELIGIBILITY.

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

(1) in subsection (a), by amending paragraph (1) to read as follows:

''(1) IN GENERAL.—Any alien who is physically present in the United States and has arrived in the United States at a port of entry (including an alien who is brought to the United States after having been interdicted in international or United States waters), irrespective of such alien's status, may apply for asylum in accordance with this section or, where applicable, section 235(b).''; and

(2) in subsection (b)(1)(A), by inserting ''(in accordance with the rules under this section), and is eligible to apply for asylum under subsection (a)'' after ''section 101(a)(42)(A)''.

SEC. 534. EXCEPTIONS.

Section 208(b)(2) of the Immigration and Nationality Act (8 U.S.C. 1158(b)(2)) is amended to read as follows:

''(2) EXCEPTIONS.—

''(A) DEFINITIONS.—In this paragraph:

''(i) BATTERY OR EXTREME CRUELTY.—The term 'battery or extreme cruelty' includes—

''(I) any act or threatened act of violence, including any forceful detention, which results or threatens to result in physical or mental injury;

''(II) psychological or sexual abuse or exploitation, including rape, molestation, incest, or forced prostitution, shall be considered acts of violence; and

''(III) 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.

''(ii) FELONY.—The term 'felony' means—

''(I) any crime defined as a felony by the relevant jurisdiction (Federal, State, tribal, or local) of conviction; or

''(II) any crime punishable by more than one year of imprisonment.

''(iii) MISDEMEANOR.—The term 'misdemeanor' means—

''(I) any crime defined as a misdemeanor by the relevant jurisdiction (Federal, State, tribal, or local) of conviction; or

''(II) any crime not punishable by more than 1 year of imprisonment.

''(B) IN GENERAL.—Paragraph (1) shall not apply to an alien if the Secretary of Homeland Security or the Attorney General determines that—

''(i) the alien ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion;

''(ii) the alien has been convicted of any felony under Federal, State, tribal, or local law;

''(iii) the alien has been convicted of any misdemeanor offense under Federal, State, tribal, or local law involving—

''(I) the unlawful possession or use of an identification document, authentication feature, or false identification document (as those terms and phrases are defined in the jurisdiction where the conviction occurred), unless the alien can establish that the conviction resulted from circumstances showing that—

''(aa) the document or feature was presented before boarding a common carrier;

''(bb) the document or feature related to the alien's eligibility to enter the United States;

''(cc) the alien used the document or feature to depart a country wherein the alien has claimed a fear of persecution; and

''(dd) the alien claimed a fear of persecution without delay upon presenting himself or herself to an immigration officer upon arrival at a United States port of entry;

''(II) the unlawful receipt of a Federal public benefit (as defined in section 401(c) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1611(c))), from a Federal entity, or the unlawful receipt of similar public benefits from a State, tribal, or local entity; or

''(III) possession or trafficking of a controlled substance or controlled substance paraphernalia, as such terms 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 section 274(a)(1)(A), 274(a)(2), or 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 such 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 1 offense for driving while intoxicated or impaired, as those terms are defined under the law of the jurisdiction where the conviction occurred (including a conviction for driving while under the influence of or impaired by alcohol or drugs), without regard to whether the conviction is classified as a misdemeanor or felony under Federal, State, tribal, or local law;

''(viii) the alien has been convicted of a crime—

''(I) that involves conduct amounting to a crime of stalking;

''(II) of child abuse, child neglect, or child abandonment; or

''(III) that involves conduct amounting to a domestic assault or battery offense, including—

''(aa) a misdemeanor crime of domestic violence, as described in section 921(a)(33) of title 18, United States Code;

''(bb) a crime of domestic violence, as described in section 40002(a)(12) of the Violence Against Women Act of 1994 (34 U.S.C. 12291(a)(12)); or

''(cc) any crime based on conduct in which the alien harassed, coerced, intimidated, voluntarily or recklessly used (or threatened to use) force or violence against, or inflicted physical injury or physical pain, however slight, upon a person—

''(AA) who is a current or former spouse of the alien;

''(BB) with whom the alien shares a child;

''(CC) who is cohabitating with, or who has cohabitated with, the alien as a spouse;

''(DD) who is similarly situated to a spouse of the alien under the domestic or family violence laws of the jurisdiction where the offense occurred; or

''(EE) who is protected from that alien's acts under the domestic or family violence laws of the United States or of any State, tribal government, or unit of local government;

''(ix) the alien has engaged in acts of battery or extreme cruelty upon a person and the person—

''(I) is a current or former spouse of the alien;

''(II) shares a child with the alien;

''(III) cohabitates or has cohabitated with the alien as a spouse;

''(IV) is similarly situated to a spouse of the alien under the domestic or family violence laws of the jurisdiction where the offense occurred; or

''(V) is protected from that alien's acts under the domestic or family violence laws of the United States or of any State, tribal government, or unit of local government;

''(x) the alien, having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community of the United States;

''(xi) there are serious reasons for believing that the alien has committed a serious nonpolitical crime outside of the United States before arriving 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 before 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.

''(C) SPECIAL RULES.—

''(i) PARTICULARLY SERIOUS CRIME; SERIOUS NONPOLITICAL CRIME OUTSIDE THE UNITED STATES.—

''(I) IN GENERAL.—For purposes of subparagraph (B)(x), the Attorney General or Secretary of Homeland Security 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 are 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 or an aggravated felony (as defined in 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 (B)(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 (B)(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 (B)(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) EXCEPTION FOR VICTIMS OF DOMESTIC VIOLENCE.—An alien who was convicted of an offense described in clause (viii) or (ix) of subparagraph (B) is not ineligible for asylum on that basis if the alien satisfies the criteria under section 237(a)(7)(A).

''(D) 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.

''(E) 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.—

''(I) 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.

''(II) AMELIORATING IMMIGRATION CONSEQUENCES.—For purposes of subclause (I)(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 1 year after the later of—

''(AA) the date of the original order of conviction; or

''(BB) the date of the original order of sentencing.

''(III) 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.

''(F) 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).

''(G) NO JUDICIAL REVIEW.—There shall be no judicial review of a determination of the Secretary of Homeland Security or the Attorney General under subparagraph (B)(xiii).''.

SEC. 535. EMPLOYMENT AUTHORIZATION.

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) AUTHORIZATION PERMITTED.—An applicant for asylum is not entitled to employment authorization, but such authorization may be provided under regulation by the Secretary of Homeland Security. An applicant who is not otherwise eligible for employment authorization shall not be granted such authorization before the date that is 180 days after the date on which the alien filed an application for asylum.

''(B) TERMINATION.—Each employment authorization granted pursuant to subparagraph (A), and any renewal or extension of such authorization, shall be valid until the earlier of—

''(i) the date that is 6 months after such authorization, renewal, or extension;

''(ii) the date on which the asylum application is denied by an asylum officer, unless the case is referred to an immigration judge;

''(iii) the date that is 30 days after the date on which an immigration judge denies an asylum application, unless the alien timely appeals to the Board of Immigration Appeals; or

''(iv) the date on which the Board of Immigration Appeals denies an appeal of a denial of an asylum application.

''(C) RENEWAL.—The Secretary of Homeland Security may not grant, renew, or extend employment authorization to an alien if the alien was previously granted employment authorization under subparagraph (A), and the employment authorization was terminated pursuant to a circumstance described in clause (ii), (iii), or (iv) of subparagraph (B) unless a Federal court of appeals remands the alien's case to the Board of Immigration Appeals.

''(D) INELIGIBILITY.—The Secretary of Homeland Security may not grant employment authorization to an alien under this paragraph if the alien—

''(i) is ineligible for asylum under subsection (b)(2)(A); or

''(ii) entered or attempted to enter the United States at a place and time other than lawfully through a United States port of entry.''.

SEC. 536. ASYLUM FEES.

Section 208(d)(3) of the Immigration and Nationality Act (8 U.S.C. 1158(d)(3)) is amended to read as follows:

''(3) FEES.—

''(A) APPLICATION FEE.—

''(i) IN GENERAL.—Except as provided in clause (ii), the Secretary of Homeland Security shall impose a fee for each application for asylum that—

''(I) except as provided in subclause (II), is not less than $50; and

''(II) does not exceed the cost of adjudicating the application.

''(ii) WAIVER.—The fee under clause (i) shall be waived for an application filed on behalf of an unaccompanied alien child in proceedings under section 240.

''(B) EMPLOYMENT AUTHORIZATION.—Separate fees may be imposed for an application for employment authorization under this section and for an application for adjustment of status under section 209(b). Such fees may not exceed the costs of processing and adjudicating such applications.

''(C) PAYMENT.—Fees under this paragraph may be assessed and paid by installments.

''(D) RULE OF CONSTRUCTION.—Nothing in this paragraph may be construed to limit the authority of the Attorney General or the Secretary of Homeland Security to set adjudication and naturalization fees in accordance with section 286(m).''.

SEC. 537. RULES FOR DETERMINING ASYLUM ELIGIBILITY.

Section 208 of the Immigration and Nationality Act (8 U.S.C. 1158), as amended by section 531 and sections 533 through 536, is further amended by adding at the end the following:

''(f) RULES FOR DETERMINING ASYLUM ELIGIBILITY.—

''(1) DEFINITIONS.—In this subsection:

''(A) MEMBERSHIP IN A PARTICULAR SOCIAL GROUP.—The term 'membership in a particular social group' means membership in a group that is—

''(i) composed of members who share a common immutable characteristic;

''(ii) defined with particularity; and

''(iii) socially distinct within the society in question.

''(B) PERSECUTION.—The term 'persecution'—

''(i) means the infliction of a severe level of harm constituting an exigent threat by the government of a country or by persons or an organization that the government was unable or unwilling to control; and

''(ii) does not include—

''(I) generalized harm or violence that arises out of civil, criminal, or military strife in a country;

''(II) all treatment that the United States regards as unfair, offensive, unjust, unlawful, or unconstitutional;

''(III) intermittent harassment, including brief detentions;

''(IV) threats with no actual effort to carry out the threats, except that particularized threats of severe harm of an immediate and menacing nature made by an identified entity may constitute persecution; or

''(V) nonsevere economic harm or property damage.

''(C) POLITICAL OPINION.—The term 'political opinion' means an ideal or conviction in support of the furtherance of a discrete cause related to political control of a state or a unit thereof.

''(2) PARTICULAR SOCIAL GROUP.—In making a determination under subsection (b)(1)(A) with respect to whether an alien is a refugee within the meaning of section 101(a)(42)(A), the Secretary of Homeland Security or the Attorney General may not determine that an alien is a member of a particular social group unless the alien articulates on the record, or provides a basis on the record for determining, the definition and boundaries of the alleged particular social group, establishes that the particular social group exists independently from the alleged persecution, and establishes that the alien's claim of membership in a particular social group does not involve—

''(A) past or present criminal activity or association (including gang membership);

''(B) presence in a country with generalized violence or a high crime rate;

''(C) being the subject of a recruitment effort by criminal, terrorist, or persecutory groups;

''(D) the targeting of the applicant for criminal activity for financial gain based on perceptions of wealth or affluence;

''(E) interpersonal disputes of which governmental authorities in the relevant society or region were unaware or uninvolved;

''(F) private criminal acts of which governmental authorities in the relevant society or region were unaware or uninvolved;

''(G) past or present terrorist activity or association;

''(H) past or present persecutory activity or association; or

''(I) status as an alien returning from the United States.

''(3) POLITICAL OPINION.—The Secretary of Homeland Security or the Attorney General may not determine that an alien holds a political opinion with respect to which the alien is subject to persecution if the political opinion is constituted solely by generalized disapproval of, disagreement with, or opposition to criminal, terrorist, gang, guerilla, or other non-state organizations and does not include expressive behavior in furtherance of a cause against such organizations related to efforts by the State to control such organizations or behavior that is antithetical to or otherwise opposes the ruling legal entity of the State or a unit of such State.

''(4) PERSECUTION.—The Secretary of Homeland Security or the Attorney General may not determine that an alien has been subject to persecution or has a well-founded fear of persecution based only on—

''(A) the existence of laws or government policies that are unenforced or infrequently enforced, unless there is credible evidence that such a law or policy has been or would be applied to the applicant personally; or

''(B) the conduct of rogue foreign government officials acting outside the scope of their official capacity.

''(5) DISCRETIONARY DETERMINATION.—

''(A) ADVERSE DISCRETIONARY FACTORS.—The Secretary of Homeland Security or the Attorney General may only grant asylum to an alien if the alien establishes that he or she warrants a favorable exercise of discretion. In making such a determination, the Attorney General or the Secretary of Homeland Security shall consider, if applicable, an alien's use of fraudulent documents to enter the United States, unless the alien arrived in the United States by air, sea, or land directly from the applicant's home country without transiting through any other country.

''(B) FAVORABLE EXERCISE OF DISCRETION NOT PERMITTED.—Except as provided in subparagraph (C), the Attorney General or the Secretary of Homeland Security may not favorably exercise discretion under this section for any alien who—

''(i) has accrued more than 1 year of unlawful presence in the United States (as defined in clauses (ii) and (iii) of section 212(a)(9)(B)), before filing an application for asylum;

''(ii) at the time the asylum application is filed with the immigration court or is referred from the Department of Homeland Security—

''(I) has failed to timely file (or timely file a request for an extension of time to file) any required Federal, State, or local income tax returns;

''(II) has failed to satisfy any outstanding Federal, State, or local tax obligations; or

''(III) earned income that would result in tax liability under section 1 of the Internal Revenue Code of 1986 and that was not reported to the Internal Revenue Service;

''(iii) has had 2 or more prior asylum applications denied for any reason;

''(iv) has withdrawn a prior asylum application with prejudice or been found to have abandoned a prior asylum application;

''(v) failed to attend an interview regarding his or her asylum application with the Department of Homeland Security, unless the

alien shows by a preponderance of the evidence that—

''(I) exceptional circumstances prevented the alien from attending the interview; or

''(II) the interview notice was not mailed to the last address provided by the alien or the alien's representative and neither the alien nor the alien's representative received notice of the interview; or

''(vi) was subject to a final order of removal, deportation, or exclusion and did not file a motion to reopen to seek asylum based on changed country conditions within one year of the change in country conditions.

''(C) EXCEPTIONS.—Notwithstanding subparagraph (B), if there are 1 or more of the adverse discretionary factors described in such subparagraph (B), the Attorney General or the Secretary of Homeland Security, may favorably exercise discretion under section 208—

''(i) in extraordinary circumstances, such as those involving national security or foreign policy considerations; or

''(ii) if the alien, by clear and convincing evidence, demonstrates that the denial of the application for asylum would result in exceptional and extremely unusual hardship to the alien.

''(6) LIMITATION.—

''(A) IN GENERAL.—If the Secretary of Homeland Security or the Attorney General determines that an alien fails to satisfy the requirement under paragraph (2), the alien may not—

''(i) be granted asylum based on membership in a particular social group or

''(ii) appeal the determination of the Secretary or the Attorney General, as applicable.

''(B) NO BASIS FOR MOTION TO REOPEN OR RECONSIDER.—A determination under this paragraph shall not serve as the basis for any motion to reopen or reconsider an application for asylum or withholding of removal for any reason, including a claim of ineffective assistance of counsel, unless the alien—

''(i) complies with the procedural requirements for such a motion; and

''(ii) demonstrates that counsel's failure to define, or provide a basis for defining, a formulation of a particular social group was not a strategic choice and constituted egregious conduct.

''(7) STEREOTYPES.—Evidence offered in support of an application for asylum that promotes cultural stereotypes about a country, its inhabitants, or an alleged persecutor, including stereotypes based on race, religion, nationality, or gender, shall not be admissible in adjudicating that application, except that evidence that an alleged persecutor holds stereotypical views of the applicant shall be admissible.''.

SEC. 538. FIRM RESETTLEMENT.

Section 208 of the Immigration and Nationality Act (8 U.S.C. 1158), as amended by section 531 and sections 533 through 537, is further amended by adding at the end the following:

''(g) FIRM RESETTLEMENT.—

''(1) IN GENERAL.—In determining whether an alien was firmly resettled in another country before arriving in the United States under subsection (b)(2)(B)(xiv), the alien shall be considered to have firmly resettled in another country if, after the events giving rise to the alien's asylum claim—

''(A) the alien—

''(i) resided in a country through which the alien transited before arriving in or entering the United States; and

''(ii)(I) received or was eligible for any permanent legal immigration status in that country;

''(II) resided in such a country with any nonpermanent, but indefinitely renewable, legal immigration status (including asylee, refugee, or similar status, but excluding the status of a tourist); or

''(III) resided in such a country and could have applied for and obtained an immigration status described in subclause (II);

''(B) the alien physically resided voluntarily, and without continuing to suffer persecution or torture, in any country for 1 year or more after departing his or her country of nationality or last habitual residence and before arriving in or entering into the United States, except for any time spent in Mexico by an alien who is not a native or citizen of Mexico solely as a direct result of being returned to Mexico pursuant to section 235(b)(3) or of being subject to metering; or

''(C) the alien—

''(i) is a citizen of a country other than the country in which the alien alleges a fear of persecution, or was a citizen of such a country in the case of an alien who renounces such citizenship; and

''(ii) was present in such country after departing his or her country of nationality or last habitual residence and before arriving in or entering into the United States.

''(2) BURDEN OF PROOF.—If an immigration judge determines pursuant to paragraph (1) that an alien has firmly resettled in another country, the alien shall bear the burden of proving the bar does not apply.

''(3) FIRM RESETTLEMENT OF PARENT.—An alien shall be presumed to have been firmly resettled in another country if—

''(A) the alien's parent was firmly resettled in another country;

''(B) the parent's resettlement occurred before the alien attained 18 years of age; and

''(C) the alien resided with such parent at the time of the firm resettlement, unless the alien establishes that he or she could not have derived any permanent legal immigration status or any nonpermanent, but indefinitely renewable, legal immigration status (including asylum, refugee, or similar status, but excluding the status of a tourist) from the alien's parent.''.

SEC. 539. NOTICE CONCERNING FRIVOLOUS ASYLUM APPLICATIONS.

(a) IN GENERAL.—Section 208(d)(4) of the Immigration and Nationality Act (8 U.S.C. 1158(d)(4)) is amended—

(1) in the matter preceding subparagraph (A), by inserting ''the Secretary of Homeland Security or'' before ''the Attorney General'';

(2) in subparagraph (A), by striking ''and of the consequences, under paragraph (6), of knowingly filing a frivolous application for asylum; and'' and inserting a semicolon;

(3) in subparagraph (B), by striking the period and inserting ''; and''; and

(4) by adding at the end the following:

''(C) ensure that a written warning appears on the asylum application advising the alien of the consequences of filing a frivolous application and serving as notice to the alien of the consequence of filing a frivolous application.''.

(b) CONFORMING AMENDMENT.—Section 208(d)(6) of such Act (8 U.S.C. 1158(d)(6)) is amended to read as follows:

''(6) FRIVOLOUS APPLICATIONS.—

''(A) IN GENERAL.—If the Secretary of Homeland Security or the Attorney General determines that an alien has knowingly made a frivolous application for asylum and the alien has received the notice described in paragraph (4)(C), the alien shall be permanently ineligible for any benefits under this chapter, effective as the date of the final determination of such an application.

''(B) CRITERIA.—An application is frivolous if the Secretary of Homeland Security or the Attorney General determines, consistent with subparagraph (C), that—

''(i) the application is so insufficient in substance that it is clear that the applicant knowingly filed the application solely or in part—

''(I) to delay removal from the United States;

''(II) to seek employment authorization as an applicant for asylum pursuant to regulations issued pursuant to paragraph (2); or

''(III) to seek issuance of a Notice to Appear in order to pursue Cancellation of Removal under section 240A(b); or

''(ii) any of the material elements in the application are knowingly fabricated.

''(C) SUFFICIENT OPPORTUNITY TO CLARIFY.—An application may not be determined to be frivolous unless the Secretary of Homeland Security or the Attorney General is satisfied that the applicant, during the course of the proceedings, has had sufficient opportunity to clarify any discrepancies or implausible aspects of his or her claim.

''(D) WITHHOLDING OF REMOVAL NOT PRECLUDED.—For purposes of this section, a finding that an alien filed a frivolous asylum application shall not preclude the alien from seeking withholding of removal under section 241(b)(3) or protection under the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984.''.

SEC. 540. TECHNICAL AMENDMENTS.

Section 208 of the Immigration and Nationality Act (8 U.S.C. 1158), as amended by section 531 and sections 533 through 539, is further amended—

(1) in subsection (a)—

(A) in paragraph (2)(D), by inserting ''the Secretary of Homeland Security or'' before ''the Attorney General''; and

(B) in paragraph (3), by inserting ''the Secretary of Homeland Security or'' before ''the Attorney General'';

(2) in subsection (c)—

(A) in paragraph (1), by striking ''Attorney General'' each place such term appears and inserting ''Secretary of Homeland Security'';

(B) in paragraph (2), in the matter preceding subparagraph (A), by inserting ''the Secretary of Homeland Security or'' before ''the Attorney General''; and

(C) in paragraph (3), by inserting ''the Secretary of Homeland Security or'' before ''the Attorney General''; and

(3) in subsection (d)—

(A) in paragraph (1), by inserting ''Secretary of Homeland Security or the'' before ''Attorney General'' each place such term appears; and

(B) in paragraph (5)—

(i) in subparagraph (A)(i), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security''; and

(ii) in subparagraph (B), by inserting ''Secretary of Homeland Security or the'' before ''Attorney General''.

SEC. 541. REQUIREMENT FOR PROCEDURES RELATING TO CERTAIN ASYLUM APPLICATIONS.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Attorney General shall establish procedures to expedite the adjudication of asylum applications for aliens—

(1) who are subject to removal proceedings under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a); and

(2) who are nationals of a Western Hemisphere country sanctioned by the United States, as described in subsection (b), as of January 1, 2023.

(b) WESTERN HEMISPHERE COUNTRY SANCTIONED BY THE UNITED STATES.—Subsection (a) shall only apply to an asylum application filed by an alien who is a national of a Western Hemisphere country subject to sanctions pursuant to—

(1) the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6021 note);

(2) section 5 of the Reinforcing Nicaragua's Adherence to Conditions for Electoral Reform Act of 2021 (50 U.S.C. 1701 note); or

(3) Executive Order 13692 (80 Fed. Reg. 12747; declaring a national emergency with respect to the situation in Venezuela).

(c) APPLICABILITY.—This section shall only apply to an alien who files an application for asylum after the date of the enactment of this Act.

TITLE III—BORDER SAFETY AND MIGRANT PROTECTION

SEC. 546. INSPECTION OF APPLICANTS FOR ADMISSION.

Section 235 of the Immigration and Nationality Act (8 U.S.C. 1225) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) in clauses (i) and (ii), by striking ''section 212(a)(6)(C) or 212(a)(7)'' and inserting ''paragraph (6)(A), (6)(C) or (7) of section 212(a)''; and

(II) by adding at the end the following:

''(iv) INELIGIBILITY FOR PAROLE.—An alien described in clause (i) or (ii) is not eligible for parole except as expressly authorized under section 212(d)(5), or for parole or release under section 236(a).''; and

(ii) in subparagraph (B)—

(I) in clause (ii), by inserting ''and may not be released (including parole or release pursuant to section 236(a), but excluding as expressly authorized under section 212(d)(5)) other than to be removed or returned to a country in accordance with paragraph (3).''; and

(II) in clause (iii)(IV)—

(aa) in the clause header by inserting '', RETURN, OR REMOVAL'' after ''DETENTION''; and

(bb) by adding at the end the following: ''The alien may not be released (including parole or release pursuant to section 236(a), but excluding as expressly authorized pursuant to section 212(d)(5)) other than to be removed or returned to a country in accordance with paragraph (3).'';

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking ''Subject to subparagraphs (B) and (C),'' and inserting ''Subject to subparagraph (B) and paragraph (3),''; and

(II) by adding at the end the following: ''The alien may not be released (including parole or release pursuant to section 236(a), but excluding as expressly authorized pursuant to section 212(d)(5)) other than to be removed or returned to a country in accordance with paragraph (3).''; and

(ii) by striking subparagraph (C);

(C) by redesignating paragraph (3) as paragraph (5); and

(D) by inserting after paragraph (2) the following:

''(3) RETURN TO FOREIGN TERRITORY CONTIGUOUS TO THE UNITED STATES.—

''(A) IN GENERAL.—The Secretary of Homeland Security may return any alien arriving on land from a foreign territory contiguous to the United States (whether or not at a designated port of entry) to such territory pending a proceeding under section 240 or a review of a determination under subsection (b)(1)(B)(iii)(III).

''(B) MANDATORY RETURN.—If the Secretary of Homeland Security is unable—

''(i) to comply with statutory obligations to detain an alien in accordance with clauses (ii) and (iii)(IV) of subsection (b)(1)(B) and subsection (b)(2)(A); or

''(ii) remove an alien to a country described in section 208(a)(2)(A),

the Secretary of Homeland Security shall, without exception, including pursuant to parole or release pursuant to section 236(a), but excluding as expressly authorized pursuant to section 212(d)(5), return any alien arriving on land from a foreign territory contiguous to the United States (whether or not at a designated port of entry) to such territory pending a proceeding under section 240 or a review of a determination under subsection (b)(1)(B)(iii)(III).

''(4) ENFORCEMENT BY STATE ATTORNEYS GENERAL.—The attorney general of a State, or other authorized State officer, alleging a violation of the detention, return, or removal requirements under paragraph (1), (2), or (3) that affects such State or its residents, may bring an action against the Secretary of Homeland Security on behalf of the residents of the State in an appropriate United States district court to obtain appropriate injunctive relief.''; and

(2) by adding at the end the following:

''(e) AUTHORITY TO PROHIBIT INTRODUCTION OF CERTAIN ALIENS.—If the Secretary of Homeland Security determines, in the discretion of the Secretary, that prohibiting the introduction of aliens who are inadmissible under paragraph (6)(A), (6)(C), or (7) of section 212(a) at an international land or maritime border of the United States is necessary to achieve operational control (as defined in section 2 of the Secure Fence Act of 2006 (8 U.S.C. 1701 note)) of such border, the Secretary may prohibit, in whole or in part, the introduction of such aliens at such border for such period as the Secretary determines is necessary for such purpose.''.

SEC. 547. OPERATIONAL DETENTION FACILITIES.

(a) DEFINED TERM.—In this section, the term ''appropriate congressional committees'' means—

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

(2) the Committee on Appropriations of the Senate;

(3) the Committee on the Judiciary of the House of Representatives; and

(4) the Committee on Appropriations of the House of Representatives.

(b) IN GENERAL.—Not later than September 30, 2023, the Secretary of Homeland Security, using the authority granted under section 103(a)(11) of the Immigration and Nationality Act (8 U.S.C. 1103(a)(11)), shall take all necessary actions to reopen or restore all U.S. Immigration and Customs Enforcement detention facilities that were in operation on January 20, 2021, and subsequently closed or with respect to which the use was altered, reduced, or discontinued after January 20, 2021.

(c) SPECIFIC FACILITIES.—The requirement under subsection (b) shall include, at a minimum, reopening or restoring—

(1) Irwin County Detention Center in Georgia;

(2) C. Carlos Carreiro Immigration Detention Center in Bristol County, Massachusetts;

(3) Etowah County Detention Center in Gadsden, Alabama;

(4) Glades County Detention Center in Moore Haven, Florida; and

(5) South Texas Family Residential Center.

(d) EXCEPTION.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the Secretary of Homeland Security may obtain equivalent capacity for detention facilities at locations other than those listed in subsection (c).

(2) LIMITATION.—The Secretary may not take action under paragraph (1) unless the capacity obtained would result in a reduction of time and cost relative to the cost and time otherwise required to obtain such capacity.

(3) SOUTH TEXAS FAMILY RESIDENTIAL CENTER.—The exception under paragraph (1) shall not apply to the South Texas Family Residential Center. The Secretary shall take all necessary steps to modify and operate the South Texas Family Residential Center in the same manner and capability it was operating on January 20, 2021.

(e) PERIODIC REPORT.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter until September 30, 2027, the Secretary of Homeland Security shall submit to the appropriate congressional committees a detailed plan for and a status report regarding—

(1) compliance with the deadline under subsection (b);

(2) the increase in detention capabilities required under this section—

(A) for the 90-day period immediately preceding the date on which such report is submitted; and

(B) for the period beginning on the first day of the fiscal year during which the report is submitted, and ending on the date on which such report is submitted;

(3) the number of detention beds that were used and the number of available detention beds that were not used during—

(A) the 90-day period immediately preceding the date on which such report is submitted; and

(B) the period beginning on the first day of the fiscal year during which the report is submitted, and ending on the date on which such report is submitted;

(4) the number of aliens released due to a lack of available detention beds; and

(5) the resources that the Department of Homeland Security needs in order to comply with the requirements under this section.

(f) NOTIFICATION.—The Secretary of Homeland Security shall submit to Congress a detailed description of the resources the Department of Homeland Security needs in order to detain all aliens whose detention is mandatory or nondiscretionary under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.)—

(1) not later than 5 days after all U.S. Immigration and Customs Enforcement detention facilities reach 90 percent of capacity;

(2) not later than 5 days after all U.S. Immigration and Customs Enforcement detention facilities reach 95 percent of capacity; and

(3) not later than 5 days after all U.S. Immigration and Customs Enforcement detention facilities reach full capacity.

TITLE IV—PREVENTING UNCONTROLLED MIGRATION FLOWS IN THE WESTERN HEMISPHERE

SEC. 551. UNITED STATES POLICY REGARDING WESTERN HEMISPHERE COOPERATION ON IMMIGRATION AND ASYLUM.

It is the policy of the United States—

(1) to enter into agreements, accords, and memoranda of understanding with countries in the Western Hemisphere—

(A) to advance the interests of the United States by reducing costs associated with illegal immigration; and

(B) to protect the human capital, societal traditions, and economic growth of other countries in the Western Hemisphere; and

(2) to ensure that humanitarian and development assistance funding aimed at reducing illegal immigration is not expended on programs that have not proven to reduce illegal immigrant flows in the aggregate.

SEC. 552. NEGOTIATIONS BY SECRETARY OF STATE.

(a) ALIEN DEFINED.—In this section, the term ''alien'' has the meaning given such term in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)).

(b) AUTHORIZATION TO NEGOTIATE.—

(1) IN GENERAL.—The Secretary of State shall seek to negotiate agreements, accords,

and memoranda of understanding between the United States, Mexico, Honduras, El Salvador, Guatemala, and other countries in the Western Hemisphere—

(A) to enhance the cooperation and burden sharing required for effective regional immigration enforcement; and

(B) to expedite legal claims by aliens for asylum and the processing, detention, and repatriation of foreign nationals seeking to enter the United States unlawfully.

(2) ELEMENTS.—Agreements negotiated pursuant to paragraph (1) shall—

(A) be designed to facilitate a regional approach to immigration enforcement;

(B) provide that the Government of Mexico—

(i) authorize and accept the rapid entrance into Mexico of nationals of countries other than Mexico who seek asylum in Mexico; and

(ii) process the asylum claims of such nationals inside Mexico, in accordance with domestic law and international treaties and conventions governing the processing of asylum claims;

(C) provide that the Government of Mexico authorize and accept—

(i) the rapid entrance into Mexico of all nationals of countries other than Mexico who are ineligible for asylum in Mexico and wish to apply for asylum in the United States, whether or not at a port of entry; and

(ii) the continued presence of such nationals in Mexico while they wait for the adjudication of their asylum claims to conclude in the United States;

(D) provide that the Government of Mexico commit to provide the individuals described in subparagraphs (B) and (C) with appropriate humanitarian protections;

(E) provide that the Government of Honduras, the Government of El Salvador, and the Government of Guatemala—

(i) authorize and accept the entrance into their respective countries of nationals of other countries seeking asylum in the applicable country; and

(ii) process such claims in accordance with applicable domestic law and international treaties and conventions governing the processing of asylum claims;

(F) provide that the Government of the United States commit to work—

(i) to accelerate the adjudication of asylum claims; and

(ii) to conclude removal proceedings in the wake of asylum adjudications as expeditiously as possible; and

(G) provide that the Government of the United States commit—

(i) to continue to assist the governments of countries in the Western Hemisphere, including Honduras, El Salvador, and Guatemala, by supporting the enhancement of asylum capacity in those countries; and

(ii) to monitoring developments in hemispheric immigration trends and regional asylum capabilities to determine whether additional asylum cooperation agreements are warranted.

(c) NOTIFICATION IN ACCORDANCE WITH CASE-ZABLOCKI ACT.—The Secretary of State, in accordance with section 112b of title 1, United States Code (commonly known as the ''Case-Zablocki Act''), shall inform the relevant congressional committees of each agreement entered into pursuant to subsection (b) not later than 48 hours after each such agreement is signed.

SEC. 553. MANDATORY BRIEFINGS ON UNITED STATES EFFORTS TO ADDRESS THE BORDER CRISIS.

(a) DEFINED TERM.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Foreign Relations of the Senate; and

(2) the Committee on Foreign Affairs of the House of Representatives.

(b) BRIEFING REQUIRED.—Not later than 90 days after the date of the enactment of this Act, and not less frequently than once every 90 days thereafter until the date described in subsection (c), the Secretary of State, or the designee of the Secretary of State, shall provide an in-person briefing to the appropriate congressional committees regarding efforts undertaken pursuant to the negotiation authority provided under section 552 to monitor, deter, and prevent illegal immigration to the United States, including by—

(1) entering into agreements, accords, and memoranda of understanding with foreign countries; and

(2) using United States foreign assistance to stem the root causes of migration in the Western Hemisphere.

(c) TERMINATION OF MANDATORY BRIEFING.—The date described in this subsection is the date on which the Secretary of State, in consultation with the heads of other relevant Federal departments and agencies, determines and certifies to the appropriate congressional committees that illegal immigration flows have subsided to a manageable rate.

TITLE V—ENSURING UNITED FAMILIES AT THE BORDER

SEC. 561. CLARIFICATION OF STANDARDS FOR FAMILY DETENTION.

(a) IN GENERAL.—

(1) AMENDMENT.—Section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232) is amended by adding at the end the following:

''(j) RULE OF CONSTRUCTION.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, judicial determination, consent decree, or settlement agreement—

''(A) the detention of any alien child who is not an unaccompanied alien child shall be governed by sections 217, 235, 236, and 241 of the Immigration and Nationality Act (8 U.S.C. 1187, 1225, 1226, and 1231); and

''(B) there is no presumption that an alien child who is not an unaccompanied alien child should not be detained.

''(2) FAMILY DETENTION.—The Secretary of Homeland Security shall—

''(A) maintain the care and custody of any alien who is charged only with a misdemeanor offense under section 275(a) of the Immigration and Nationality Act (8 U.S.C. 1325(a)) while such charge is pending if such alien entered the United States with the alien's child who has not attained 18 years of age; and

''(B) detain such alien with the alien's child.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall—

(A) take effect on the date of the enactment of this Act; and

(B) apply to all actions occurring before, on, or after such date.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the amendment in subsection (a)(1) is intended to satisfy the requirements of the Settlement Agreement in Flores v. Meese, No. 85–4544 (C.D. Cal), as approved by the court on January 28, 1997, with respect to its interpretation in Flores v. Johnson, 212 F. Supp. 3d 864 (C.D. Cal. 2015), that the agreement applies to accompanied minors.

(c) PREEMPTION OF STATE LICENSING REQUIREMENTS.—Notwithstanding any other provision of law, judicial determination, consent decree, or settlement agreement, no State may require that an immigration detention facility used to detain children who have not attained 18 years of age, or families consisting of 1 or more such children and the parents or legal guardians of such children, that is located in that State, be licensed by the State or any political subdivision of the State.

TITLE VI—PROTECTION OF CHILDREN

SEC. 566. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Implementation of the provisions of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (Public Law 110–457) that govern unaccompanied alien children has incentivized multiple surges of unaccompanied alien children arriving at the southwest border since its enactment.

(2) The provisions of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 that govern unaccompanied alien children—

(A) treat unaccompanied alien children from countries that are contiguous to the United States disparately by swiftly returning them to their home country absent indications of trafficking or a credible fear of return; and

(B) allow for the release of unaccompanied alien children from noncontiguous countries into the interior of the United States, often in the custody of the individuals who paid to smuggle them into the country.

(3) The provisions of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 governing unaccompanied alien children have enriched Mexican drug cartels, which—

(A) receive hundreds of millions of dollars annually from smuggling unaccompanied alien children to the southwest border; and

(B) often exploit and sexually abuse many such unaccompanied alien children during the perilous journey.

(4) The number of unaccompanied alien children encountered at the southwest border never exceeded 1,000 in a single year before 2008.

(5) The United States is in the midst of the worst crisis of unaccompanied alien children in our Nation's history, with more than 350,000 unaccompanied alien children encountered at the southwest border during the administration of President Biden.

(6) During 2022, 152,057 unaccompanied alien children were encountered by U.S. Border Patrol, which represents the most encounters in a single year and an increase of more than 400 percent compared to the last full fiscal year of the Trump Administration in which [33,239] unaccompanied alien children were so encountered.

(7) The Biden Administration has lost contact with at least 85,000 unaccompanied alien children who entered the United States since President Biden assumed the presidency.

(8) The Biden Administration dismantled effective safeguards put in place by the Trump Administration that protected unaccompanied alien children from being abused by criminals or exploited for illegal and dangerous child labor.

(9) A New York Times investigation discovered that unaccompanied alien children—

(A) are being exploited in the labor market;

(B) ''are ending up in some of the most punishing jobs in the country''; and

(C) ''under intense pressure to earn money'' in order to ''send cash back to their families while often being in debt to their sponsors for smuggling fees, rent, and living expenses'', fear ''that they had become trapped in circumstances they never could have imagined.''.

(10) Department of Health and Human Services Secretary Xavier Becerra compared placing unaccompanied alien children with sponsors, to widgets in an assembly line,

stating that, ''If Henry Ford had seen this in his plant, he would have never become famous and rich. This is not the way you do an assembly line.''.

(11) Department of Health and Human Services employees working under Secretary Xavier Becerra's leadership penned a July 2021 memorandum expressing serious concern that ''labor trafficking was increasing'' and that the agency had become ''one that rewards individuals for making quick releases, and not one that rewards individuals for preventing unsafe releases.''.

(12) Despite these concerns, Secretary Xavier Becerra pressured Director of the Office of Refugee Resettlement Cindy Huang to prioritize releases of unaccompanied alien children over ensuring their safety, telling her ''if she could not increase the number of discharges he would find someone who could'' and Director Huang resigned one month later.

(13) In June 2014, the Obama Administration requested legal authority to exercise discretion in returning and removing unaccompanied alien children from noncontiguous countries back to their home countries.

(b) PURPOSE.—The purpose of this title is to end the disparate policies of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 by ensuring the swift return of all unaccompanied alien children to their country of origin who—

(1) are not victims of trafficking; and

(2) do not have a fear of returning to their country of origin.

SEC. 567. REPATRIATION OF UNACCOMPANIED ALIEN CHILDREN.

(a) IN GENERAL.—Section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) by amending the paragraph heading to read as follows: ''RULES FOR UNACCOMPANIED ALIEN CHILDREN.—'';

(ii) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking ''who is a national or habitual resident of a country that is contiguous with the United States'';

(II) in clause (i), by adding ''and'' at the end;

(III) in clause (ii), by striking ''; and'' and inserting a period; and

(IV) by striking clause (iii); and

(iii) in subparagraph (B)—

(I) in the matter preceding clause (i), by striking ''(8 U.S.C. 1101 et seq.) may—'' and inserting ''(8 U.S.C. 1101 et seq.)—'';

(II) in clause (i), by inserting ''may'' before ''permit such child to withdraw''; and

(III) in clause (ii), by inserting ''shall'' before ''return such child''; and

(B) in paragraph (5)(D)—

(i) in the matter preceding clause (i), by striking '', except for an unaccompanied alien child from a contiguous country subject to exceptions under subsection (a)(2),'' and inserting ''who does not meet the criteria under paragraph (2)(A)''; and

(ii) in clause (i), by inserting '', which shall include a hearing before an immigration judge not later than 14 days after being screened under paragraph (4)'' before the semicolon at the end;

(2) in subsection (b)—

(A) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking ''Human services'' and inserting ''Human Services'';

(ii) in subparagraph (A), by inserting ''who does not to meet the criteria under subsection (a)(2)(A)'' before the semicolon; and

(iii) in subparagraph (B), by striking ''under 18 years of age'' and inserting ''younger than 18 years of age and does not meet the criteria under subsection (a)(2)(A)''; and

(B) in paragraph (3), by striking ''child in custody shall'' and all that follows, and inserting the following: ''child in custody—

''(A) in the case of a child who does not meet the criteria under subsection (a)(2)(A), shall transfer the custody of such child to the Secretary of Health and Human Services not later than 30 days after determining that such child is an unaccompanied alien child who does not meet such criteria; or

''(B) in the case of a child who meets the criteria under subsection (a)(2)(A), may transfer the custody of such child to the Secretary of Health and Human Services after determining that such child is an unaccompanied alien child who meets such criteria.''; and

(3) in subsection (c)—

(A) in paragraph (3), by adding at the end the following:

''(D) INFORMATION ABOUT INDIVIDUALS WITH WHOM CHILDREN ARE PLACED.—

''(i) INFORMATION TO BE PROVIDED TO DEPARTMENT OF HOMELAND SECURITY.—Before placing a child with an individual, the Secretary of Health and Human Services shall submit to the Secretary of Homeland Security, with respect to the individual with whom the child will be placed, information regarding—

''(I) the name of such individual;

''(II) the Social Security number of such individual;

''(III) the date of birth of such individual;

''(IV) the location of such individual's residence where the child will be placed;

''(V) the immigration status of such individual, if known; and

''(VI) contact information for such individual.

''(ii) ACTIVITIES OF SECRETARY OF HOMELAND SECURITY.—Not later than 30 days after receiving the information listed in clause (i), the Secretary of Homeland Security, upon determining that an individual with whom a child is placed is unlawfully present in the United States and not in removal proceedings pursuant to chapter 4 of title II of the Immigration and Nationality Act (8 U.S.C. 1221 et seq.), shall initiate such removal proceedings.''; and

(B) in paragraph (5)—

(i) by inserting ''(at no expense to the Government)'' after ''to the greatest extent practicable''; and

(ii) by striking ''have counsel to represent them'' and inserting ''have access to counsel to represent them''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to any unaccompanied alien child (as such term is defined in section 462(g) of the Homeland Security Act of 2002 (6 U.S.C. 279(g))) apprehended on or after the date that is 30 days after the date of the enactment of this Act.

SEC. 568. SPECIAL IMMIGRANT JUVENILE STATUS FOR IMMIGRANTS UNABLE TO REUNITE WITH EITHER PARENT.

Section 101(a)(27)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(J)) is amended—

(1) in clause (i), by striking '', and whose reunification with 1 or both of the immigrant's parents is not viable due to abuse, neglect, abandonment, or a similar basis found under State law''; and

(2) in clause (iii)—

(A) in subclause (I), by striking ''and'' at the end;

(B) in subclause (II), by adding ''and'' after the semicolon at the end; and

(C) by adding at the end the following:

''(III) an alien may not be granted special immigrant status under this subparagraph if the alien's reunification with any parent or legal guardian is not precluded by abuse, neglect, abandonment, or any similar cause under State law;''.

SEC. 569. RULE OF CONSTRUCTION.

Nothing in this title may be construed to limit, with respect to procedures or practices relating to an unaccompanied alien child (as defined in section 462(g)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)(2)))—

(1) the screening of such a child for a credible fear of return to his or her country of origin;

(2) the screening of such a child to determine whether he or she was a victim of trafficking; or

(3) Department of Health and Human Services policy in effect on the date of the enactment of this Act requiring a home study for such a child if he or she is younger than 12 years of age.

TITLE VII—VISA OVERSTAYS PENALTIES

SEC. 571. EXPANDED PENALTIES FOR ILLEGAL ENTRY OR PRESENCE.

Section 275 of the Immigration and Nationality Act (8 U.S.C. 1325) is amended—

(1) in subsection (a), by inserting ''or if the alien was previously convicted of an offense under subsection (e)(2)(A)'' after ''for a subsequent commission of any such offense'';

(2) in subsection (b)—

(A) in paragraph (1), by striking ''at least $50 and not more than $250'' and inserting ''not less than $500 and not more than $1,000''; and

(B) in paragraph (2), by inserting ''or subsection (e)(2)(B)'' after ''in the case of an alien who has been previously subject to a civil penalty under this subsection''; and

(3) by adding at the end the following:

''(e) VISA OVERSTAYS.—

''(1) IN GENERAL.—An alien admitted as a nonimmigrant violates this paragraph if the alien, for an aggregate of 10 days or more, fails—

''(A) to maintain the nonimmigrant status in which the alien was admitted, or to which it was changed under section 248, including complying with the period of stay authorized by the Secretary of Homeland Security in connection with such status; or

''(B) to comply otherwise with the conditions of such nonimmigrant status.

''(2) PENALTIES.—An alien who violates paragraph (1)—

''(A) shall—

''(i) for the first commission of such a violation, be fined under title 18, United States Code, imprisoned not more than 6 months, or both; and

''(ii) for a subsequent commission of such a violation, or if the alien was previously convicted of an offense under subsection (a), be fined under such title 18, imprisoned not more than 2 years, or both; and

''(B) in addition to any penalty under subparagraph (A) and any other criminal or civil penalties that may be imposed for such a violation, shall be subject to a civil penalty of—

''(i) not less than $500 and not more than $1,000 for each such violation; or

''(ii) twice the amount specified in clause (i) if the alien was previously subject to a civil penalty under this subparagraph or subsection (b).''.

TITLE VIII—IMMIGRATION PAROLE REFORM

SEC. 576. IMMIGRATION PAROLE REFORM.

Section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)) is amended to read as follows:

''(5)(A) Subject to subparagraphs (B) through (H) and section 214(f), the Secretary of Homeland Security, in the discretion of the Secretary, may temporarily parole into the United States any alien applying for admission to the United States who is not

present in the United States, under such conditions as the Secretary may prescribe, on a case-by-case basis, and not according to eligibility criteria describing an entire class of potential parole recipients, for urgent humanitarian reasons or significant public benefit.

''(B) Parole granted under subparagraph (A) may not be regarded as an admission of the alien. When the Secretary of Homeland Security determines that the purposes of such parole have been served, the alien shall immediately return or be returned to the custody from which the alien was paroled. After such return, the case of the alien shall be dealt with in the same manner as the case of any other applicant for admission to the United States.

''(C) The Secretary of Homeland Security may grant parole to any alien who—

''(i) is present in the United States without lawful immigration status;

''(ii) is the beneficiary of an approved petition under section 203(a);

''(iii) is not otherwise inadmissible or removable; and

''(iv) is the spouse or child of a member of the Armed Forces serving on active duty.

''(D) The Secretary of Homeland Security may grant parole to any alien—

''(i) who is a national of the Republic of Cuba and is living in the Republic of Cuba;

''(ii) who is the beneficiary of an approved petition under section 203(a);

''(iii) for whom an immigrant visa is not immediately available;

''(iv) who meets all eligibility requirements for an immigrant visa;

''(v) who is not otherwise inadmissible; and

''(vi) who is receiving a grant of parole in furtherance of the commitment of the United States to the minimum level of annual legal migration of Cuban nationals to the United States specified in the U.S.-Cuba Joint Communiqué on Migration, done at New York September 9, 1994, and reaffirmed in the Cuba-United States: Joint Statement on Normalization of Migration, Building on the Agreement of September 9, 1994, done at New York May 2, 1995.

''(E) In determining an alien's eligibility for parole under subparagraph (A), an urgent humanitarian reason shall be limited to circumstances in which the alien establishes that the alien—

''(i)(I) has a medical emergency; and

''(II)(aa) cannot obtain necessary treatment in the foreign state in which the alien is residing; or

''(bb) the medical emergency is life-threatening and there is insufficient time for the alien to be admitted to the United States through the normal visa process;

''(ii) is the parent or legal guardian of an alien described in clause (i) and the alien described in clause (i) is a minor;

''(iii) is needed in the United States in order to donate an organ or other tissue for transplant and there is insufficient time for the alien to be admitted to the United States through the normal visa process;

''(iv) has a close family member in the United States whose death is imminent and the alien could not arrive in the United States in time to see such family member alive if the alien were to be admitted to the United States through the normal visa process;

''(v) is seeking to attend the funeral of a close family member and the alien could not arrive in the United States in time to attend such funeral if the alien were to be admitted to the United States through the normal visa process;

''(vi) is an adopted child with an urgent medical condition who is in the legal custody of the petitioner for a final adoption-related visa and whose medical treatment is required before the expected award of a final adoption-related visa; or

''(vii) is a lawful applicant for adjustment of status under section 245 and is returning to the United States after temporary travel abroad.

''(F) In determining an alien's eligibility for parole under subparagraph (A), a significant public benefit may be determined to result from the parole of an alien only if—

''(i) the alien has assisted (or will assist, whether knowingly or not) the United States Government in a law enforcement matter;

''(ii) the alien's presence is required by the Government in furtherance of such law enforcement matter; and

''(iii) the alien is inadmissible, does not satisfy the eligibility requirements for admission as a nonimmigrant, or there is insufficient time for the alien to be admitted to the United States through the normal visa process.

''(G) In determining an alien's eligibility for parole under subparagraph (A), the term 'case-by-case basis' means that the facts in each individual case are considered and parole is not granted based on membership in a defined class of aliens to be granted parole. The fact that aliens are considered for or granted parole one-by-one and not as a group is not sufficient to establish that the parole decision is made on a 'case-by-case basis'.

''(H) The Secretary of Homeland Security may grant parole to an alien who is returned to a contiguous country pursuant to section 235(b)(3) to allow the alien to attend the alien's immigration hearing. The grant of parole shall not exceed the time required for the alien to be escorted to, and attend, the alien's immigration hearing scheduled on the same day as the grant, and to immediately thereafter be escorted back to the contiguous country. A grant of parole under this subparagraph shall not be considered for purposes of determining whether the alien is inadmissible under this Act.

''(I) The Secretary of Homeland Security may not use the parole authority under this paragraph to parole an alien into the United States for any reason or purpose other than those described in subparagraphs (C), (D), (E), (F), and (H).

''(J) An alien granted parole may not accept employment, except that an alien granted parole pursuant to subparagraph (C) or (D) is authorized to accept employment for the duration of the parole, as evidenced by an employment authorization document issued by the Secretary of Homeland Security.

''(K) Parole granted after a departure from the United States shall not be regarded as an admission of the alien. An alien granted parole, whether as an initial grant of parole or parole upon reentry into the United States, is not eligible to adjust status to lawful permanent residence or for any other immigration benefit if the immigration status the alien had at the time of departure did not authorize the alien to adjust status or to be eligible for such benefit.

''(L)(i) Except as provided in clauses (ii) and (iii), parole shall be granted to an alien under this paragraph for the shorter of—

''(I) a period of sufficient length to accomplish the activity described in subparagraph (E), (F), or (H) for which the alien was granted parole; or

''(II) 1 year.

''(ii) Grants of parole pursuant to subparagraph (A) may be extended once, in the discretion of the Secretary, for an additional period that is the shorter of—

''(I) the period that is necessary to accomplish the activity described in subparagraph (E) or (F) for which the alien was granted parole; or

''(II) 1 year.

''(iii) Aliens who have a pending application to adjust status to permanent residence under section 245 may request extensions of parole under this paragraph, in 1-year increments, until the application for adjustment has been adjudicated. Such parole shall terminate immediately upon the denial of such adjustment application.

''(M) Not later than 90 days after the last day of each fiscal year, the Secretary of Homeland Security shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives and make available to the public, a report—

''(i) identifying the total number of aliens paroled into the United States under this paragraph during the previous fiscal year; and

''(ii) containing information and data regarding all aliens paroled during such fiscal year, including—

''(I) the duration of parole;

''(II) the type of parole; and

''(III) the current status of the aliens so paroled.''.

SEC. 577. IMPLEMENTATION.

(a) IN GENERAL.—Except as provided in subsection (b), this title and the amendments made by this title shall take effect on the date that is 30 days after the date of the enactment of this Act.

(b) EXCEPTIONS.—Notwithstanding subsection (a)—

(1) any application for parole or advance parole filed by an alien before the date of the enactment of this Act shall be adjudicated under the law that was in effect on the date on which the application was properly filed;

(2) any approved advance parole shall remain valid under the law that was in effect on the date on which the advance parole was approved;

(3) section 212(d)(5)(K) of the Immigration and Nationality Act, as added by section 576, shall take effect on the date of the enactment of this Act; and

(4) aliens who were paroled into the United States pursuant to section 212(d)(5)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)(A)) before January 1, 2023, shall continue to be subject to the terms of parole that were in effect on the date on which their respective parole was approved.

SEC. 578. CAUSE OF ACTION.

Any person, State, or local government that experiences financial harm in excess of $1,000 due to a failure of the Federal Government to lawfully apply the provisions of this title or the amendments made by this title shall have standing to bring a civil action against the Federal Government in an appropriate district court of the United States for appropriate relief.

SEC. 579. SEVERABILITY.

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

TITLE IX—LEGAL WORKFORCE

SEC. 581. EMPLOYMENT ELIGIBILITY VERIFICATION PROCESS.

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

''(b) EMPLOYMENT ELIGIBILITY VERIFICATION PROCESS.—

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

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

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

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

''(II) examining—

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

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

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

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

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

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

''(IV) in the case of a nonimmigrant alien authorized to work for a specific employer incident to his or her nonimmigrant status, a foreign passport with Form I–94 or Form I–94A, or other documentation as designated by the Secretary specifying the alien's nonimmigrant status if—

''(aa) the period of such status has not expired; and

''(bb) the proposed employment is not in conflict with any restrictions or limitations identified in the document;

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

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

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

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

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

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

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

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

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

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

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

''(v) AUTHORITY TO PROHIBIT USE OF CERTAIN DOCUMENTS.—If the Secretary of Homeland Security determines, by regulation, that any document described in clause (i), (ii), or (iii) as establishing employment authorization or identity does not reliably establish such authorization or identity or is being used fraudulently to an unacceptable degree, the Secretary may prohibit or place conditions on its use for purposes of this subparagraph.

''(vi) SIGNATURE.—An attestation required under clause (i) may be manifested by a handwritten or electronic signature.

''(B) INDIVIDUAL ATTESTATION OF EMPLOYMENT AUTHORIZATION.—

''(i) IN GENERAL.—During the verification period, the individual shall attest, under penalty of perjury on the form designated or established for purposes of subparagraph (A), that the individual is—

''(I) a citizen or national of the United States;

''(II) an alien lawfully admitted for permanent residence; or

''(III) an alien who is authorized under this Act or by the Secretary of Homeland Security to be hired, recruited, or referred for such employment.

''(ii) IDENTIFICATION NUMBER.—The individual shall submit to the Secretary of Homeland Security—

''(I) the individual's Social Security account number or United States passport number (if the individual claims to have been issued such a number); or

''(II) if the individual does not attest to United States nationality under this subparagraph, such identification or authorization number established by the Department of Homeland Security for the alien as the Secretary may specify.

''(iii) SIGNATURE.—An attestation required under clause (i) may be manifested by a handwritten or electronic signature.

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

''(i) IN GENERAL.—After submitting a form to the Secretary of Homeland Security in accordance with subparagraphs (A) and (B), the person or entity shall—

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

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

''(bb) in the case of the hiring of an individual, the later of—

''(AA) the date that is 3 years after the date on which the verification is completed; or

''(BB) the date that is 1 year after the date on which the individual's employment is terminated; and

''(II) during the verification period, make an inquiry, in accordance with subsection (d), using the verification system to seek verification of the identity and employment eligibility of an individual.

''(ii) CONFIRMATION.—

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

''(II) TENTATIVE NONCONFIRMATION RECEIVED.—

''(aa) IN GENERAL.—If the person or other entity receives a tentative nonconfirmation of an individual's identity or work eligibility under the verification system within the specified period, the person or entity shall so inform the individual for whom the verification is sought.

''(bb) NO CONTEST.—If the individual does not contest a tentative nonconfirmation within the period specified—

''(AA) the nonconfirmation shall be considered final; and

''(BB) the person or entity shall record on the form an appropriate code that has been provided under the system to indicate a final nonconfirmation.

''(cc) SECONDARY VERIFICATION.—If the individual contests a tentative nonconfirmation—

''(AA) the individual shall utilize the process for secondary verification provided under subsection (d); and

''(BB) the nonconfirmation will remain tentative until a final confirmation or nonconfirmation is provided by the verification system within the specified period.

''(dd) LIMITATION ON TERMINATION.—An employer may not terminate the employment of an individual because of a failure of the individual to have identity and work eligibility confirmed under this section until a nonconfirmation becomes final. Nothing in this subclause shall apply to a termination of employment for any reason other than because of such a failure.

''(ee) LIMITATION ON RESCISSION.—An employer may not rescind an offer of employment to an individual because of a failure of the individual to have identity and work eligibility confirmed under this subsection until a nonconfirmation becomes final. Nothing in this subclause shall apply to a recission of the offer of employment for any reason other than because of such a failure.

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

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

''(V) CONSEQUENCES OF NONCONFIRMATION.—

''(aa) TERMINATION OR NOTIFICATION OF CONTINUED EMPLOYMENT.—If the person or other entity has received a final nonconfirmation

regarding an individual, the person or entity may terminate employment of the individual (or decline to recruit or refer the individual). If the person or entity does not terminate employment of the individual or proceeds to recruit or refer the individual, the person or entity shall notify the Secretary of Homeland Security of such fact through the verification system or in such other manner as the Secretary may specify.

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

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

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

''(i) HIRING.—Except as provided in clause (iii), this paragraph shall apply to—

''(I) employers having at least 10,000 employees in the United States as of the date of the enactment of the Secure the Border Act of 2023 beginning on the date that is 6 months after such date of enactment;

''(II) employers having at least 500 employees and fewer than 10,000 employees in the United States as of the date of the enactment of such Act beginning on the date that is 1 year after such date of enactment;

''(III) employers having at least 20 employees and fewer than 500 employees in the United States as of the date of the enactment of such Act beginning on the date that is 18 months year after such date of enactment; and

''(IV) employers having at least 1 employee and fewer than 20 employees in the United States as of the date of the enactment of such Act beginning on the date that is 2 years after such date of enactment.

''(ii) RECRUITING AND REFERRING.—Except as provided in clause (iii), this paragraph shall apply to a person or other entity recruiting or referring an individual for employment in the United States beginning on the date that is 1 year after the date of the enactment of the Secure the Border Act of 2023.

''(iii) AGRICULTURAL LABOR OR SERVICES.—

''(I) DEFINED TERM.—In this clause, the term 'agricultural labor or services'—

''(aa) has the meaning given such term by the Secretary of Agriculture in regulations; and

''(bb) includes—

''(AA) agricultural labor (as defined in section 3121(g) of the Internal Revenue Code of 1986);

''(BB) agriculture (as defined in section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)));

''(CC) the handling, planting, drying, packing, packaging, processing, freezing, or grading before delivery for storage of any agricultural or horticultural commodity in its unmanufactured state;

''(DD) all activities required for the preparation, processing, or manufacturing of a product of agriculture (as defined in such section 3(f)) for further distribution; and

''(EE) activities similar to the activities referred to in subitems (AA) through (DD) as they relate to fish or shellfish facilities.

''(II) IN GENERAL.—With respect to an employee performing agricultural labor or services, this paragraph shall not apply with respect to the verification of the employee until the date that is 3 years after the date of the enactment of the Secure the Border Act of 2023.

''(III) EXCLUSION.—An employee described in this clause may not be counted for purposes of clause (i).

''(iv) EXTENSIONS.—

''(I) UPON REQUEST.—The Secretary of Homeland Security shall allow an employer having 50 or fewer employees to submit a request to the Secretary before the effective date under this subparagraph applicable to such employer, a 1-time, 6-month extension of such effective date.

''(II) FOLLOWING REPORT.—If the study conducted pursuant to section 494 of the Secure the Border Act of 2023 has been submitted in accordance with such section, the Secretary of Homeland Security may extend the effective date under this subparagraph on a 1-time basis for 12 months.

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

''(I) this subsection, as in effect before the date of the enactment of the Secure the Border Act of 2023;

''(II) subtitle A of title IV of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), as in effect before the effective date set forth in section 803(c)(1) of the Secure the Border Act of 2023; and

''(III) any other provision of Federal law requiring the person or entity to participate in the E-Verify Program described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), as in effect before the effective date set forth in section 803(c)(1) of the Secure the Border Act of 2023, including Executive Order 13465 (8 U.S.C. 1324a note; relating to Government procurement).

''(E) DEFINED TERM.—

''(i) IN GENERAL.—In this paragraph, the term 'verification period' means—

''(I) in the case of recruitment or referral, the period ending on the date on which recruiting or referring commences; and

''(II) in the case of hiring, the period beginning on the date on which an offer of employment is extended and ending on—

''(aa) the date that is 3 business days after the date of hire; or

''(bb) in the case of an alien who is authorized for employment and provides evidence from the Social Security Administration that the alien has applied for a Social Security account number, the date that is 3 business days after the alien receives the Social Security account number.

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

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

''(A) IN GENERAL.—Subject to subparagraphs (B) and (C), a person or entity shall make an inquiry in accordance with subsection (d), using the verification system to seek reverification of the identity and employment eligibility of all individuals with a limited period of work authorization employed by the person or entity during the 3 business days after the date on which the employee's work authorization expires.

''(B) HIRING.—Except as provided in subparagraph (C), subparagraph (A) shall apply to—

''(i) employers having at least 10,000 employees in the United States as of the date of the enactment of the Secure the Border Act of 2023 beginning on the date that is 6 months after such date of enactment;

''(ii) employers having at least 500 employees and fewer than 10,000 employees in the United States as of the date of the enactment of such Act beginning on the date that is 1 year after such date of enactment;

''(iii) employers having at least 20 employees and fewer than 500 employees in the United States as of the date of the enactment of such Act beginning on the date that is 18 months year after such date of enactment; and

''(iv) employers having at least 1 employee and fewer than 20 employees in the United States as of the date of the enactment of such Act beginning on the date that is 2 years after such date of enactment.

''(C) AGRICULTURAL LABOR OR SERVICES.—

''(i) DEFINED TERM.—In this clause, the term 'agricultural labor or services'—

''(I) has the meaning given such term by the Secretary of Agriculture in regulations; and

''(II) includes—

''(aa) agricultural labor (as defined in section 3121(g) of the Internal Revenue Code of 1986);

''(bb) agriculture (as defined in section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)));

''(cc) the handling, planting, drying, packing, packaging, processing, freezing, or grading before delivery for storage of any agricultural or horticultural commodity in its unmanufactured state;

''(dd) all activities required for the preparation, processing, or manufacturing of a product of agriculture (as defined in such section 3(f)) for further distribution; and

''(ee) activities similar to the activities referred to in subitems (AA) through (DD) as they relate to fish or shellfish facilities.

''(ii) IN GENERAL.—With respect to an employee performing agricultural labor or services, or an employee recruited or referred by a farm labor contractor (as defined in section 3 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801)), subparagraph (A) shall not apply with respect to the reverification of the employee until the date that is 3 years after the date of the enactment of the Secure the Border Act of 2023.

''(iii) EXCLUSION.—An employee described in this subparagraph may not be counted for purposes of subparagraph (A).

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

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

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

''(3) PREVIOUSLY HIRED INDIVIDUALS.—

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

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

''(ii) INDIVIDUALS DESCRIBED.—An individual described in this clause is—

''(I) an employee of any unit of a Federal, State, or local government;

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

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

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

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

''(B) ON A MANDATORY BASIS FOR MULTIPLE USERS OF SAME SOCIAL SECURITY ACCOUNT NUMBER.—

''(i) IN GENERAL.—An employer that is required under this subsection to use the verification system described in subsection (d), or has elected voluntarily to use such system, shall make inquiries to the system in accordance with clauses (ii) through (iv).

''(ii) NOTIFICATION.—The Commissioner of Social Security shall annually notify employees (at the employee address listed on the Wage and Tax Statement) who submit a Social Security account number to which more than 1 employer reports income and for which there is a pattern of unusual multiple use. The notification letter shall identify the number of employers to which income is being reported and provide sufficient information regarding the process to contact the Social Security Administration Fraud Hotline if the employee believes the employee's identity may have been stolen. The notice shall not share information protected as private, in order to avoid any recipient of the notice from being in the position to further commit or begin committing identity theft.

''(iii) EFFECT OF FRAUDULENT USE.—If the person to whom the Social Security account number was issued by the Social Security Administration has been identified and confirmed by the Commissioner, and indicates that the Social Security account number was used without the person's knowledge, the Secretary of Homeland Security and the Commissioner shall—

''(I) lock the Social Security account number for employment eligibility verification purposes; and

''(II) notify the employers of any individuals who wrongfully submitted the Social Security account number that such individuals may not be authorized to work in the United States.

''(iv) USE OF VERIFICATION SYSTEM.—Each employer receiving such notification of an incorrect Social Security account number under clause (iii) shall use the verification system described in subsection (d) to check the work eligibility status of the applicable employee not later than 10 business days after receiving such notification.

''(C) ON A VOLUNTARY BASIS.—

''(i) IN GENERAL.—Subject to subparagraphs (A) and (B) and paragraph (2), beginning on the date that is 30 days after the date of the enactment of the Secure the Border Act of 2023, an employer may make an inquiry pursuant to subsection (d), using the verification system to seek verification of the identity and employment eligibility of any individual employed by the employer.

''(ii) SCOPE OF VERIFICATION.—If an employer voluntarily chooses to seek verification of any individual employed by the employer, the employer shall seek verification of all individuals employed at the same geographic location or, at the option of the employer, all individuals employed within the same job category, as the employee with respect to whom the employer seeks voluntarily to use the verification system.

''(iii) LIMITATION.—An employer's decision about whether or not voluntarily to seek verification of its current workforce under this subparagraph may not be considered by any government agency in any proceeding, investigation, or review under this Act.

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

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

''(ii) retain a paper or electronic version of the form and make the form available for inspection by officers of the Department of Homeland Security, the Department of Justice, or the Department of Labor during the period beginning on the date on which the verification commences and ending on the date that is the later of—

''(I) 3 years after such verification commencement date; or

''(II) 1 year after the date on which the individual's employment is terminated.

''(4) EARLY COMPLIANCE.—

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

''(B) FORMER E-VERIFY VOLUNTARY USERS AND OTHERS DESIRING EARLY COMPLIANCE.—Notwithstanding the deadlines under paragraphs (1) and (2), beginning on the date of the enactment of the Secure the Border Act of 2023, the Secretary of Homeland Security shall provide for the voluntary compliance with the requirements under this subsection by—

''(i) employers voluntarily electing to participate in the E-Verify Program described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) before such date; and

''(ii) other employers seeking voluntary early compliance.

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

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

''(7) GOOD FAITH COMPLIANCE.—

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

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

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

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

''(iii) the person or entity has been provided a period of not less than 30 days, beginning on the date of the explanation described in clause (ii), within which to correct the failure; and

''(iv) the person or entity has not corrected the failure within such period.

''(C) EXCEPTION FOR PATTERN OR PRACTICE VIOLATORS.—Subparagraph (A) shall not apply to a person or entity that has engaged or is engaging in a pattern or practice of violations of paragraph (1)(A) or (2) of subsection (a).

''(8) SINGLE EXTENSION OF DEADLINES UPON CERTIFICATION.—If the Secretary of Homeland Security certifies to Congress that the employment eligibility verification system required under subsection (d) will not be fully operational by the date that is 6 months after the date of the enactment of the Secure the Border Act of 2023, each deadline established under this subsection for an employer to make an inquiry using such system shall be extended by 6 months. No other extension of such a deadline shall be made except as authorized under paragraph (1)(D)(iv).''.

(b) DATE OF HIRE.—Section 274A(h) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)) is amended by adding at the end the following:

''(4) DEFINITION OF DATE OF HIRE.—In this section, the term 'date of hire' means the date of commencement of employment for wages or other remuneration, unless otherwise specified.''.

SEC. 582. EMPLOYMENT ELIGIBILITY VERIFICATION SYSTEM.

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

''(d) EMPLOYMENT ELIGIBILITY VERIFICATION SYSTEM.—

''(1) IN GENERAL.—Patterned on the employment eligibility confirmation system established under section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), the Secretary of Homeland Security shall establish and administer an employment eligibility verification system (referred to in this subsection as the 'System') through which the Secretary (or a designee of the Secretary, which may be a nongovernmental entity)—

''(A) responds to inquiries made by persons at any time through a toll-free electronic media concerning an individual's identity and whether the individual is authorized to be employed in the United States; and

''(B) maintains records of the inquiries that were made, of verifications provided (or not provided), and of the codes provided to

inquirers as evidence of their compliance with their obligations under this section.

''(2) INITIAL RESPONSE.—Not later than 3 business days after the receipt of an initial inquiry described in paragraph (1)(A), the System shall provide—

''(A) confirmation or a tentative nonconfirmation of an individual's identity and employment eligibility; and

''(B) an appropriate code indicating such confirmation or such nonconfirmation.

''(3) SECONDARY VERIFICATION PROCESS IN CASE OF TENTATIVE NONCONFIRMATION.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), not later than 10 business days after the date on which a notice of tentative nonconfirmation is received by an employee, the Secretary, in consultation with the Commissioner of Social Security, shall specify an available secondary verification process—

''(i) to confirm the validity of the information provided; and

''(ii) to provide a final confirmation or nonconfirmation.

''(B) EXTENSION.—The Secretary, in consultation with the Commissioner—

''(i) may extend the deadline set forth in subparagraph (A), on a case-by-case basis, for a period of 10 business days; and

''(ii) if such deadline is extended—

''(I) shall document such extension within the System; and

''(II) shall notify the employee and employer of such extension.

''(C) EXTENSION PROCESS.—The Secretary, in consultation with the Commissioner, shall—

''(i) establish a standard process for—

''(I) considering extensions authorized under subparagraph (B)(i); and

''(II) notifying employees and employers of such extension pursuant to subparagraph (B)(ii)(II); and

''(ii) make a description of such process available to the public.

''(D) CODE.—The System shall provide an appropriate code indicating confirmation or nonconfirmation.

''(4) DESIGN AND OPERATION OF SYSTEM.—The System shall be designed and operated—

''(A) to maximize its reliability and ease of use by persons and other entities consistent with insulating and protecting the privacy and security of the underlying information;

''(B) to respond to all inquiries made by such persons and entities on whether individuals are authorized to be employed and to register all times when such inquiries are not received;

''(C) with appropriate administrative, technical, and physical safeguards to prevent unauthorized disclosure of personal information;

''(D) to have reasonable safeguards against the system's resulting in unlawful discriminatory practices based on national origin or citizenship status, including—

''(i) the selective or unauthorized use of the system to verify eligibility; or

''(ii) the exclusion of certain individuals from consideration for employment as a result of a perceived likelihood that additional verification will be required, beyond what is required for most job applicants;

''(E) to maximize the prevention of identity theft use in the system; and

''(F) to limit the subjects of verification to—

''(i) individuals hired, referred, or recruited, in accordance with paragraph (1) or (4) of subsection (b);

''(ii) employees and prospective employees, in accordance with paragraph (1), (2), (3), or (4) of subsection (b); and

''(iii) individuals seeking to confirm their own employment eligibility on a voluntary basis.

''(5) RESPONSIBILITIES OF COMMISSIONER OF SOCIAL SECURITY.—

''(A) IN GENERAL.—As part of the System, the Commissioner of Social Security, in consultation with the Secretary of Homeland Security (and any designee of the Secretary selected to establish and administer the System), shall establish a reliable, secure method, which, within the time periods specified in paragraphs (2) and (3), compares the name and Social Security account number provided in an inquiry against such information maintained by the Commissioner in order to validate (or not validate)—

''(i) the information provided regarding an individual whose identity and employment eligibility is being confirmed;

''(ii) the correspondence of the name and number; and

''(iii) whether the individual has presented a Social Security account number that is not valid for employment.

''(B) LIMITATION ON DISCLOSURE.—The Commissioner may not disclose or release Social Security information (other than such confirmation or nonconfirmation) under the System except as provided for in this section or section 205(c)(2)(I) of the Social Security Act (42 U.S.C. 405(c)(2)(I)).

''(6) RESPONSIBILITIES OF SECRETARY OF HOMELAND SECURITY.—As part of the System, the Secretary of Homeland Security (in consultation with any designee of the Secretary selected to establish and administer the System), shall establish a reliable, secure method, which, within the time periods specified in paragraphs (2) and (3), compares the name and alien identification or authorization number (or any other information as determined relevant by the Secretary) which are provided in an inquiry against such information maintained or accessed by the Secretary in order to validate (or not validate)—

''(A) the information provided;

''(B) the correspondence of the name and number;

''(C) whether the alien is authorized to be employed in the United States; or

''(D) to the extent that the Secretary determines to be feasible and appropriate, whether the records available to the Secretary verify the identity or status of a national of the United States.

''(7) UPDATING INFORMATION.—The Commissioner of Social Security and the Secretary of Homeland Security shall—

''(A) update information in the System in a manner that promotes the maximum accuracy; and

''(B) provide a process for the prompt correction of erroneous information, including instances in which errors are brought to their attention in the secondary verification process described in paragraph (3).

''(8) LIMITATION ON USE OF THE SYSTEM AND ANY RELATED SYSTEMS.—

''(A) NO NATIONAL IDENTIFICATION CARD.—Nothing in this section may be construed to authorize (directly or indirectly) the issuance or use of national identification cards or the establishment of a national identification card.

''(B) CRITICAL INFRASTRUCTURE.—The Secretary of Homeland Security may authorize or direct any person or entity responsible for granting access to, protecting, securing, operating, administering, or regulating part of the critical infrastructure (as defined in section 1016(e) of the Critical Infrastructure Protection Act of 2001 (42 U.S.C. 5195c(e))) to use the System to the extent the Secretary determines that such use will assist in the protection of the critical infrastructure.

''(9) REMEDIES.—If an individual alleges that the individual would not have been dismissed from a job or would have been hired for a job but for an error of the System, the individual may seek compensation only in accordance with chapter 171 of title 28, United States Code (commonly known as the 'Federal Tort Claims Act', and injunctive relief to correct such error. No class action may be brought under this paragraph.''.

SEC. 583. RECRUITMENT, REFERRAL, AND CONTINUATION OF EMPLOYMENT.

(a) ADDITIONAL CHANGES TO RULES FOR RECRUITMENT, REFERRAL, AND CONTINUATION OF EMPLOYMENT.—Section 274A(a) of the Immigration and Nationality Act (8 U.S.C. 1324a(a)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking ''or to recruit or refer for a fee,'' and inserting ''recruit, or refer''; and

(B) by amending subparagraph (B) to read as follows:

''(B) to hire, continue to employ, or to recruit or refer for employment in the United States an individual without complying with the requirements under subsection (b).''; and

(2) in paragraph (2), by striking ''after hiring an alien for employment in accordance with paragraph (1),'' and inserting ''after complying with paragraph (1),''.

(b) DEFINED TERM.—Section 274A(h) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)), as amended by section 581(b), is further amended by adding at the end the following:

''(5) DEFINITIONS OF RECRUIT AND REFER.—

''(A) RECRUIT.—In this section, the term 'recruit'—

''(i) means the act of soliciting a person who is in the United States, directly or indirectly, and referring the person to another with the intent of obtaining employment for that person;

''(ii) except as provided in clause (iii), only includes persons or entities referring for remuneration (whether on a retainer or contingency basis); and

''(iii) includes—

''(I) union hiring halls that refer union members or nonunion individuals who pay union membership dues, whether or not such halls receive remuneration; and

''(II) labor service entities or labor service agencies, whether public, private, for-profit, or nonprofit, that recruit, dispatch, or otherwise facilitate the hiring of laborers for any period of time by a third party.

''(B) REFER.—In this section, the term 'refer'—

''(i) means the act of sending or directing a person who is in the United States or transmitting documentation or information to another, directly or indirectly, with the intent of obtaining employment in the United States for such person;

''(ii) except as provided in clause (iii), only includes persons or entities referring for remuneration (whether on a retainer or contingency basis); and

''(iii) includes—

''(I) union hiring halls that refer union members or nonunion individuals who pay union membership dues, whether or not such halls receive remuneration; and

''(II) labor service entities or labor service agencies, whether public, private, for-profit, or nonprofit, that refer, dispatch, or otherwise facilitate the hiring of laborers for any period of time by a third party.''.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on the date that is 1 year after the date of the enactment of this Act.

(2) EXCEPTION.—The amendments made by subsection (a) shall take effect on the date that is 6 months after the date of the enactment of this Act to the extent such amendments relate to continuation of employment.

SEC. 584. GOOD FAITH DEFENSE.

Section 274A(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(a)(3)) is amended to read as follows:

''(3) GOOD FAITH DEFENSE.—

''(A) DEFENSE.—An employer (or a person or entity that hires, employs, recruits, refers, or is otherwise obligated to comply with this section) that establishes good faith compliance with the requirements under subsection (b)—

''(i) shall not be liable to a job applicant, an employee, the Federal Government, or a State or local government, under Federal, State, or local criminal or civil law for any employment-related action taken with respect to a job applicant or employee in good-faith reliance on information provided through the verification system established pursuant to subsection (d); and

''(ii) has established compliance with the employer's obligations under subparagraphs (A) and (B) of paragraph (1) and subsection (b) absent a showing by the Secretary of Homeland Security, by clear and convincing evidence, that the employer had knowledge that an employee is an unauthorized alien.

''(B) MITIGATION ELEMENT.—For purposes of subparagraph (A)(i), if an employer proves, by a preponderance of the evidence, that the employer used a reasonable, secure, and established technology to authenticate the identity of the new employee, that fact shall be taken into account for purposes of determining good faith use of the verification system established pursuant to subsection (d).

''(C) FAILURE TO SEEK AND OBTAIN VERIFICATION.—

''(i) IN GENERAL.—Subject to the effective dates and other deadlines applicable under subsection (b), a person or entity in the United States that hires, or continues to employ, an individual, or recruits or refers an individual for employment, shall be subject to the requirements set forth in clauses (ii) and (iii).

''(ii) FAILURE TO SEEK VERIFICATION.—

''(I) IN GENERAL.—If the person or entity has not made an inquiry through the verification system established pursuant subsection (d) and in accordance with the timeframes established under subsection (b), seeking verification of the identity and work eligibility of the individual, the defense under subparagraph (A) shall not be considered to apply with respect to any employment, except as provided in subclause (II).

''(II) SPECIAL RULE FOR FAILURE OF VERIFICATION MECHANISM.—If the person or entity attempts to make an inquiry in good faith in order to qualify for the defense under subparagraph (A) and the verification system registers that not all inquiries were responded to during the relevant time, the person or entity can make an inquiry until the end of the first subsequent business day in which the verification mechanism registers no nonresponses and qualify for such defense.

''(iii) FAILURE TO OBTAIN VERIFICATION.—If the person or entity made the inquiry described in clause (i)(I), but did not receive an appropriate verification of such identity and work eligibility from the verification system within the time period specified in subsection (d)(2) after the verification inquiry was received, the defense under subparagraph (A) shall not be considered to apply with respect to any employment after the end of such period.''.

SEC. 585. PREEMPTION AND STATES' RIGHTS.

Section 274A(h)(2) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(2)) is amended to read as follows:

''(2) PREEMPTION.—

''(A) SINGLE, NATIONAL POLICY.—The provisions under this section preempt any State or local law, ordinance, policy, or rule, including any criminal or civil fine or penalty structure, to the extent they may relate to the hiring, continued employment, or status verification for employment eligibility purposes, of unauthorized aliens.

''(B) STATE ENFORCEMENT OF FEDERAL LAW.—

''(i) BUSINESS LICENSING.—A State, locality, municipality, or political subdivision may exercise its authority over business licensing and similar laws as a penalty for failure to use the verification system described in subsection (d) to verify employment eligibility in accordance with subsection (b).

''(ii) GENERAL RULES.—

''(I) STATE ENFORCEMENT.—A State, at its own cost, may enforce the provisions of this section if such State—

''(aa) complies with any Federal regulations, rules, and guidance implementing this section; and

''(bb) applies the Federal penalty structure required under this section.

''(II) FINES.—A State described in subclause (I) may collect any fines assessed under this section.

''(III) DOUBLE JEOPARDY.—An employer may not be subject to enforcement, including audit and investigation, by a Federal agency and a State for the same violation under this section. The government entity that first initiates such an enforcement action has the right of first refusal to proceed with the enforcement action.

''(IV) GUIDANCE, TRAINING, AND FIELD INSTRUCTIONS.—The Secretary of Homeland Security shall provide copies of all guidance, training, and field instructions that are available to Federal officials enforcing the provisions of this section to each State.''.

SEC. 586. REPEAL.

(a) IN GENERAL.—Subtitle A of title IV of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is repealed.

(b) REFERENCES.—Any reference in any Federal law, Executive order, rule, regulation, or delegation of authority, or any document of, or pertaining to, the Department of Homeland Security, Department of Justice, or the Social Security Administration, to the employment eligibility confirmation system established under section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is deemed to refer to the employment eligibility verification system established under section 274A(d) of the Immigration and Nationality Act, as amended by section 582.

(c) EFFECTIVE DATE.—This section shall take effect on the date that is 30 months after the date of the enactment of this Act.

(d) CLERICAL AMENDMENT.—The table of contents in section 1(d) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, is amended by striking the items relating to subtitle A of title IV.

SEC. 587. PENALTIES.

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

(1) in subsection (e)—

(A) in paragraph (1)—

(i) by striking ''Attorney General'' each place such term appears and inserting ''Secretary of Homeland Security''; and

(ii) in subparagraph (D), by striking ''Service'' and inserting ''Department of Homeland Security'';

(B) in paragraph (4)—

(i) in subparagraph (A)—

(I) in the matter before clause (i), by inserting '', subject to paragraph (10),'' after ''in an amount'';

(II) in clause (i), by striking ''not less than $250 and not more than $2,000'' and inserting ''not less than $2,500 and not more than $5,000'';

(III) in clause (ii), by striking ''not less than $2,000 and not more than $5,000'' and inserting ''not less than $5,000 and not more than $10,000'';

(IV) in clause (iii), by striking ''not less than $3,000 and not more than $10,000'' and inserting ''not less than $10,000 and not more than $25,000''; and

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

''(B) may require the person or entity to take such other remedial action as is appropriate.'';

(C) in paragraph (5)—

(i) in the paragraph heading, by striking ''PAPERWORK'';

(ii) by inserting '', subject to paragraphs (10) through (12),'' after ''in an amount'';

(iii) by striking ''$100 and not more than $1,000'' and inserting ''$1,000 and not more than $25,000''; and

(iv) by adding at the end the following: ''Failure by a person or entity to utilize the employment eligibility verification system in accordance with this section, or providing information to the system that the person or entity knows or reasonably believes to be false, shall be treated as a violation of subsection (a)(1)(A).''; and

(D) by adding at the end the following:

''(10) WAIVER OR REDUCTION OF PENALTY FOR GOOD FAITH VIOLATION.—In the case of imposition of a civil penalty under paragraph (4)(A) with respect to a violation of paragraph (1)(A) or (2) of subsection (a) for hiring or continuation of employment or recruitment or referral by person or entity and in the case of imposition of a civil penalty under paragraph (5) for a violation of subsection (a)(1)(B) for hiring or recruitment or referral by a person or entity, the penalty otherwise imposed may be waived or reduced if the violator establishes that the violator acted in good faith.

''(11) MITIGATION ELEMENT.—For purposes of paragraph (4), the size of the business shall be taken into account when assessing the level of civil money penalty.

''(12) AUTHORITY TO DEBAR EMPLOYERS FOR CERTAIN VIOLATIONS.—

''(A) IN GENERAL.—If a person or entity is determined by the Secretary of Homeland Security to be a repeat violator of paragraph (1)(A) or (2) of subsection (a), or is convicted of a crime under this section, such person or entity may be considered for debarment from the receipt of Federal contracts, grants, or cooperative agreements in accordance with the debarment standards and pursuant to the debarment procedures set forth in the Federal Acquisition Regulation.

''(B) DOES NOT HAVE CONTRACT, GRANT, AGREEMENT.—If the Secretary of Homeland Security or the Attorney General determines that a person or entity should be considered for debarment under subparagraph (A), and such a person or entity does not hold a Federal contract, grant, or cooperative agreement, the Secretary or the Attorney General shall refer the matter to the Administrator of General Services to determine—

''(i) whether to list the person or entity on the List of Parties Excluded from Federal Procurement; and

''(ii) if so listed, the duration and scope of such exclusion.

''(C) HAS CONTRACT, GRANT, AGREEMENT.—If the Secretary of Homeland Security or the Attorney General determines that a person or entity should be considered for debarment under subparagraph (A), and such person or entity holds a Federal contract, grant, or cooperative agreement, the Secretary or the Attorney General—

''(i) shall advise all Federal agencies or departments holding a contract, grant, or cooperative agreement with such person or entity of the Government's interest in having the person or entity considered for debarment; and

''(ii) after soliciting and considering the views of all such agencies and departments, may refer the matter to any appropriate lead agency to determine—

''(I) whether to list the person or entity on the List of Parties Excluded from Federal Procurement; and

''(II) if so listed, the duration and scope of such exclusion.

''(D) REVIEW.—Any decision to debar a person or entity in accordance with this paragraph shall be reviewable under part 9.4 of the Federal Acquisition Regulation.

''(13) OFFICE FOR STATE AND LOCAL GOVERNMENT COMPLAINTS.—The Secretary of Homeland Security shall establish an office—

''(A) to which State and local government agencies may submit information indicating potential violations of subsection (a), (b), or (g)(1) that were generated in the normal course of law enforcement or the normal course of other official activities in the State or locality; and

''(B) that is required—

''(i) to indicate to the complaining State or local agency not later than 5 business days after such a complaint is filed by identifying whether the Secretary will further investigate the information provided;

''(ii) to investigate complaints filed by State or local government agencies that, on their face, have a substantial probability of validity;

''(iii) to notify the complaining State or local agency of the results of any such investigation conducted; and

''(iv) to submit an annual report to Congress that identifies—

''(I) the number of complaints received under this paragraph during the reporting period;

''(II) the States and localities that filed such complaints; and

''(III) the resolution of any complaints that were investigated by the Secretary.''; and

(2) in subsection (f), by amending paragraph (1) to read as follows:

''(1) CRIMINAL PENALTY.—Notwithstanding any other Federal law relating to fine levels, any person or entity that engages in a pattern or practice of violations of paragraph (1) or (2) of subsection (a) shall be fined not more than $5,000 for each unauthorized alien with respect to which such a violation occurs, imprisoned for not more than 18 months, or both.''.

SEC. 588. FRAUD AND MISUSE OF DOCUMENTS.

Section 1546(b) of title 18, United States Code, is amended—

(1) in paragraph (1), by inserting ''or document meant to establish work authorization (including any document described in section 274A(b) of the Immigration and Nationality Act (8 U.S.C. 1324a(b))),'' after ''identification document''; and

(2) in paragraph (2), by inserting ''or document meant to establish work authorization (including any document described in section 274A(b) of the Immigration and Nationality Act (8 U.S.C. 1324a(b))),'' after ''identification document''.

SEC. 589. PROTECTION OF SOCIAL SECURITY ADMINISTRATION PROGRAMS.

(a) FUNDING UNDER AGREEMENT.—The Commissioner of Social Security and the Secretary of Homeland Security shall enter into and maintain annual agreements, for fiscal year 2024 and each subsequent fiscal year, which—

(1) provides funds to the Commissioner for the full costs of the responsibilities of the Commissioner under section 274A(d) of the Immigration and Nationality Act (8 U.S.C. 1324a(d)), as amended by section 582, including—

(A) acquiring, installing, and maintaining technological equipment and systems necessary for the fulfillment of the responsibilities of the Commissioner under such section 274A(d), but only that portion of such costs that are attributable exclusively to such responsibilities; and

(B) responding to individuals who contest a tentative nonconfirmation provided by the employment eligibility verification system established under such section;

(2) provides the funds described in paragraph (1) annually in advance of the applicable quarter based on estimating methodology agreed to by the Commissioner and the Secretary (except when the delayed enactment of an annual appropriation may preclude such quarterly payments); and

(3) requires an annual accounting and reconciliation of the actual costs incurred and the funds provided under the agreement, which shall be reviewed by the Inspector General of the Social Security Administration and the Inspector General of the Department of Homeland Security.

(b) CONTINUATION OF EMPLOYMENT VERIFICATION IN ABSENCE OF TIMELY AGREEMENT.—

(1) IN GENERAL.—If an agreement required under subsection (a) for any fiscal year does not take effect by the first day of such fiscal year—

(A) the Commissioner of Social Security and the Secretary of Homeland Security shall immediately notify the Committee on Finance of the Senate, the Committee on the Judiciary of the Senate, the Committee on Appropriations of the Senate, the Committee on Ways and Means of the House of Representatives, the Committee on the Judiciary of the House of Representatives, and the Committee on Appropriations of the House of Representatives of the failure to reach the agreement required under subsection (a) for such fiscal year; and

(B) the most recent agreement between the Commissioner and the Secretary of Homeland Security providing funding for the costs incurred by the Commissioner to implement section 274A(d) of the Immigration and Nationality Act, as amended by section 582, shall be deemed in effect on an interim basis for such fiscal year until the new agreement required under subsection (a) takes effect, except that the terms of such interim agreement shall be modified by the Director of the Office of Management and Budget to adjust for inflation and any increase or decrease in the volume of requests under the employment eligibility verification system.

(2) STATUS REPORTS.—Not less frequently than quarterly while an interim agreement described in paragraph (1)(B) is in effect, the Commissioner and the Secretary shall notify the congressional committees listed in paragraph (1)(A) of the status of negotiations between the Commissioner and the Secretary in order to reach a new agreement for the current fiscal year.

SEC. 590. FRAUD PREVENTION.

(a) BLOCKING MISUSED SOCIAL SECURITY ACCOUNT NUMBERS.—The Secretary of Homeland Security, in consultation with the Commissioner of Social Security, shall establish a program in which Social Security account numbers that have been subject to unusual multiple use in the employment eligibility verification system established pursuant to section 274A(d) of the Immigration and Nationality Act, as amended by section 582, or that are otherwise suspected or determined to have been compromised by identity fraud or other misuse, shall be blocked from use for such system purposes unless the individual using such number is able to establish, through secure and fair additional security procedures, that the individual is the legitimate holder of such number.

(b) ALLOWING SUSPENSION OF USE OF CERTAIN SOCIAL SECURITY ACCOUNT NUMBERS.—The Secretary of Homeland Security, in consultation with the Commissioner of Social Security, shall establish a program that provides a reliable, secure method by which victims of identity fraud and other individuals may suspend or limit the use of their Social Security account number or other identifying information for purposes of the employment eligibility verification system established under section 274A(d) of the Immigration and Nationality Act, as amended by section 582. The Secretary may implement such program on a limited pilot program basis before making it fully available to all individuals.

(c) ALLOWING PARENTS TO PREVENT THEFT OF THEIR CHILDREN'S IDENTITY.—The Secretary of Homeland Security, in consultation with the Commissioner of Social Security, shall establish a program that provides a reliable, secure method by which parents or legal guardians may suspend or limit the use of the Social Security account number or other identifying information of a minor under their care for the purposes of the employment eligibility verification system established under 274A(d) of the Immigration and Nationality Act, as amended by section 582. The Secretary may implement such program on a limited pilot program basis before making it fully available to all individuals.

SEC. 591. USE OF EMPLOYMENT ELIGIBILITY VERIFICATION PHOTO TOOL.

An employer who uses the photo matching tool used as part of the E-Verify System shall match the photo tool photograph to—

(1) the photograph on the identity or employment eligibility document provided by the employee; and

(2) the face of the employee submitting the document for employment verification purposes.

SEC. 592. IDENTITY AUTHENTICATION EMPLOYMENT ELIGIBILITY VERIFICATION PILOT PROGRAMS.

(a) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Secretary of Homeland Security, after consultation with the Commissioner of Social Security and the Director of the National Institute of Standards and Technology, shall establish, by regulation, not less than 2 identity authentication employment eligibility verification pilot programs (referred to in this section as ''Authentication Pilots''), each of which shall use a separate and distinct technology.

(b) PURPOSE.—The purpose of the Authentication Pilots shall be to provide for identity authentication and employment eligibility verification with respect to enrolled new employees. Such services shall be available to any employer that elects to participate in any of the Authentication Pilots. Any participating employer may cancel the employer's participation in an Authentication Pilot on or after the date that is 1 year after electing to participate without prejudice to future participation.

(c) REPORT.—Not later than 1 year after the commencement of the Authentication Pilots under this section, the Secretary of Homeland Security shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that includes—

(1) the Secretary's assessment of the effectiveness of the Authentication Pilots; and

(2) the authentication technology chosen for each Authentication Pilot.

SEC. 593. INSPECTOR GENERAL AUDITS.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Inspector General of the Social Security Administration shall seek to uncover evidence of individuals who are not authorized to work in the United States by completing audits of—

(1) workers who dispute wages reported on their Social Security account number when they believe someone else has used such number and name to report wages;

(2) minor's Social Security account numbers used for work purposes; and

(3) employers whose workers present significant numbers of mismatched Social Security account numbers or names for wage reporting.

(b) SUBMISSION OF FINDING.—The Inspector General of the Social Security Administration shall submit the findings of the audits completed pursuant to subsection (a) to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives for review of the evidence of individuals who are not authorized to work in the United States.

(c) INVESTIGATION.—The Chair of each of the congressional committees referred to in subsection (b) shall determine whether the evidence received from the Inspector General pursuant to subsection (b) should be shared with the Secretary of Homeland Security to enable the Secretary to investigate the unauthorized employment demonstrated by such evidence.

SEC. 594. AGRICULTURE WORKFORCE STUDY.

Not later than 3 years after the date of the enactment of this Act, the Secretary of Homeland Security, in consultation with the Secretary of Agriculture, shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that includes—

(1) the number of individuals in the agricultural workforce;

(2) the number of United States citizens in the agricultural workforce;

(3) the number of aliens in the agricultural workforce who are authorized to work in the United States;

(4) the number of aliens in the agricultural workforce who are not authorized to work in the United States;

(5) wage growth in each of the previous ten years, disaggregated by agricultural sector;

(6) the percentage of total agricultural industry costs represented by agricultural labor during each of the last 10 years;

(7) the percentage of agricultural costs invested in mechanization during each of the last 10 years; and

(8) recommendations (other than a path to legal status for aliens not authorized to work in the United States) for ensuring that United States agricultural employers have a workforce sufficient to cover industry needs, including recommendations—

(A) to increase investments in mechanization;

(B) to increase the domestic workforce; and

(C) to reform the H–2A nonimmigrant visa program.

SEC. 595. SENSE OF CONGRESS ON FURTHER IMPLEMENTATION.

It is the sense of Congress that in implementing the E-Verify Program, the Secretary of Homeland Security should ensure that any adverse impact on the Nation's agricultural workforce, operations, and food security are considered and addressed.

SEC. 596. REPEALING REGULATIONS.

(a) IN GENERAL.—Congress disapproves the final rules relating to ''Temporary Agricultural Employment of H–2A Nonimmigrants in the United States'' (87 Fed. Reg. 61660 (Oct. 12, 2022)) and to ''Adverse Effect Wage Rate Methodology for the Temporary Employment of H–2A Nonimmigrants in Non-Range Occupations in the United States'' (88 Fed. Reg. 12760 (Feb. 28, 2023)) and such rules shall have no force or effect.

(b) REISSUANCE PROHIBITED.—The rules referred to in subsection (a) may not be reissued in substantially the same form. Any new rules that are substantially the same as such rules may not be issued.

SA 111. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 3746, to provide for a responsible increase to the debt ceiling; which was ordered to lie on the table; as follows:

Beginning on page 9, strike line 22 and all that follows through page 11, line 17, and insert the following:

(e) ADDITIONAL SPENDING LIMITS.—For purposes

SA 112. Mr. BUDD submitted an amendment intended to be proposed by him to the bill H.R. 3746, to provide for a responsible increase to the debt ceiling; which was ordered to lie on the table; as follows:

Strike title I of division B and insert the following:

TITLE I—RESCISSION OF UNOBLIGATED FUNDS

SEC. 201. RESCISSION OF UNOBLIGATED CORONAVIRUS FUNDS.

The unobligated balances of amounts appropriated or otherwise made available by the American Rescue Plan Act of 2021 (Public Law 117–2), and by each of Public Laws 116–123, 116–127, 116–136, and 116–139 and divisions M and N of Public Law 116–260, are hereby permanently rescinded.

SA 113. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 3746, to provide for a responsible increase to the debt ceiling; which was ordered to lie on the table; as follows:

Strike section 265.

SA 114. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 3746, to provide for a responsible increase to the debt ceiling; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. __. HOSPITAL PRICE TRANSPARENCY REQUIREMENTS.

Section 2718(e) of the Public Health Service Act (42 U.S.C. 300gg–18(e)) is amended—

(1) by striking ''Each hospital'' and inserting the following:

''(1) IN GENERAL.—Each hospital'';

(2) by inserting '', in accordance with paragraph (2)'', after ''for each year''; and

(3) by adding at the end the following:

''(2) TIMING REQUIREMENTS.—

''(A) IN GENERAL.—Each hospital operating in the United States on the date of enactment of the Fiscal Responsibility Act of 2023 shall, not later than 6 months after such date of enactment and every year thereafter, establish (and update) and make public the list under paragraph (1).

''(B) NEWLY OPERATING HOSPITALS.—In the case of a hospital that begins operating in the United States after the date of enactment of the Fiscal Responsibility Act of 2023, the hospital shall comply with the requirements described in subparagraph (A) not later than 6 months after the date on which the hospital begins such operation and every year thereafter.

''(3) PROHIBITION ON SHIELDING INFORMATION.—No hospital may shield the information required under paragraph (1) from online search results through webpage coding.

''(4) CIVIL MONETARY PENALTIES.—

''(A) IN GENERAL.—A hospital that fails to comply with the requirements of this subsection for a year shall be subject to a civil monetary penalty of an amount not to exceed—

''(i) in the case of a hospital with a bed count of 30 or fewer, $600 for each day in which the hospital fails to comply with such requirements;

''(ii) in the case of a hospital with a bed count that is greater than 30 and equal to or fewer than 550, $20 per bed for each day in which the hospital fails to comply with such requirements; or

''(iii) in the case of a hospital with a bed count that is greater than 550, $11,000 for each day in which the hospital fails to comply with such requirements.

''(B) PROCEDURES.—

''(i) IN GENERAL.—Except as otherwise provided in this subsection, a civil monetary penalty under subparagraph (A) shall be imposed and collected in accordance with part 180 of title 45, Code of Federal Regulations (or successor regulations).

''(ii) TIMING.—A hospital shall pay in full a civil monetary penalty imposed on the hospital under subparagraph (A) not later than—

''(I) 60 calendar days after the date on which the Secretary issues a notice of the imposition of such penalty; or

''(II) in the event the hospital requests a hearing pursuant to subpart D of part 180 of title 45, Code of Federal Regulations (or successor regulations), 60 calendar days after the date of a final and binding decision in accordance with such subpart, to uphold, in whole or in part, the civil monetary penalty.

''(5) LIST OF HOSPITALS NOT IN COMPLIANCE.—The Secretary shall publish a list of the name of each hospital that is not in compliance with the requirements under this subsection. Such list shall be published 280 days after the date of enactment of the Fiscal Responsibility Act of 2023 and every 180 days thereafter.''.

SA 115. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 3746, to provide for a responsible increase to the debt ceiling; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. IMPROVING COORDINATION BETWEEN FEDERAL AND STATE AGENCIES AND THE DO NOT PAY WORKING SYSTEM.

(a) IN GENERAL.—Section 205(r) of the Social Security Act (42 U.S.C. 405(r)), as amended by section 801(a) of title VIII of division FF of the Consolidated Appropriations Act, 2021 (Public Law 116–260), is amended by adding at the end the following new paragraph:

''(12) Beginning December 28, 2026, the Commissioner of Social Security shall, to the extent feasible, provide information furnished to the Commissioner under paragraph (1) to the agency operating the Do Not Pay working system described in section 3354(c) of title 31, United States Code, or an agent thereof, to prevent improper payments to deceased individuals through a cooperative arrangement with such agency, provided that the requirements of subparagraphs (A) and (B) of paragraph (3) are met with respect to

such arrangement with such agency. Under such arrangement, the agency operating the Do Not Pay working system, or an agent thereof, may compare the information so provided by the Commissioner with personally identifiable information derived from a Federal system of records or similar records maintained by a Federal contractor, a Federal grantee, or an entity administering a Federal program or activity, and may redisclose such comparison of information, as appropriate, to any paying or administering agency authorized to use the working system.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on December 27, 2023.

SA 116. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 3746, to provide for a responsible increase to the debt ceiling; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. USE OF THE DEATH MASTER FILE AND THE DO NOT PAY WORKING SYSTEM TO MATCH SAVINGS BONDS TO OWNERS.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Treasury may access the Death Master File (as such term is defined in section 203(d) of the Bipartisan Budget Act of 2013 (42 U.S.C. 1306c(d))) or the Do Not Pay working system described in section 3354(c) of title 31, United States Code, for the purpose of locating the registered owner of an applicable United States savings bond.

(b) APPLICABLE UNITED STATES SAVINGS BOND.—For purposes of this section, the term ''applicable United States savings bond'' means a United States savings bond that—

(1) is past its date of final maturity;

(2) is—

(A) in paper form; or

(B) is in paperless or electronic form and for which—

(i) there is no designated bank account or routing information; or

(ii) the designated bank account or routing information is incorrect; and

(3) has not been redeemed.

SA 117. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill H.R. 3746, to provide for a responsible increase to the debt ceiling; which was ordered to lie on the table; as follows:

In title II of division C, add at the end the following:

SEC. 315. DEFINITION OF FOOD UNDER SNAP.

Section 3(k)(1) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(k)(1)) is amended by inserting ''carbonated beverages containing added sugar,'' before ''hot foods''.

SA 118. Ms. LUMMIS submitted an amendment intended to be proposed by her to the bill H.R. 3746, to provide for a responsible increase to the debt ceiling; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. NATIONAL COMMISSION ON FISCAL RESPONSIBILITY AND REFORM.

(a) SHORT TITLE.—This section may be cited as the ''Sustainable Budget Act of 2023''.

(b) ESTABLISHMENT OF COMMISSION.—

(1) DEFINITIONS.—In this subsection:

(A) COMMISSION.—The term ''Commission'' means the National Commission on Fiscal Responsibility and Reform established under paragraph (2).

(B) FEDERAL AGENCY.—The term ''Federal agency'' means an establishment in the executive, legislative, or judicial branch of the Federal Government.

(2) ESTABLISHMENT.—Not later than 30 days after the date of the enactment of this Act, there shall be established within the legislative branch a commission to be known as the National Commission on Fiscal Responsibility and Reform.

(3) MEMBERSHIP.—

(A) COMPOSITION OF COMMISSION.—The Commission shall be composed of 18 members, of whom—

(i) 6 shall be appointed by the President, of whom not more than 3 shall be from the same political party;

(ii) 3 shall be appointed by the majority leader of the Senate, from among current Members of the Senate;

(iii) 3 shall be appointed by the Speaker of the House of Representatives, from among current Members of the House of Representatives;

(iv) 3 shall be appointed by the minority leader of the Senate, from among current Members of the Senate; and

(v) 3 shall be appointed by the minority leader of the House of Representatives, from among current Members of the House of Representatives.

(B) INITIAL APPOINTMENTS.—Not later than 60 days after the date on which the Commission is established, initial appointments to the Commission shall be made.

(C) VACANCY.—A vacancy on the Commission shall be filled in the same manner as the initial appointment.

(4) CO-CHAIRPERSONS.—From among the members appointed under paragraph (3), the President shall designate 2 members, who shall not be of the same political party, to serve as co-chairpersons of the Commission.

(5) QUALIFICATIONS.—Members appointed to the Commission shall have significant depth of experience and responsibilities in matters relating to—

(A) government service;

(B) fiscal policy;

(C) economics;

(D) Federal agency management or private sector management;

(E) public administration; and

(F) law.

(6) DUTIES.—

(A) IN GENERAL.—The Commission shall identify policies to—

(i) improve the fiscal situation of the Federal Government in the medium term; and

(ii) achieve fiscal sustainability of the Federal Government in the long term.

(B) REQUIREMENTS.—In carrying out subparagraph (A), the Commission shall—

(i) propose recommendations designed to balance the budget of the Federal Government, excluding interest payments on the public debt, by the date that is 10 years after the date on which the Commission is established, in order to stabilize the ratio of the public debt to the gross domestic product of the United States at an acceptable level; and

(ii) propose recommendations that meaningfully improve the long-term fiscal outlook of the Federal Government, including changes to address the growth of entitlement spending and the gap between the projected revenues and expenditures of the Federal Government.

(7) REPORTS AND PROPOSED JOINT RESOLUTION.—

(A) IN GENERAL.—

(i) FINAL REPORT.—Not later than 1 year after the date on which all members of the Commission are appointed under paragraph (3), the Commission shall vote on the approval of a final report, which shall contain—

(I) the recommendations required under paragraph (6)(B); and

(II) a proposed joint resolution implementing the recommendations described in subclause (I).

(ii) INTERIM REPORTS.—At any time after the date on which all members of the Commission are appointed and prior to voting on the approval of a final report under clause (i), the Commission may vote on the approval of an interim report containing such recommendations described in subsection paragraph (6)(B) as the Commission may provide.

(B) APPROVAL OF REPORT.—The Commission may only issue a report under this paragraph if—

(i) not less than 12 members of the Commission approve the report; and

(ii) of the members approving the report under clause (i), not less than 4 are members of the same political party to which the Speaker of the House of Representatives belongs and not less than 4 are members of the same political party to which the minority leader of the House of Representatives belongs.

(C) SUBMISSION OF REPORT.—With respect to each report approved under this paragraph, the Commission shall—

(i) submit to Congress the report; and

(ii) make the report available to the public.

(D) PREPARATION OF JOINT RESOLUTION.—

(i) IN GENERAL.—In drafting the proposed joint resolution described in subparagraph (A)(i)(II), the Commission—

(I) may use the services of the offices of the Legislative Counsel of the Senate and House of Representatives; and

(II) shall consult with the Comptroller General of the United States and the Director of the Congressional Budget Office.

(ii) CONSULTATION WITH COMMITTEES.—In drafting the proposed joint resolution described in subparagraph (A)(i)(II), the co-chairpersons of the Commission, with respect to the contents of the proposed joint resolution, shall consult with—

(I) the chairperson and ranking member of each relevant committee of the Senate and the House of Representatives;

(II) the majority and minority leader of the Senate; and

(III) the Speaker and minority leader of the House of Representatives.

(iii) REQUIREMENTS FOR CONSULTATION.—The consultation required under clause (ii) shall provide the opportunity for each individual described in clause (ii) to provide—

(I) recommendations for alternative means of addressing the recommendations described in subparagraph (A)(i)(I); and

(II) recommendations regarding which recommendations described in subparagraph (A)(i)(I) should not be addressed in the proposed joint resolution.

(iv) RELEVANT COMMITTEES.—For the purpose of this subparagraph, the relevant committees of the Senate and the House of Representatives shall be—

(I) the Committee on Finance of the Senate;

(II) the Committee on Ways and Means of the House of Representatives;

(III) the Committee on Health, Education, Labor, and Pensions of the Senate; and

(IV) the Committee on Energy and Commerce of the House of Representatives.

(8) POWERS OF THE COMMISSION.—

(A) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers

advisable to carry out the duties of the Commission described in paragraph (6).

(B) INFORMATION FROM FEDERAL AGENCIES.—

(i) IN GENERAL.—The Commission may secure directly from any Federal agency such information as the Commission considers necessary to carry out the duties of the Commission described in paragraph (6).

(ii) PROVISION OF INFORMATION.—Upon request from the co-chairpersons of the Commission, the head of a Federal agency shall provide information described in clause (i) to the Commission.

(C) POSTAL SERVICES.—The Commission may use the United States mail in the same manner and under the same conditions as departments and agencies of the Federal Government.

(D) WEBSITE.—

(i) CONTENTS.—The Commission shall establish a website containing—

(I) the recommendations required under paragraph (6)(B); and

(II) the records of attendance of the members of the Commission for each meeting of the Commission.

(ii) DATE OF PUBLICATION.—Not later than 72 hours after the conclusion of a meeting of the Commission, the Commission shall publish a recommendation or record of attendance described under clause (i) that is made or taken at the meeting on the website established under such subparagraph.

(9) ASSISTANCE OF OTHER LEGISLATIVE BRANCH ENTITIES.—As the Commission conducts the work of the Commission—

(A) the Comptroller General shall provide technical assistance to the Commission on findings and recommendations of the Government Accountability Office;

(B) the Director of the Congressional Budget Office shall provide technical assistance to the Commission on findings and recommendations of the Congressional Budget Office; and

(C) the chair of the Joint Committee on Taxation shall provide technical assistance to the Commission on findings and recommendations of the Joint Committee on Taxation.

(10) PERSONNEL MATTERS.—

(A) IN GENERAL.—Members of the Commission shall serve without compensation.

(B) TRAVEL EXPENSES.—Members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from the homes or regular places of business of the members in the performance of services for the Commission.

(C) STAFF.—

(i) IN GENERAL.—

(I) APPOINTMENT.—The co-chairpersons of the Commission may, without regard to civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform the duties of the Commission.

(II) APPROVAL.—The appointment of an executive director under subclause (I) shall be subject to confirmation by the Commission.

(ii) COMPENSATION.—

(I) IN GENERAL.—The co-chairpersons of the Commission may fix the compensation of the executive director and other personnel of the Commission without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to the classification of positions and General Schedule pay rates.

(II) PAY RATE.—The rate of pay for the executive director and other personnel of the Commission may not exceed the rate payable for level V of the Executive Schedule under section 5613 of title 5, United States Code.

(D) DETAIL OF GOVERNMENT EMPLOYEES.—Any employee of the Federal Government may be detailed to the Commission—

(i) without reimbursement; and

(ii) without interruption or loss of civil service status or privilege.

(E) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The co-chairpersons of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(11) TERMINATION OF THE COMMISSION.—The Commission shall terminate on the date that is 30 days after the date on which the Commission submits the final report of the Commission under subsection (7)(A)(i).

(12) RULES OF CONSTRUCTION.—Nothing in this section shall be construed to—

(A) impair or otherwise affect—

(i) authority granted by law to a Federal agency or a head thereof; or

(ii) functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals; or

(B) create any right or benefit, substantive or procedural, enforceable at law or in equity, by any party against the United States, the departments, agencies, entities, officers, employees, or agents of the United States, or any other person.

(13) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There are authorized to be appropriated to the Commission such sums as may be necessary to carry out this section.

(B) AVAILABILITY.—Any sums appropriated under subparagraph (A) shall remain available, without fiscal year limitation, until expended.

(14) INAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(c) SPECIAL MESSAGE OF THE PRESIDENT.—

(1) DEFINITIONS.—In this subsection:

(A) COMMISSION REPORT.—The term ''Commission report'' means the final report of the National Commission on Fiscal Responsibility and Reform described in subsection (b)(7)(A)(i).

(B) SPECIAL MESSAGE.—The term ''special message'' means the special message on the Commission report required under paragraph (2)(A).

(2) SUBMISSION OF SPECIAL MESSAGE.—

(A) IN GENERAL.—Not later than 60 days after the date on which the Commission submits the Commission report to Congress, the President shall submit to Congress a special message on the report.

(B) TRANSMITTAL.—The President shall submit the special message—

(i) to the Secretary of the Senate if the Senate is not in session; and

(ii) to the Clerk of the House of Representatives if the House of Representatives is not in session.

(3) CONTENTS OF SPECIAL MESSAGE.—The special message shall describe the reasons for the support or opposition of the President to the proposed joint resolution contained in the Commission report.

(4) PUBLIC AVAILABILITY.—The President shall—

(A) make a copy of a special message publicly available, including on a website of the President; and

(B) publish in the Federal Register a notice of a special message and information on how the special message can be obtained.

(d) EXPEDITED CONSIDERATION OF PROPOSED JOINT RESOLUTION.—

(1) DEFINITION OF COMMISSION JOINT RESOLUTION.—In this subsection, the term ''Commission joint resolution'' means a joint resolution that consists solely of the text of the proposed joint resolution required to be included in the final report of the Commission under subsection (b)(7)(A)(i)(II).

(2) QUALIFYING LEGISLATION.—Only a Commission joint resolution shall be entitled to expedited consideration under this subsection.

(3) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

(A) INTRODUCTION.—A Commission joint resolution may be introduced in the House of Representatives (by request)—

(i) by the majority leader of the House of Representatives, or by a Member of the House of Representatives designated by the majority leader of the House of Representatives, on the next legislative day after the date on which the Commission approves the final report of the Commission under subsection b(7)(A)(i); or

(ii) if the Commission joint resolution is not introduced under clause (i), by any Member of the House of Representatives on any legislative day beginning on the legislative day after the legislative day described in clause (i).

(B) REFERRAL AND REPORTING.—Any committee of the House of Representatives to which a Commission joint resolution is referred shall report the Commission joint resolution to the House of Representatives without amendment not later than 10 legislative days after the date on which the Commission joint resolution was so referred. If a committee of the House of Representatives fails to report a Commission joint resolution within that period, it shall be in order to move that the House of Representatives discharge the committee from further consideration of the Commission joint resolution. Such a motion shall not be in order after the last committee authorized to consider the Commission joint resolution reports it to the House of Representatives or after the House of Representatives has disposed of a motion to discharge the Commission joint resolution. The previous question shall be considered as ordered on the motion to its adoption without intervening motion, except 20 minutes of debate equally divided and controlled by the proponent and an opponent. If such a motion is adopted, the House of Representatives shall proceed immediately to consider the Commission joint resolution in accordance with subparagraphs (C) and (D). A motion to reconsider the vote by which the motion is disposed of shall not be in order.

(C) PROCEEDING TO CONSIDERATION.—After the last committee authorized to consider a Commission joint resolution reports it to the House of Representatives or has been discharged (other than by motion) from its consideration, it shall be in order to move to proceed to consider the Commission joint resolution in the House of Representatives. Such a motion shall not be in order after the House of Representatives has disposed of a motion to proceed with respect to the Commission joint resolution. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. A motion to reconsider the vote by which the motion is disposed of shall not be in order.

(D) CONSIDERATION.—The Commission joint resolution shall be considered as read. All points of order against the Commission joint resolution and against its consideration are waived. The previous question shall be considered as ordered on the Commission joint resolution to its passage without intervening motion, except 2 hours of debate equally divided and controlled by the proponent and an opponent and 1 motion to limit debate on the

Commission joint resolution. A motion to reconsider the vote on passage of the Commission joint resolution shall not be in order.

(E) VOTE ON PASSAGE.—The vote on passage of the Commission joint resolution shall occur not later than 3 legislative days after the date on which the last committee authorized to consider the Commission joint resolution reports it to the House of Representatives or is discharged.

(4) EXPEDITED PROCEDURE IN THE SENATE.—

(A) INTRODUCTION IN THE SENATE.—A Commission joint resolution may be introduced in the Senate (by request)—

(i) by the majority leader of the Senate, or by a Member of the Senate designated by the majority leader of the Senate, on the next legislative day after the date on which the President submits the proposed joint resolution under subsection (c)(2); or

(ii) if the Commission joint resolution is not introduced under clause (i), by any Member of the Senate on any day on which the Senate is in session beginning on the day after the day described in clause (i).

(B) COMMITTEE CONSIDERATION.—A Commission joint resolution introduced in the Senate under subparagraph (A) shall be jointly referred to the committee or committees of jurisdiction, which committees shall report the Commission joint resolution without any revision and with a favorable recommendation, an unfavorable recommendation, or without recommendation, not later than 10 session days after the date on which the Commission joint resolution was so referred. If any committee to which a Commission joint resolution is referred fails to report the Commission joint resolution within that period, that committee shall be automatically discharged from consideration of the Commission joint resolution, and the Commission joint resolution shall be placed on the appropriate calendar.

(C) PROCEEDING.—Notwithstanding rule XXII of the Standing Rules of the Senate, it is in order, not later than 2 days of session after the date on which a Commission joint resolution is reported or discharged from all committees to which the Commission joint resolution was referred, for the majority leader of the Senate or the designee of the majority leader to move to proceed to the consideration of the Commission joint resolution. It shall also be in order for any Member of the Senate to move to proceed to the consideration of the Commission joint resolution at any time after the conclusion of such 2-day period. A motion to proceed is in order even though a previous motion to the same effect has been disagreed to. All points of order against the motion to proceed to the Commission joint resolution are waived. The motion to proceed shall not be debatable. The motion is not subject to a motion to postpone. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the Commission joint resolution is agreed to, the Commission joint resolution shall remain the unfinished business until disposed of. All points of order against a Commission joint resolution and against consideration of the Commission joint resolution are waived.

(D) NO AMENDMENTS.—An amendment to a Commission joint resolution, a motion to postpone, a motion to proceed to the consideration of other business, or a motion to recommit the Commission joint resolution, is not in order.

(E) RULINGS OF THE CHAIR ON PROCEDURE.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate, as the case may be, to the procedure relating to a Commission joint resolution shall be decided without debate.

(5) AMENDMENT.—A Commission joint resolution shall not be subject to amendment in either the Senate or the House of Representatives.

(6) CONSIDERATION BY THE OTHER HOUSE.—

(A) IN GENERAL.—If, before passing a Commission joint resolution, a House receives from the other House a Commission joint resolution of the other House—

(i) the Commission joint resolution of the other House shall not be referred to a committee; and

(ii) the procedure in the receiving House shall be the same as if no Commission joint resolution had been received from the other House until the vote on passage, when the Commission joint resolution received from the other House shall supplant the Commission joint resolution of the receiving House.

(B) REVENUE MEASURES.—This paragraph shall not apply to the House of Representatives if a Commission joint resolution received from the Senate is a revenue measure.

(7) RULES TO COORDINATE ACTION WITH OTHER HOUSE.—

(A) TREATMENT OF COMMISSION JOINT RESOLUTION OF OTHER HOUSE.—If a Commission joint resolution is not introduced in the Senate or the Senate fails to consider a Commission joint resolution under this section, the Commission joint resolution of the House of Representatives shall be entitled to expedited floor procedures under this section.

(B) TREATMENT OF COMPANION MEASURES IN THE SENATE.—If, following passage of a Commission joint resolution in the Senate, the Senate receives from the House of Representatives a Commission joint resolution, the House-passed Commission joint resolution shall not be debatable. The vote on passage of the Commission joint resolution in the Senate shall be considered to be the vote on passage of the Commission joint resolution received from the House of Representatives.

(C) VETOES.—If the President vetoes a Commission joint resolution, consideration of a veto message in the Senate under this subparagraph shall be 10 hours equally divided between the majority and minority leaders of the Senate or the designees of the majority and minority leaders of the Senate.

(8) EXERCISE OF RULEMAKING POWER.—This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and, as such—

(i) it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a Commission joint resolution; and

(ii) it supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SA 119. Mr. RISCH (for himself and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill H.R. 3746, to provide for a responsible increase to the debt ceiling; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ZERO-BASED BUDGETS.

(a) DEFINITION.—In this section:

(1) AGENCY.—The term ''agency'' has the meaning given the term in section 551 of title 5, United States Code.

(2) ZERO-BASED BUDGET.—The term ''zero-based budget'' means a systematic budget analysis in support of decision making in which managers—

(A) examine current objectives, operations, and costs;

(B) consider alternative ways of carrying out a program or activity; and

(C) rank different programs or activities by order of importance to the organization.

(b) ZERO-BASED BUDGETS.—Every sixth year, each agency shall submit to the Director of the Office of Management and Budget and the Committee on the Budget of the Senate and the Committee on the Budget of the House of Representatives a zero-based budget for the next fiscal year and each of the 4 ensuing fiscal years.

(c) RECOMMENDATIONS.—In addition to the zero-based budget required under subsection (b), each agency, except the Department of Defense and the National Nuclear Security Administration shall submit recommendations for which programs Congress should cut or reduce appropriations in an amount that equals not less than a 2-percent reduction from the previous year appropriation in discretionary spending.

SA 120. Mr. GRAHAM (for himself and Mr. SULLIVAN) submitted an amendment intended to be proposed by him to the bill H.R. 3746, to provide for a responsible increase to the debt ceiling; which was ordered to lie on the table; as follows:

On page 5, strike lines 15 through 21 and insert the following:

''(A) for the revised security category, $900,600,000,000 in new budget authority; and

''(B) for the revised nonsecurity category; $703,651,000,000 in new budget authority; and

''(10) for fiscal year 2025—

''(A) for the revised security category, $944,700,000,000 in new budget authority; and

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SA 121. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 3746, to provide for a responsible increase to the debt ceiling; which was ordered to lie on the table; as follows:

At the end of title I of division A, the following:

SEC. 104. DEPARTMENT OF THE NAVY SHIPBUILDING REAL GROWTH.

Section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901), as amended by section 101 of this division, is amended—

(1) in paragraph (9)(A), by inserting '', and an additional $3,200,000,000 in new budget authority for the Shipbuilding and Conversion, Navy account'' before the semicolon; and

(2) in paragraph (10)(A), by inserting '', and an additional $3,500,000,000 in new budget authority for the Shipbuilding and Conversion, Navy account'' before the semicolon.

SA 122. Mr. GRAHAM (for himself and Mr. SULLIVAN) submitted an amendment intended to be proposed by him to the bill H.R. 3746, to provide for a responsible increase to the debt ceiling; which was ordered to lie on the table; as follows:

On page 12, line 15, strike ''paragraph (2),'' and all that follows through ''For the revised non-security'' on line 24 and insert ''paragraph (2), for the revised nonsecurity''.

On page 14, line 1, strike ''applicable'' and all that follows through ''such limits'' on line 5 and insert ''discretionary spending limit under paragraph (1) shall have no force or effect, and the discretionary spending limit for the revised nonsecurity category for the applicable fiscal year shall be such limit''.

On page 14, line 16, strike ''paragraph (2),'' and all that follows through line 22 and insert ''paragraph (2), for the revised nonsecurity category, the amount calculated for such category in subsection (d)(1).''.

On page 15, line 18, strike ''applicable'' and all that follows through ''such limits'' on line 22 and insert ''discretionary spending limit under paragraph (1) shall have no force or effect, and the discretionary spending limit for the revised nonsecurity category for the applicable fiscal year shall be such limit''.

SA 123. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 3746, to provide for a responsible increase to the debt ceiling; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. TEMPORARY EXTENSION OF PUBLIC DEBT LIMIT.

(a) IN GENERAL.—Section 3101(b) of title 31, United States Code, shall not apply for the period—

(1) beginning on the date of enactment of this Act; and

(2) ending on the date that is 90 days after the date of enactment of this Act.

(b) SPECIAL RULE RELATING TO OBLIGATIONS ISSUED DURING EXTENSION PERIOD.—Effective on the day after the date described in subsection (a)(2), the limitation in effect under section 3101(b) of title 31, United States Code, shall be increased to the extent that—

(1) the face amount of obligations issued under chapter 31 of such title and the face amount of obligations whose principal and interest are guaranteed by the United States Government (except guaranteed obligations held by the Secretary of the Treasury) outstanding on the date described in subsection (a)(2); exceeds

(2) the face amount of such obligations outstanding on the date of enactment of this Act.

(c) EXTENSION LIMITED TO NECESSARY OBLIGATIONS.—An obligation shall not be taken into account under subsection (b)(1) unless the issuance of such obligation was necessary to fund a commitment incurred pursuant to law by the Federal Government that required payment on or before the date described in subsection (a)(2).

SA 124. Mr. GRAHAM (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 3746, to provide for a responsible increase to the debt ceiling; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. FINDINGS AND SENSE OF CONGRESS ON PROVISION OF SECURITY ASSISTANCE TO UKRAINE.

(a) FINDINGS.—Congress finds the following:

(1) The Russian Federation has failed to abide by the Belovezh Accords (also known as the ''Minsk Agreement''), signed in Minsk, Belarus, on December 8, 1991, by the leaders of the Russian Federation, Ukraine, and the Republic of Belarus, in which those leaders agreed to have ''respect for state sovereignty'' and renounce ''the use of force and of economic or any other methods of coercion''.

(2) The Russian Federation has failed to honor its commitment under the Memorandum on security assurances in connection with Ukraine's accession to the Treaty on the Non-Proliferation of Nuclear Weapons, signed at Budapest, Hungary, December 5, 1994, in which the Russian Federation agreed to respect the sovereignty of Ukraine in exchange for the removal of nuclear weapons from Ukraine.

(3) The Russian Federation illegally annexed Crimea in 2014 and forces backed by the Russian Federation continue to occupy Eastern Ukraine.

(4) The further invasion of Ukraine by the Russian Federation that began in 2022—

(A) threatens the safety, security, and sovereignty of Ukraine;

(B) is destabilizing to the region; and

(C) poses a risk to the economy of Ukraine and may deter future investments in Ukraine by foreign countries.

(5) Through the invasion, the Russian Federation has indiscriminately attacked civilian targets, resulting in the death of at least 8,490 civilians and injury of at least 14,244 civilians, and has made thinly veiled threats to impose additional death and destruction on members of the North Atlantic Treaty Organization (NATO) if the Russian Federation so desires.

(6) In May 2023, the Russian Federation announced it was moving ahead with a plan to deploy tactical nuclear weapons to the Republic of Belarus, which would be the first deployment by the Russian Federation of such weapons outside of Russia since 1991.

(7) The security assistance provided by the United States has been used to maximum effect and allowed Ukraine to fight back against the Russian Federation's unprovoked invasion of the sovereign territory of Ukraine.

(8) It is imperative to continue to provide security assistance to Ukraine at this crucial inflection point in the war as Ukraine prepares to launch its counteroffensive against the Russian Federation.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Congress—

(1) affirms it is in the national security interest of the United States to provide security assistance to Ukraine and calls on the United States Government to continue to provide such assistance to ensure the sovereign territory of Ukraine is liberated from the Russian Federation and its proxy forces;

(2) supports providing additional funding to Ukraine through future supplemental packages to ensure Ukraine has the resources it needs to ensure and sustain its liberation from the Russian Federation; and

(3) calls on Congress to appropriate all funds needed to increase the production of and replenish United States inventories that have been provided to Ukraine.

SA 125. Mr. SULLIVAN proposed an amendment to the bill H.R. 3746, to provide for a responsible increase to the debt ceiling; as follows:

On page 5, line 16, strike ''$886,349,000,000'' and insert ''$904,779,000,000''.

On page 5, line 21, strike ''$895,212,000,000'' and insert ''$950,017,950,000''.

On page 53, line 22, strike ''$1,389,525,000'' and insert ''$74,625,475,000''.

SA 126. Mr. LANKFORD submitted an amendment intended to be proposed by him to the bill H.R. 3746, to provide for a responsible increase to the debt ceiling; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION E—PREVENTING GOVERNMENT SHUTDOWNS

SEC. 501. SHORT TITLE.

This division may be cited as the ''Prevent Government Shutdowns Act of 2023''.

SEC. 502. AUTOMATIC CONTINUING APPROPRIATIONS.

(a) IN GENERAL.—Chapter 13 of title 31, United States Code, is amended by adding at the end the following:

''§ 1311. Automatic continuing appropriations

''(a)(1)(A) On and after the first day of each fiscal year, if an appropriation Act for such fiscal year with respect to the account for a program, project, or activity has not been enacted and continuing appropriations are not in effect with respect to the program, project, or activity, there are appropriated such sums as may be necessary to continue, at the rate for operations specified in subparagraph (C), the program, project, or activity if funds were provided for the program, project, or activity during the preceding fiscal year.

''(B)(i) Appropriations and funds made available and authority granted under subparagraph (A) shall be available for a period of 14 days.

''(ii) If, at the end of the first 14-day period during which appropriations and funds are made available and authority is granted under subparagraph (A), and the end of every 14-day period thereafter, an appropriation Act for such fiscal year with respect to the account for a program, project, or activity has not been enacted and continuing appropriations are not in effect with respect to the program, project, or activity under a provision of law other than subparagraph (A), the appropriations and funds made available and authority granted under subparagraph (A) during the 14-day period shall be extended for an additional 14-day period.

''(C)(i) Except as provided in clause (ii), the rate for operations specified in this subparagraph with respect to a program, project, or activity is the rate for operations for the preceding fiscal year for the program, project, or activity—

''(I) provided in the corresponding appropriation Act for such preceding fiscal year;

''(II) if the corresponding appropriation bill for such preceding fiscal year was not enacted, provided in the law providing continuing appropriations for such preceding fiscal year; or

''(III) if the corresponding appropriation bill and a law providing continuing appropriations for such preceding fiscal year were not enacted, provided under this section for such preceding fiscal year.

''(ii) For entitlements and other mandatory payments whose budget authority was provided for the previous fiscal year in appropriations Acts, under a law other than this section providing continuing appropriations for such previous year, or under this section, and for activities under the Food and Nutrition Act of 2008, appropriations and funds made available during a fiscal year under this section shall be at the rate necessary to maintain program levels under current law, under the authority and conditions provided in the applicable appropriations Act.

''(2) Appropriations and funds made available, and authority granted, for any fiscal year pursuant to this section for a program, project, or activity shall be available, in accordance with paragraph (1)(B), for the period—

''(A) beginning on the first day of any lapse in appropriations during such fiscal year; and

''(B) ending on the date of enactment of an appropriation Act for such fiscal year with respect to the account for such program, project, or activity (whether or not such Act provides appropriations for such program, project, or activity) or a law making continuing appropriations for the program, project, or activity, as applicable.

''(3) Notwithstanding section 251(a)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(a)(1)) and the timetable in section 254(a) of such Act (2 U.S.C. 904(a)), for any fiscal year for which appropriations and funds are made available under this section, the final sequestration report for such fiscal year pursuant to section 254(f)(1) of such Act (2 U.S.C. 904(f)(1)) and any order for such fiscal year pursuant to section 254(f)(5) of such Act (2 U.S.C. 901(f)(5)) shall be issued—

''(A) for the Congressional Budget Office, 10 days after the date on which appropriation Acts providing funding for the entire Federal Government through the end of such fiscal year have been enacted; and

''(B) for the Office of Management and Budget, 15 days after the date on which appropriation Acts providing funding for the entire Federal Government through the end of such fiscal year have been enacted.

''(b) An appropriation or funds made available, or authority granted, for a program, project, or activity for any fiscal year pursuant to this section shall be subject to the terms and conditions imposed with respect to the appropriation made or funds made available for the preceding fiscal year, or authority granted for such program, project, or activity under current law.

''(c) Expenditures made for a program, project, or activity for any fiscal year pursuant to this section shall be charged to the applicable appropriation, fund, or authorization whenever an appropriation Act for such fiscal year with respect to the account for a program, project, or activity or a law making continuing appropriations until the end of such fiscal year for such program, project, or activity is enacted.

''(d) This section shall not apply to a program, project, or activity during a fiscal year if any other provision of law (other than an authorization of appropriations)—

''(1) makes an appropriation, makes funds available, or grants authority for such program, project, or activity to continue for such period; or

''(2) specifically provides that no appropriation shall be made, no funds shall be made available, or no authority shall be granted for such program, project, or activity to continue for such period.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 13 of title 31, United States Code, is amended by adding at the end the following:

''1311. Automatic continuing appropriations.''.

SEC. 503. TIMELY ENACTMENT OF APPROPRIATION ACTS.

(a) DEFINITIONS.—In this section—

(1) the term ''covered officer or employee'' means—

(A) an officer or employee of the Office of Management and Budget;

(B) a Member of Congress; or

(C) an employee of the personal office of a Member of Congress, a committee of either House of Congress, or a joint committee of Congress;

(2) the term ''covered period''—

(A) means any period of automatic continuing appropriations; and

(B) with respect to the legislative branch—

(i) does not include any period of automatic continuing appropriations that occurs during the period—

(I) beginning at the time at which general appropriations Acts providing funding for the entire Federal Government (including an appropriation Act providing continuing funding) have been enacted or passed in identical form by both Houses and transmitted to Secretary of the Senate or Clerk of the House for enrollment and presentment to the President for his signature; and

(II) ending at the time at which 1 or more general appropriations Acts—

(aa) are vetoed by the President; or

(bb) do not become law without the President's signature under article I, section 7 of the Constitution of the United States based on an adjournment of the Congress; and

(ii) includes any period of automatic continuing appropriations that is not a period described in clause (i) and that follows a veto or a failure to become law (as described in item (bb) of clause (i)(II)) of 1 or more general appropriations Acts;

(3) the term ''Member of Congress'' has the meaning given that term in section 2106 of title 5, United States Code;

(4) the term ''National Capital Region'' has the meaning given that term in section 8702 of title 40, United States Code; and

(5) the term ''period of automatic continuing appropriations'' means a period during which automatic continuing appropriations under section 1311 of title 31, United States Code, as added by section 502 of this division, are in effect with respect to 1 or more programs, projects, or activities.

(b) LIMITS ON TRAVEL EXPENDITURES.—

(1) LIMITS ON OFFICIAL TRAVEL.—

(A) LIMITATION.—Except as provided in subparagraph (B), no amounts may be obligated or expended for official travel by a covered officer or employee during a covered period.

(B) EXCEPTIONS.—

(i) RETURN TO DC.—If a covered officer or employee is away from the seat of Government on the date on which a covered period begins, funds may be obligated and expended for official travel for a single return trip to the seat of Government by the covered officer or employee.

(ii) TRAVEL IN NATIONAL CAPITAL REGION.—During a covered period, amounts may be obligated and expended for official travel by a covered officer or employee from one location in the National Capital Region to another location in the National Capital Region.

(iii) NATIONAL SECURITY EVENTS.—During a covered period, if a national security event that triggers a continuity of operations or continuity of Government protocol occurs, amounts may be obligated and expended for official travel by a covered officer or employee for any official travel relating to responding to the national security event or implementing the continuity of operations or continuity of Government protocol.

(2) RESTRICTION ON USE OF CAMPAIGN FUNDS.—Section 313 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30114) is amended—

(A) in subsection (a)(2), by striking ''for ordinary'' and inserting ''except as provided in subsection (d), for ordinary''; and

(B) by adding at the end the following:

''(d) RESTRICTION ON USE OF CAMPAIGN FUNDS FOR OFFICIAL TRAVEL DURING AUTOMATIC CONTINUING APPROPRIATIONS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), during a covered period (as defined in section 503 of the Prevent Government Shutdowns Act of 2023), a contribution or donation described in subsection (a) may not be obligated or expended for travel in connection with duties of the individual as a holder of Federal office.

''(2) RETURN TO DC.—If the individual is away from the seat of Government on the date on which a covered period (as so defined) begins, a contribution or donation described in subsection (a) may be obligated and expended for travel by the individual to return to the seat of Government.''.

(c) PROCEDURES IN THE SENATE AND HOUSE OF REPRESENTATIVES.—

(1) IN GENERAL.—During a covered period, in the Senate and the House of Representatives—

(A) it shall not be in order to move to proceed to any matter except for—

(i) a measure making appropriations for the fiscal year during which the covered period begins;

(ii) any motion required to determine the presence of or produce a quorum; or

(iii) on and after the 30th calendar day after the first day of a covered period—

(I) the nomination of an individual—

(aa) to a position at level I of the Executive Schedule under section 5312 of title 5, United States Code; or

(bb) to serve as Chief Justice of the United States or an Associate Justice of the Supreme Court of the United States; or

(II) a measure extending the period during which a program, project, or activity is authorized to be carried out (without substantive change to the program, project, or activity or any other program, project, or activity) if—

(aa) an appropriation Act with respect to the program, project, or activity for the fiscal year during which the covered period occurs has not been enacted; and

(bb) the program, project, or activity has expired since the beginning of such fiscal year or will expire during the 30-day period beginning on the date of the motion;

(B) it shall not be in order to move to recess or adjourn for a period of more than 23 hours; and

(C) at noon each day, or immediately following any constructive convening of the Senate under rule IV, paragraph 2 of the Standing Rules of the Senate, the Presiding Officer shall direct the clerk to determine whether a quorum is present.

(2) WAIVER.—

(A) LIMITATION ON PERIOD.—It shall not be in order in the Senate or the House of Representatives to move to waive any provision of paragraph (1) for a period that is longer than 7 days.

(B) SUPERMAJORITY VOTE.—A provision of paragraph (1) may only be waived or suspended upon an affirmative vote of two-thirds of the Members of the applicable House of Congress, duly chosen and sworn.

(d) MOTION TO PROCEED TO APPROPRIATIONS.—

(1) IN GENERAL.—On and after the 30th calendar day after the first day of each fiscal year, if an appropriation Act for such fiscal year with respect to a program, project, or activity has not been enacted, it shall be in order in the Senate, notwithstanding rule XXII or any pending executive measure or matter, to move to proceed to any appropriations bill or joint resolution for the program, project, or activity that has been sponsored and cosponsored by not less than 3 Senators who are members of or caucus with the party in the majority in the Senate and not less than 3 Senators who are members of or caucus with the party in the minority in the Senate.

(2) CONSIDERATION.—For a bill or joint resolution described in paragraph (1)—

(A) the bill or joint resolution may be considered the same day as it is introduced and shall not have to lie over 1 day; and

(B) the motion to proceed to the bill or joint resolution shall be debatable for not to exceed 6 hours, equally divided between the proponents and opponents of the motion, and upon the use or yielding back of time, the Senate shall vote on the motion to proceed.

SEC. 504. BUDGETARY EFFECTS.

(a) CLASSIFICATION OF BUDGETARY EFFECTS.—The budgetary effects of this division and the amendments made by this division shall be estimated as if this division and the amendments made by this division are discretionary appropriations Acts for purposes of section 251 of the Balanced Budget

and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.).

(b) BASELINE.—For purposes of calculating the baseline under section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 907), the provision of budgetary resources under section 1311 of title 31, United States Code, as added by this division, for an account shall be considered to be a continuing appropriation in effect for such account for less than the entire current year.

(c) ENFORCEMENT OF DISCRETIONARY SPENDING LIMITS.—For purposes of enforcing the discretionary spending limits under section 251(a) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(a)), the budgetary resources made available under section 1311 of title 31, United States Code, as added by this division, shall be considered part-year appropriations for purposes of section 251(a)(4) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(a)(4)).

SEC. 505. EFFECTIVE DATE.

This division and the amendments made by this division shall take effect on September 30, 2023.

SA 127. Mr. BUDD submitted an amendment intended to be proposed by him to the bill H.R. 3746, to provide for a responsible increase to the debt ceiling; which was ordered to lie on the table; as follows:

Strike title IV of division B and insert the following:

TITLE IV—NULLIFICATION AND LIMITATION RELATED TO FEDERAL STUDENT LOANS

SEC. 271. NULLIFICATION OF CERTAIN EXECUTIVE ACTIONS AND RULES RELATING TO FEDERAL STUDENT LOANS.

(a) IN GENERAL.—The following shall have no force or effect:

(1) The waivers and modifications of statutory and regulatory provisions relating to an extension of the suspension of payments on certain loans and waivers of interest on such loans under section 3513 of the CARES Act (20 U.S.C. 1001 note)—

(A) described by the Department of Education in the Federal Register on October 12, 2022 (87 Fed. Reg. 61513 et seq.); and

(B) issued on or after the date of enactment of this Act.

(2) The modifications of statutory and regulatory provisions relating to debt discharge described by the Department of Education in the Federal Register on October 12, 2022 (87 Fed. Reg. 61514).

(3) A final rule that is substantially similar to the proposed rule on ''Improving Income-Driven Repayment for the William D. Ford Federal Direct Loan Program'' published by the Department of Education in the Federal Register on January 11, 2023 (88 Fed. Reg. 1894 et seq.).

(b) PROHIBITION.—The Secretary of Education may not implement any executive action or rule specified in paragraph (1), (2), or (3) of subsection (a) (or a substantially similar executive action or rule), except as expressly authorized by an Act of Congress.

SEC. 272. LIMITATION ON AUTHORITY OF SECRETARY TO PROPOSE OR ISSUE REGULATIONS AND EXECUTIVE ACTIONS.

Part G of title IV of the Higher Education Act of 1965 (20 U.S.C. 1088 et seq.) is amended by inserting after section 492 the following:

''SEC. 492A. LIMITATION ON AUTHORITY OF THE SECRETARY TO PROPOSE OR ISSUE REGULATIONS AND EXECUTIVE ACTIONS.

''(a) DRAFT REGULATIONS.—Beginning after the date of enactment of this section, a draft regulation implementing this title (as described in section 492(b)(1)) that is determined by the Secretary to be economically significant shall be subject to the following requirements (regardless of whether negotiated rulemaking occurs):

''(1) The Secretary shall determine whether the draft regulation, if implemented, would result in an increase in a subsidy cost resulting from a loan modification.

''(2) If the Secretary determines under paragraph (1) that the draft regulation would result in an increase in a subsidy cost resulting from a loan modification, then the Secretary may take no further action with respect to such regulation.

''(b) PROPOSED OR FINAL REGULATIONS AND EXECUTIVE ACTIONS.—Notwithstanding any other provision of law, beginning after the date of enactment of this section, the Secretary may not issue a proposed rule, final regulation, or executive action implementing this title if the Secretary determines that the rule, regulation, or executive action—

''(1) is economically significant; and

''(2) would result in an increase in a subsidy cost resulting from a loan modification.

''(c) RELATIONSHIP TO OTHER REQUIREMENTS.—The analyses required under subsections (a) and (b) shall be in addition to any other cost analysis required under law for a regulation implementing this title, including any cost analysis that may be required pursuant to Executive Order 12866 (58 Fed. Reg. 51735; relating to regulatory planning and review), Executive Order 13563 (76 Fed. Reg. 3821; relating to improving regulation and regulatory review), or any related or successor orders.

''(d) DEFINITION.—In this section, the term 'economically significant', when used with respect to a draft, proposed, or final regulation or executive action, means that the regulation or executive action is likely, as determined by the Secretary—

''(1) to have an annual effect on the economy of $100,000,000 or more; or

''(2) adversely to affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities.''.

SA 128. Mr. BUDD submitted an amendment intended to be proposed by him to the bill H.R. 3746, to provide for a responsible increase to the debt ceiling; which was ordered to lie on the table; as follows:

In division C, in section 311(b)(2), insert ''paragraphs (2), (3), and (4) of'' before ''subsection (a)''.

SA 129. Mr. BUDD submitted an amendment intended to be proposed by him to the bill H.R. 3746, to provide for a responsible increase to the debt ceiling; which was ordered to lie on the table; as follows:

Strike title III of division C and insert the following:

TITLE III—INCREASING AMERICAN ENERGY PRODUCTION, EXPORTS, INFRASTRUCTURE, AND CRITICAL MINERALS PROCESSING

SEC. 321. SECURING AMERICA'S CRITICAL MINERALS SUPPLY.

(a) AMENDMENT TO THE DEPARTMENT OF ENERGY ORGANIZATION ACT.—The Department of Energy Organization Act (42 U.S.C. 7101 et seq.) is amended—

(1) in section 2, by adding at the end the following:

''(d) As used in sections 102(20) and 203(a)(12), the term 'critical energy resource' means any energy resource—

''(1) that is essential to the energy sector and energy systems of the United States; and

''(2) the supply chain of which is vulnerable to disruption.'';

(2) in section 102, by adding at the end the following:

''(20) To ensure there is an adequate and reliable supply of critical energy resources that are essential to the energy security of the United States.''; and

(3) in section 203(a), by adding at the end the following:

''(12) Functions that relate to securing the supply of critical energy resources, including identifying and mitigating the effects of a disruption of such supply on—

''(A) the development and use of energy technologies; and

''(B) the operation of energy systems.''.

(b) SECURING CRITICAL ENERGY RESOURCE SUPPLY CHAINS.—

(1) IN GENERAL.—In carrying out the requirements of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), the Secretary of Energy, in consultation with the appropriate Federal agencies, representatives of the energy sector, States, and other stakeholders, shall—

(A) conduct ongoing assessments of—

(i) energy resource criticality based on the importance of critical energy resources to the development of energy technologies and the supply of energy;

(ii) the critical energy resource supply chain of the United States;

(iii) the vulnerability of such supply chain; and

(iv) how the energy security of the United States is affected by the reliance of the United States on importation of critical energy resources;

(B) facilitate development of strategies to strengthen critical energy resource supply chains in the United States, including by—

(i) diversifying the sources of the supply of critical energy resources; and

(ii) increasing domestic production, separation, and processing of critical energy resources;

(C) develop substitutes and alternatives to critical energy resources; and

(D) improve technology that reuses and recycles critical energy resources.

(2) REPORT.—Not later than 1 year after the date of enactment of this title, and annually thereafter, the Secretary of Energy shall submit to Congress a report containing—

(A) the results of the ongoing assessments conducted under paragraph (1)(A);

(B) a description of any actions taken pursuant to the Department of Energy Organization Act to mitigate potential effects of critical energy resource supply chain disruptions on energy technologies or the operation of energy systems; and

(C) any recommendations relating to strengthening critical energy resource supply chains that are essential to the energy security of the United States.

(3) CRITICAL ENERGY RESOURCE DEFINED.—In this section, the term ''critical energy resource'' has the meaning given such term in section 2 of the Department of Energy Organization Act (42 U.S.C. 7101).

SEC. 322. PROTECTING AMERICAN ENERGY PRODUCTION.

(a) SENSE OF CONGRESS.—It is the sense of Congress that States should maintain primacy for the regulation of hydraulic fracturing for oil and natural gas production on State and private lands.

(b) PROHIBITION ON DECLARATION OF A MORATORIUM ON HYDRAULIC FRACTURING.—Notwithstanding any other provision of law, the President may not declare a moratorium on the use of hydraulic fracturing unless such

moratorium is authorized by an Act of Congress.

SEC. 323. RESEARCHING EFFICIENT FEDERAL IMPROVEMENTS FOR NECESSARY ENERGY REFINING.

Not later than 90 days after the date of enactment of this section, the Secretary of Energy shall direct the National Petroleum Council to—

(1) submit to the Secretary of Energy and Congress a report containing—

(A) an examination of the role of petrochemical refineries located in the United States and the contributions of such petrochemical refineries to the energy security of the United States, including the reliability of supply in the United States of liquid fuels and feedstocks, and the affordability of liquid fuels for consumers in the United States;

(B) analyses and projections with respect to—

(i) the capacity of petrochemical refineries located in the United States;

(ii) opportunities for expanding such capacity; and

(iii) the risks to petrochemical refineries located in the United States;

(C) an assessment of any Federal or State executive actions, regulations, or policies that have caused or contributed to a decline in the capacity of petrochemical refineries located in the United States; and

(D) any recommendations for Federal agencies and Congress to encourage an increase in the capacity of petrochemical refineries located in the United States; and

(2) make publicly available the report submitted under paragraph (1).

SEC. 324. PROMOTING CROSS-BORDER ENERGY INFRASTRUCTURE.

(a) AUTHORIZATION OF CERTAIN ENERGY INFRASTRUCTURE PROJECTS AT AN INTERNATIONAL BOUNDARY OF THE UNITED STATES.—

(1) AUTHORIZATION.—Except as provided in paragraph (3) and subsection (d), no person may construct, connect, operate, or maintain a border-crossing facility for the import or export of oil or natural gas, or the transmission of electricity, across an international border of the United States without obtaining a certificate of crossing for the border-crossing facility under this subsection.

(2) CERTIFICATE OF CROSSING.—

(A) REQUIREMENT.—Not later than 120 days after final action is taken, by the relevant official or agency identified under subparagraph (B), under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to a border-crossing facility for which a person requests a certificate of crossing under this subsection, the relevant official or agency, in consultation with appropriate Federal agencies, shall issue a certificate of crossing for the border-crossing facility unless the relevant official or agency finds that the construction, connection, operation, or maintenance of the border-crossing facility is not in the public interest of the United States.

(B) RELEVANT OFFICIAL OR AGENCY.—The relevant official or agency referred to in subparagraph (A) is—

(i) the Federal Energy Regulatory Commission with respect to border-crossing facilities consisting of oil or natural gas pipelines; and

(ii) the Secretary of Energy with respect to border-crossing facilities consisting of electric transmission facilities.

(C) ADDITIONAL REQUIREMENT FOR ELECTRIC TRANSMISSION FACILITIES.—In the case of a request for a certificate of crossing for a border-crossing facility consisting of an electric transmission facility, the Secretary of Energy shall require, as a condition of issuing the certificate of crossing under subparagraph (A), that the border-crossing facility be constructed, connected, operated, or maintained consistent with all applicable policies and standards of—

(i) the Electric Reliability Organization and the applicable regional entity; and

(ii) any Regional Transmission Organization or Independent System Operator with operational or functional control over the border-crossing facility.

(3) EXCLUSIONS.—This subsection shall not apply to any construction, connection, operation, or maintenance of a border-crossing facility for the import or export of oil or natural gas, or the transmission of electricity—

(A) if the border-crossing facility is operating for such import, export, or transmission as of the date of enactment of this section;

(B) if a Presidential permit (or similar permit) for the construction, connection, operation, or maintenance has been issued pursuant to any provision of law or Executive order; or

(C) if an application for a Presidential permit (or similar permit) for the construction, connection, operation, or maintenance is pending on the date of enactment of this section, until the earlier of—

(i) the date on which such application is denied; or

(ii) two years after the date of enactment of this section, if such a permit has not been issued by such date of enactment.

(4) EFFECT OF OTHER LAWS.—

(A) APPLICATION TO PROJECTS.—Nothing in this subsection or subsection (d) shall affect the application of any other Federal statute to a project for which a certificate of crossing for a border-crossing facility is requested under this subsection.

(B) NATURAL GAS ACT.—Nothing in this subsection or subsection (d) shall affect the requirement to obtain approval or authorization under sections 3 and 7 of the Natural Gas Act for the siting, construction, or operation of any facility to import or export natural gas.

(C) OIL PIPELINES.—Nothing in this subsection or subsection (d) shall affect the authority of the Federal Energy Regulatory Commission with respect to oil pipelines under section 60502 of title 49, United States Code.

(b) TRANSMISSION OF ELECTRIC ENERGY TO CANADA AND MEXICO.—

(1) REPEAL OF REQUIREMENT TO SECURE ORDER.—Section 202(e) of the Federal Power Act (16 U.S.C. 824a(e)) is repealed.

(2) CONFORMING AMENDMENTS.—

(A) STATE REGULATIONS.—Section 202(f) of the Federal Power Act (16 U.S.C. 824a(f)) is amended by striking ''insofar as such State regulation does not conflict with the exercise of the Commission's powers under or relating to subsection 202(e)''.

(B) SEASONAL DIVERSITY ELECTRICITY EXCHANGE.—Section 602(b) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 824a–4(b)) is amended by striking ''the Commission has conducted hearings and made the findings required under section 202(e) of the Federal Power Act'' and all that follows through the period at the end and inserting ''the Secretary has conducted hearings and finds that the proposed transmission facilities would not impair the sufficiency of electric supply within the United States or would not impede or tend to impede the coordination in the public interest of facilities subject to the jurisdiction of the Secretary.''.

(c) NO PRESIDENTIAL PERMIT REQUIRED.—No Presidential permit (or similar permit) shall be required pursuant to any provision of law or Executive order for the construction, connection, operation, or maintenance of an oil or natural gas pipeline or electric transmission facility, or any border-crossing facility thereof.

(d) MODIFICATIONS TO EXISTING PROJECTS.—No certificate of crossing under subsection (a), or Presidential permit (or similar permit), shall be required for a modification to—

(1) an oil or natural gas pipeline or electric transmission facility that is operating for the import or export of oil or natural gas or the transmission of electricity as of the date of enactment of this section;

(2) an oil or natural gas pipeline or electric transmission facility for which a Presidential permit (or similar permit) has been issued pursuant to any provision of law or Executive order; or

(3) a border-crossing facility for which a certificate of crossing has previously been issued under subsection (a).

(e) PROHIBITION ON REVOCATION OF PRESIDENTIAL PERMITS.—Notwithstanding any other provision of law, the President may not revoke a Presidential permit (or similar permit) issued pursuant to Executive Order No. 13337 (3 U.S.C. 301 note), Executive Order No. 11423 (3 U.S.C. 301 note), Executive Order No. 12038 (43 Fed. Reg. 4957), Executive Order No. 10485 (18 Fed. Reg. 5397), or any other Executive order for the construction, connection, operation, or maintenance of an oil or natural gas pipeline or electric transmission facility, or any border-crossing facility thereof, unless such revocation is authorized by an Act of Congress.

(f) EFFECTIVE DATE; RULEMAKING DEADLINES.—

(1) EFFECTIVE DATE.—Subsections (a) through (d), and the amendments made by such subsections, shall take effect on the date that is 1 year after the date of enactment of this section.

(2) RULEMAKING DEADLINES.—Each relevant official or agency described in subsection (a)(2)(B) shall—

(A) not later than 180 days after the date of enactment of this section, publish in the Federal Register notice of a proposed rulemaking to carry out the applicable requirements of subsection (a); and

(B) not later than 1 year after the date of enactment of this section, publish in the Federal Register a final rule to carry out the applicable requirements of subsection (a).

(g) DEFINITIONS.—In this section:

(1) BORDER-CROSSING FACILITY.—The term ''border-crossing facility'' means the portion of an oil or natural gas pipeline or electric transmission facility that is located at an international boundary of the United States.

(2) MODIFICATION.—The term ''modification'' includes a reversal of flow direction, change in ownership, change in flow volume, addition or removal of an interconnection, or an adjustment to maintain flow (such as a reduction or increase in the number of pump or compressor stations).

(3) NATURAL GAS.—The term ''natural gas'' has the meaning given that term in section 2 of the Natural Gas Act (15 U.S.C. 717a).

(4) OIL.—The term ''oil'' means petroleum or a petroleum product.

(5) ELECTRIC RELIABILITY ORGANIZATION; REGIONAL ENTITY.—The terms ''Electric Reliability Organization'' and ''regional entity'' have the meanings given those terms in section 215 of the Federal Power Act (16 U.S.C. 824o).

(6) INDEPENDENT SYSTEM OPERATOR; REGIONAL TRANSMISSION ORGANIZATION.—The terms ''Independent System Operator'' and ''Regional Transmission Organization'' have the meanings given those terms in section 3 of the Federal Power Act (16 U.S.C. 796).

SEC. 325. SENSE OF CONGRESS EXPRESSING DISAPPROVAL OF THE REVOCATION OF THE PRESIDENTIAL PERMIT FOR THE KEYSTONE XL PIPELINE.

(a) FINDINGS.—Congress finds the following:

(1) On March 29, 2019, TransCanada Keystone Pipeline, L.P., was granted a Presidential permit to construct, connect, operate, and maintain the Keystone XL pipeline.

(2) On January 20, 2021, President Biden issued Executive Order No. 13990 (86 Fed. Reg. 7037) that revoked the March 2019 Presidential permit for the Keystone XL.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Congress disapproves of the revocation by President Biden of the Presidential permit for the Keystone XL pipeline.

SEC. 326. SENSE OF CONGRESS OPPOSING RESTRICTIONS ON THE EXPORT OF CRUDE OIL OR OTHER PETROLEUM PRODUCTS.

(a) FINDINGS.—Congress finds the following:

(1) The United States has enjoyed a renaissance in energy production, with the expansion of domestic crude oil and other petroleum product production contributing to enhanced energy security and significant economic benefits to the national economy.

(2) In 2015, Congress recognized the need to adapt to changing crude oil market conditions and repealed all restrictions on the export of crude oil on a bipartisan basis.

(3) Section 101 of title I of division O of the Consolidated Appropriations Act, 2016 (42 U.S.C. 6212a) established the national policy on oil export restriction, prohibiting any official of the Federal Government from imposing or enforcing any restrictions on the export of crude oil with limited exceptions, including a savings clause maintaining the authority to prohibit exports under any provision of law that imposes sanctions on a foreign person or foreign government (including any provision of law that prohibits or restricts United States persons from engaging in a transaction with a sanctioned person or government), including a foreign government that is designated as a state sponsor of terrorism.

(4) Lifting the restrictions on crude oil exports encouraged additional domestic energy production, created American jobs and economic development, and allowed the United States to emerge as the leading oil producer in the world.

(5) In 2019, the United States became a net exporter of petroleum products for the first time since 1952, and the reliance of the United States on foreign imports of petroleum products has declined to historic lows.

(6) Free trade, open markets, and competition have contributed to the rise of the United States as a global energy superpower.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Federal Government should not impose—

(1) overly restrictive regulations on the exploration, production, or marketing of energy resources; or

(2) any restrictions on the export of crude oil or other petroleum products under the Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.), except with respect to the export of crude oil or other petroleum products to a foreign person or foreign government subject to sanctions under any provision of United States law, including to a country the government of which is designated as a state sponsor of terrorism.

SEC. 327. UNLOCKING OUR DOMESTIC LNG POTENTIAL.

Section 3 of the Natural Gas Act (15 U.S.C. 717b) is amended—

(1) by striking subsections (a) through (c);

(2) by redesignating subsections (e) and (f) as subsections (a) and (b), respectively;

(3) by redesignating subsection (d) as subsection (c), and moving such subsection after subsection (b), as so redesignated;

(4) in subsection (a), as so redesignated, by amending paragraph (1) to read as follows:

''(1) The Federal Energy Regulatory Commission (in this subsection referred to as the 'Commission') shall have the exclusive authority to approve or deny an application for authorization for the siting, construction, expansion, or operation of a facility to export natural gas from the United States to a foreign country or import natural gas from a foreign country, including an LNG terminal. In determining whether to approve or deny an application under this paragraph, the Commission shall deem the exportation or importation of natural gas to be consistent with the public interest. Except as specifically provided in this Act, nothing in this Act is intended to affect otherwise applicable law related to any Federal agency's authorities or responsibilities related to facilities to import or export natural gas, including LNG terminals.''; and

(5) by adding at the end the following new subsection:

''(d)(1) Nothing in this Act limits the authority of the President under the Constitution, the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), the National Emergencies Act (50 U.S.C. 1601 et seq.), part B of title II of the Energy Policy and Conservation Act (42 U.S.C. 6271 et seq.), the Trading With the Enemy Act (50 U.S.C. 4301 et seq.), or any other provision of law that imposes sanctions on a foreign person or foreign government (including any provision of law that prohibits or restricts United States persons from engaging in a transaction with a sanctioned person or government), including a country that is designated as a state sponsor of terrorism, to prohibit imports or exports.

''(2) In this subsection, the term 'state sponsor of terrorism' means a country the government of which the Secretary of State determines has repeatedly provided support for international terrorism pursuant to—

''(A) section 1754(c)(1)(A) of the Export Control Reform Act of 2018 (50 U.S.C. 4318(c)(1)(A));

''(B) section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371);

''(C) section 40 of the Arms Export Control Act (22 U.S.C. 2780); or

''(D) any other provision of law.''.

SEC. 328. SENSE OF CONGRESS EXPRESSING DISAPPROVAL OF THE DENIAL OF JORDAN COVE PERMITS.

(a) FINDINGS.—Congress finds the following:

(1) On March 19, 2020, the Federal Energy Regulatory Commission granted two Federal permits to Jordan Cove Energy Project, L.P., to site, construct, and operate a new liquefied natural gas export terminal in Coos County, Oregon.

(2) On the same day, the Federal Energy Regulatory Commission issued a certificate of public convenience and necessity to Pacific Connector Gas Pipeline, L.P., to construct and operate the proposed Pacific Connector Pipeline in the counties of Klamath, Jackson, Douglas, and Coos of Oregon.

(3) The State of Oregon denied the permits and the certificate necessary for these projects.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Congress disapproves of the denial of these permits by the State of Oregon.

SEC. 329. PROMOTING INTERAGENCY COORDINATION FOR REVIEW OF NATURAL GAS PIPELINES.

(a) DEFINITIONS.—In this section:

(1) COMMISSION.—The term ''Commission'' means the Federal Energy Regulatory Commission.

(2) FEDERAL AUTHORIZATION.—The term ''Federal authorization'' has the meaning given that term in section 15(a) of the Natural Gas Act (15 U.S.C. 717n(a)).

(3) NEPA REVIEW.—The term ''NEPA review'' means the process of reviewing a proposed Federal action under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

(4) PROJECT-RELATED NEPA REVIEW.—The term ''project-related NEPA review'' means any NEPA review required to be conducted with respect to the issuance of an authorization under section 3 of the Natural Gas Act or a certificate of public convenience and necessity under section 7 of such Act.

(b) COMMISSION NEPA REVIEW RESPONSIBILITIES.—In acting as the lead agency under section 15(b)(1) of the Natural Gas Act for the purposes of complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to an authorization under section 3 of the Natural Gas Act or a certificate of public convenience and necessity under section 7 of such Act, the Commission shall, in accordance with this section and other applicable Federal law—

(1) be the only lead agency;

(2) coordinate as early as practicable with each agency designated as a participating agency under subsection (d)(3) to ensure that the Commission develops information in conducting its project-related NEPA review that is usable by the participating agency in considering an aspect of an application for a Federal authorization for which the agency is responsible; and

(3) take such actions as are necessary and proper to facilitate the expeditious resolution of its project-related NEPA review.

(c) DEFERENCE TO COMMISSION.—In making a decision with respect to a Federal authorization required with respect to an application for authorization under section 3 of the Natural Gas Act or a certificate of public convenience and necessity under section 7 of such Act, each agency shall give deference, to the maximum extent authorized by law, to the scope of the project-related NEPA review that the Commission determines to be appropriate.

(d) PARTICIPATING AGENCIES.—

(1) IDENTIFICATION.—The Commission shall identify, not later than 30 days after the Commission receives an application for an authorization under section 3 of the Natural Gas Act or a certificate of public convenience and necessity under section 7 of such Act, any Federal or State agency, local government, or Indian Tribe that may issue a Federal authorization or is required by Federal law to consult with the Commission in conjunction with the issuance of a Federal authorization required for such authorization or certificate.

(2) INVITATION.—

(A) IN GENERAL.—Not later than 45 days after the Commission receives an application for an authorization under section 3 of the Natural Gas Act or a certificate of public convenience and necessity under section 7 of such Act, the Commission shall invite any agency identified under paragraph (1) to participate in the review process for the applicable Federal authorization.

(B) DEADLINE.—An invitation issued under subparagraph (A) shall establish a deadline by which a response to the invitation shall be submitted to the Commission, which may be extended by the Commission for good cause.

(3) DESIGNATION AS PARTICIPATING AGENCIES.—Not later than 60 days after the Commission receives an application for an authorization under section 3 of the Natural Gas Act or a certificate of public convenience and necessity under section 7 of such Act, the Commission shall designate an

agency identified under paragraph (1) as a participating agency with respect to an application for authorization under section 3 of the Natural Gas Act or a certificate of public convenience and necessity under section 7 of such Act unless the agency informs the Commission, in writing, by the deadline established pursuant to paragraph (2)(B), that the agency—

(A) has no jurisdiction or authority with respect to the applicable Federal authorization;

(B) has no special expertise or information relevant to any project-related NEPA review; or

(C) does not intend to submit comments for the record for the project-related NEPA review conducted by the Commission.

(4) EFFECT OF NON-DESIGNATION.—

(A) EFFECT ON AGENCY.—Any agency that is not designated as a participating agency under paragraph (3) with respect to an application for an authorization under section 3 of the Natural Gas Act or a certificate of public convenience and necessity under section 7 of such Act may not request or conduct a NEPA review that is supplemental to the project-related NEPA review conducted by the Commission, unless the agency—

(i) demonstrates that such review is legally necessary for the agency to carry out responsibilities in considering an aspect of an application for a Federal authorization; and

(ii) requires information that could not have been obtained during the project-related NEPA review conducted by the Commission.

(B) COMMENTS; RECORD.—The Commission shall not, with respect to an agency that is not designated as a participating agency under paragraph (3) with respect to an application for an authorization under section 3 of the Natural Gas Act or a certificate of public convenience and necessity under section 7 of such Act—

(i) consider any comments or other information submitted by such agency for the project-related NEPA review conducted by the Commission; or

(ii) include any such comments or other information in the record for such project-related NEPA review.

(e) WATER QUALITY IMPACTS.—

(1) IN GENERAL.—Notwithstanding section 401 of the Federal Water Pollution Control Act (33 U.S.C. 1341), an applicant for a Federal authorization shall not be required to provide a certification under such section with respect to the Federal authorization.

(2) COORDINATION.—With respect to any NEPA review for a Federal authorization to conduct an activity that will directly result in a discharge into the navigable waters (within the meaning of the Federal Water Pollution Control Act), the Commission shall identify as an agency under subsection (d)(1) the State in which the discharge originates or will originate, or, if appropriate, the interstate water pollution control agency having jurisdiction over the navigable waters at the point where the discharge originates or will originate.

(3) PROPOSED CONDITIONS.—A State or interstate agency designated as a participating agency pursuant to paragraph (2) may propose to the Commission terms or conditions for inclusion in an authorization under section 3 of the Natural Gas Act or a certificate of public convenience and necessity under section 7 of such Act that the State or interstate agency determines are necessary to ensure that any activity described in paragraph (2) conducted pursuant to such authorization or certification will comply with the applicable provisions of sections 301, 302, 303, 306, and 307 of the Federal Water Pollution Control Act.

(4) COMMISSION CONSIDERATION OF CONDITIONS.—The Commission may include a term or condition in an authorization under section 3 of the Natural Gas Act or a certificate of public convenience and necessity under section 7 of such Act proposed by a State or interstate agency under paragraph (3) only if the Commission finds that the term or condition is necessary to ensure that any activity described in paragraph (2) conducted pursuant to such authorization or certification will comply with the applicable provisions of sections 301, 302, 303, 306, and 307 of the Federal Water Pollution Control Act.

(f) SCHEDULE.—

(1) DEADLINE FOR FEDERAL AUTHORIZATIONS.—A deadline for a Federal authorization required with respect to an application for authorization under section 3 of the Natural Gas Act or a certificate of public convenience and necessity under section 7 of such Act set by the Commission under section 15(c)(1) of such Act shall be not later than 90 days after the Commission completes its project-related NEPA review, unless an applicable schedule is otherwise established by Federal law.

(2) CONCURRENT REVIEWS.—Each Federal and State agency—

(A) that may consider an application for a Federal authorization required with respect to an application for authorization under section 3 of the Natural Gas Act or a certificate of public convenience and necessity under section 7 of such Act shall formulate and implement a plan for administrative, policy, and procedural mechanisms to enable the agency to ensure completion of Federal authorizations in compliance with schedules established by the Commission under section 15(c)(1) of such Act; and

(B) in considering an aspect of an application for a Federal authorization required with respect to an application for authorization under section 3 of the Natural Gas Act or a certificate of public convenience and necessity under section 7 of such Act, shall—

(i) formulate and implement a plan to enable the agency to comply with the schedule established by the Commission under section 15(c)(1) of such Act;

(ii) carry out the obligations of that agency under applicable law concurrently, and in conjunction with, the project-related NEPA review conducted by the Commission, and in compliance with the schedule established by the Commission under section 15(c)(1) of such Act, unless the agency notifies the Commission in writing that doing so would impair the ability of the agency to conduct needed analysis or otherwise carry out such obligations;

(iii) transmit to the Commission a statement—

(I) acknowledging receipt of the schedule established by the Commission under section 15(c)(1) of the Natural Gas Act; and

(II) setting forth the plan formulated under clause (i) of this subparagraph;

(iv) not later than 30 days after the agency receives such application for a Federal authorization, transmit to the applicant a notice—

(I) indicating whether such application is ready for processing; and

(II) if such application is not ready for processing, that includes a comprehensive description of the information needed for the agency to determine that the application is ready for processing;

(v) determine that such application for a Federal authorization is ready for processing for purposes of clause (iv) if such application is sufficiently complete for the purposes of commencing consideration, regardless of whether supplemental information is necessary to enable the agency to complete the consideration required by law with respect to such application; and

(vi) not less often than once every 90 days, transmit to the Commission a report describing the progress made in considering such application for a Federal authorization.

(3) FAILURE TO MEET DEADLINE.—If a Federal or State agency, including the Commission, fails to meet a deadline for a Federal authorization set forth in the schedule established by the Commission under section 15(c)(1) of the Natural Gas Act, not later than 5 days after such deadline, the head of the relevant Federal agency (including, in the case of a failure by a State agency, the Federal agency overseeing the delegated authority) shall notify Congress and the Commission of such failure and set forth a recommended implementation plan to ensure completion of the action to which such deadline applied.

(g) CONSIDERATION OF APPLICATIONS FOR FEDERAL AUTHORIZATION.—

(1) ISSUE IDENTIFICATION AND RESOLUTION.—

(A) IDENTIFICATION.—Federal and State agencies that may consider an aspect of an application for a Federal authorization shall identify, as early as possible, any issues of concern that may delay or prevent an agency from working with the Commission to resolve such issues and granting such authorization.

(B) ISSUE RESOLUTION.—The Commission may forward any issue of concern identified under subparagraph (A) to the heads of the relevant agencies (including, in the case of an issue of concern that is a failure by a State agency, the Federal agency overseeing the delegated authority, if applicable) for resolution.

(2) REMOTE SURVEYS.—If a Federal or State agency considering an aspect of an application for a Federal authorization requires the person applying for such authorization to submit data, the agency shall consider any such data gathered by aerial or other remote means that the person submits. The agency may grant a conditional approval for the Federal authorization based on data gathered by aerial or remote means, conditioned on the verification of such data by subsequent onsite inspection.

(3) APPLICATION PROCESSING.—The Commission, and Federal and State agencies, may allow a person applying for a Federal authorization to fund a third-party contractor to assist in reviewing the application for such authorization.

(h) ACCOUNTABILITY, TRANSPARENCY, EFFICIENCY.—For an application for an authorization under section 3 of the Natural Gas Act or a certificate of public convenience and necessity under section 7 of such Act that requires multiple Federal authorizations, the Commission, with input from any Federal or State agency considering an aspect of the application, shall track and make available to the public on the Commission's website information related to the actions required to complete the Federal authorizations. Such information shall include the following:

(1) The schedule established by the Commission under section 15(c)(1) of the Natural Gas Act.

(2) A list of all the actions required by each applicable agency to complete permitting, reviews, and other actions necessary to obtain a final decision on the application.

(3) The expected completion date for each such action.

(4) A point of contact at the agency responsible for each such action.

(5) In the event that an action is still pending as of the expected date of completion, a brief explanation of the reasons for the delay.

(i) PIPELINE SECURITY.—In considering an application for an authorization under section 3 of the Natural Gas Act or a certificate of public convenience and necessity under section 7 of such Act, the Federal Energy Regulatory Commission shall consult with the Administrator of the Transportation Security Administration regarding the applicant's compliance with security guidance and best practice recommendations of the Administration regarding pipeline infrastructure security, pipeline cybersecurity, pipeline personnel security, and other pipeline security measures.

(j) WITHDRAWAL OF POLICY STATEMENTS.—The Federal Energy Regulatory Commission shall withdraw—

(1) the updated policy statement titled ''Certification of New Interstate Natural Gas Facilities'' published in the Federal Register on March 1, 2022 (87 Fed. Reg. 11548); and

(2) the interim policy statement titled ''Consideration of Greenhouse Gas Emissions in Natural Gas Infrastructure Project Reviews'' published in the Federal Register on March 11, 2022 (87 Fed. Reg. 14104).

SEC. 330. INTERIM HAZARDOUS WASTE PERMITS FOR CRITICAL ENERGY RESOURCE FACILITIES.

Section 3005(e) of the Solid Waste Disposal Act (42 U.S.C. 6925(e)) is amended—

(1) in paragraph (1)(A)—

(A) in clause (i), by striking ''or'' at the end;

(B) in clause (ii), by inserting ''or'' after ''this section,''; and

(C) by adding at the end the following:

''(iii) is a critical energy resource facility,''; and

(2) by adding at the end the following:

''(4) DEFINITIONS.—For the purposes of this subsection:

''(A) CRITICAL ENERGY RESOURCE.—The term 'critical energy resource' means, as determined by the Secretary of Energy, any energy resource—

''(i) that is essential to the energy sector and energy systems of the United States; and

''(ii) the supply chain of which is vulnerable to disruption.

''(B) CRITICAL ENERGY RESOURCE FACILITY.—The term 'critical energy resource facility' means a facility that processes or refines a critical energy resource.''.

SEC. 330A. FLEXIBLE AIR PERMITS FOR CRITICAL ENERGY RESOURCE FACILITIES.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency shall, as necessary, revise regulations under parts 70 and 71 of title 40, Code of Federal Regulations, to—

(1) authorize the owner or operator of a critical energy resource facility to utilize flexible air permitting (as described in the final rule titled ''Operating Permit Programs; Flexible Air Permitting Rule'' published by the Environmental Protection Agency in the Federal Register on October 6, 2009 (74 Fed. Reg. 51418)) with respect to such critical energy resource facility; and

(2) facilitate flexible, market-responsive operations (as described in the final rule identified in paragraph (1)) with respect to critical energy resource facilities.

(b) DEFINITIONS.—In this section:

(1) CRITICAL ENERGY RESOURCE.—The term ''critical energy resource'' means, as determined by the Secretary of Energy, any energy resource—

(A) that is essential to the energy sector and energy systems of the United States; and

(B) the supply chain of which is vulnerable to disruption.

(2) CRITICAL ENERGY RESOURCE FACILITY.—The term ''critical energy resource facility'' means a facility that processes or refines a critical energy resource.

SEC. 330B. NATIONAL SECURITY OR ENERGY SECURITY WAIVERS TO PRODUCE CRITICAL ENERGY RESOURCES.

(a) CLEAN AIR ACT REQUIREMENTS.—

(1) IN GENERAL.—If the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Energy, determines that, by reason of a sudden increase in demand for, or a shortage of, a critical energy resource, or another cause, the processing or refining of a critical energy resource at a critical energy resource facility is necessary to meet the national security or energy security needs of the United States, then the Administrator may, with or without notice, hearing, or other report, issue a temporary waiver of any requirement under the Clean Air Act (42 U.S.C. 7401 et seq.) with respect to such critical energy resource facility that, in the judgment of the Administrator, will allow for such processing or refining at such critical energy resource facility as necessary to best meet such needs and serve the public interest.

(2) CONFLICT WITH OTHER ENVIRONMENTAL LAWS.—The Administrator shall ensure that any waiver of a requirement under the Clean Air Act under this subsection, to the maximum extent practicable, does not result in a conflict with a requirement of any other applicable Federal, State, or local environmental law or regulation and minimizes any adverse environmental impacts.

(3) VIOLATIONS OF OTHER ENVIRONMENTAL LAWS.—To the extent any omission or action taken by a party under a waiver issued under this subsection is in conflict with any requirement of a Federal, State, or local environmental law or regulation, such omission or action shall not be considered a violation of such environmental law or regulation, or subject such party to any requirement, civil or criminal liability, or a citizen suit under such environmental law or regulation.

(4) EXPIRATION AND RENEWAL OF WAIVERS.—A waiver issued under this subsection shall expire not later than 90 days after it is issued. The Administrator may renew or reissue such waiver pursuant to paragraphs (1) and (2) for subsequent periods, not to exceed 90 days for each period, as the Administrator determines necessary to meet the national security or energy security needs described in paragraph (1) and serve the public interest. In renewing or reissuing a waiver under this paragraph, the Administrator shall include in any such renewed or reissued waiver such conditions as are necessary to minimize any adverse environmental impacts to the extent practicable.

(5) SUBSEQUENT ACTION BY COURT.—If a waiver issued under this subsection is subsequently stayed, modified, or set aside by a court pursuant a provision of law, any omission or action previously taken by a party under the waiver while the waiver was in effect shall remain subject to paragraph (3).

(6) CRITICAL ENERGY RESOURCE; CRITICAL ENERGY RESOURCE FACILITY DEFINED.—The terms ''critical energy resource'' and ''critical energy resource facility'' have the meanings given such terms in section 3025(f) of the Solid Waste Disposal Act (as added by this section).

(b) SOLID WASTE DISPOSAL ACT REQUIREMENTS.—

(1) HAZARDOUS WASTE MANAGEMENT.—The Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) is amended by inserting after section 3024 the following:

''SEC. 3025. WAIVERS FOR CRITICAL ENERGY RESOURCE FACILITIES.

''(a) IN GENERAL.—If the Administrator, in consultation with the Secretary of Energy, determines that, by reason of a sudden increase in demand for, or a shortage of, a critical energy resource, or another cause, the processing or refining of a critical energy resource at a critical energy resource facility is necessary to meet the national security or energy security needs of the United States, then the Administrator may, with or without notice, hearing, or other report, issue a temporary waiver of any covered requirement with respect to such critical energy resource facility that, in the judgment of the Administrator, will allow for such processing or refining at such critical energy resource facility as necessary to best meet such needs and serve the public interest.

''(b) CONFLICT WITH OTHER ENVIRONMENTAL LAWS.—The Administrator shall ensure that any waiver of a covered requirement under this section, to the maximum extent practicable, does not result in a conflict with a requirement of any other applicable Federal, State, or local environmental law or regulation and minimizes any adverse environmental impacts.

''(c) VIOLATIONS OF OTHER ENVIRONMENTAL LAWS.—To the extent any omission or action taken by a party under a waiver issued under this section is in conflict with any requirement of a Federal, State, or local environmental law or regulation, such omission or action shall not be considered a violation of such environmental law or regulation, or subject such party to any requirement, civil or criminal liability, or a citizen suit under such environmental law or regulation.

''(d) EXPIRATION AND RENEWAL OF WAIVERS.—A waiver issued under this section shall expire not later than 90 days after it is issued. The Administrator may renew or reissue such waiver pursuant to subsections (a) and (b) for subsequent periods, not to exceed 90 days for each period, as the Administrator determines necessary to meet the national security or energy security needs described in subsection (a) and serve the public interest. In renewing or reissuing a waiver under this subsection, the Administrator shall include in any such renewed or reissued waiver such conditions as are necessary to minimize any adverse environmental impacts to the extent practicable.

''(e) SUBSEQUENT ACTION BY COURT.—If a waiver issued under this section is subsequently stayed, modified, or set aside by a court pursuant a provision of law, any omission or action previously taken by a party under the waiver while the waiver was in effect shall remain subject to subsection (c).

''(f) DEFINITIONS.—In this section:

''(1) COVERED REQUIREMENT.—The term 'covered requirement' means—

''(A) any standard established under section 3002, 3003, or 3004;

''(B) the permit requirement under section 3005; or

''(C) any other requirement of this Act, as the Administrator determines appropriate.

''(2) CRITICAL ENERGY RESOURCE.—The term 'critical energy resource' means, as determined by the Secretary of Energy, any energy resource—

''(A) that is essential to the energy sector and energy systems of the United States; and

''(B) the supply chain of which is vulnerable to disruption.

''(3) CRITICAL ENERGY RESOURCE FACILITY.—The term 'critical energy resource facility' means a facility that processes or refines a critical energy resource.''.

(2) TABLE OF CONTENTS.—The table of contents of the Solid Waste Disposal Act is amended by inserting after the item relating to section 3024 the following:

''Sec. 3025. Waivers for critical energy resource facilities.''.

SEC. 330C. NATURAL GAS TAX REPEAL.

(a) REPEAL.—Section 136 of the Clean Air Act (42 U.S.C. 7436)(relating to methane emissions and waste reduction incentive program for petroleum and natural gas systems) is repealed.

(b) RESCISSION.—The unobligated balance of any amounts made available under section 136 of the Clean Air Act (42 U.S.C. 7436)(as in effect on the day before the date of enactment of this Act) is rescinded.

SEC. 330D. REPEAL OF GREENHOUSE GAS REDUCTION FUND.

(a) REPEAL.—Section 134 of the Clean Air Act (42 U.S.C. 7434)(relating to the greenhouse gas reduction fund) is repealed.

(b) RESCISSION.—The unobligated balance of any amounts made available under section 134 of the Clean Air Act (42 U.S.C. 7434)(as in effect on the day before the date of enactment of this Act) is rescinded.

(c) CONFORMING AMENDMENT.—Section 60103 of Public Law 117–169 (relating to the greenhouse gas reduction fund) is repealed.

SEC. 330E. ENDING FUTURE DELAYS IN CHEMICAL SUBSTANCE REVIEW FOR CRITICAL ENERGY RESOURCES.

Section 5(a) of the Toxic Substances Control Act (15 U.S.C. 2604(a)) is amended by adding at the end the following:

''(6) CRITICAL ENERGY RESOURCES.—

''(A) STANDARD.—For purposes of a determination under paragraph (3) with respect to a chemical substance that is a critical energy resource, the Administrator shall take into consideration economic, societal, and environmental costs and benefits, notwithstanding any requirement of this section to not take such factors into consideration.

''(B) FAILURE TO RENDER DETERMINATION.—

''(i) ACTIONS AUTHORIZED.—If, with respect to a chemical substance that is a critical energy resource, the Administrator fails to make a determination on a notice under paragraph (3) by the end of the applicable review period and the notice has not been withdrawn by the submitter, the submitter may take the actions described in paragraph (1)(A) with respect to the chemical substance, and the Administrator shall be relieved of any requirement to make such determination.

''(ii) NON-DUPLICATION.—A refund of applicable fees under paragraph (4)(A) shall not be made if a submitter takes an action described in paragraph (1)(A) under this subparagraph.

''(C) PREREQUISITE FOR SUGGESTION OF WITHDRAWAL OR SUSPENSION.—The Administrator may not suggest to, or request of, a submitter of a notice under this subsection for a chemical substance that is a critical energy resource that such submitter withdraw such notice, or request a suspension of the running of the applicable review period with respect to such notice, unless the Administrator has—

''(i) conducted a preliminary review of such notice; and

''(ii) provided to the submitter a draft of a determination under paragraph (3), including any supporting information.

''(D) DEFINITION.—For purposes of this paragraph, the term 'critical energy resource' means, as determined by the Secretary of Energy, any energy resource—

''(i) that is essential to the energy sector and energy systems of the United States; and

''(ii) the supply chain of which is vulnerable to disruption.''.

SEC. 330F. KEEPING AMERICA'S REFINERIES OPERATING.

(a) IN GENERAL.—The owner or operator of a stationary source described in subsection (b) of this section shall not be required by the regulations promulgated under section 112(r)(7)(B) of the Clean Air Act (42 U.S.C. 7412(r)(7)(B)) to include in any hazard assessment under clause (ii) of such section 112(r)(7)(B) an assessment of safer technology and alternative risk management measures with respect to the use of hydrofluoric acid in an alkylation unit.

(b) STATIONARY SOURCE DESCRIBED.—A stationary source described in this subsection is a stationary source (as defined in section 112(r)(2)(C) of the Clean Air Act (42 U.S.C. 7412(r)(2)(C)) in North American Industry Classification System code 324—

(1) for which a construction permit or operating permit has been issued pursuant to the Clean Air Act (42 U.S.C. 7401 et seq.); or

(2) for which the owner or operator demonstrates to the Administrator of the Environmental Protection Agency that such stationary source conforms or will conform to the most recent version of American Petroleum Institute Recommended Practice 751.

SEC. 330G. HOMEOWNER ENERGY FREEDOM.

(a) IN GENERAL.—The following are repealed:

(1) Section 50122 of Public Law 117–169 (42 U.S.C. 18795a) (relating to a high-efficiency electric home rebate program).

(2) Section 50123 of Public Law 117–169 (42 U.S.C. 18795b) (relating to State-based home energy efficiency contractor training grants).

(3) Section 50131 of Public Law 117–169 (136 Stat. 2041) (relating to assistance for latest and zero building energy code adoption).

(b) RESCISSIONS.—The unobligated balances of any amounts made available under each of sections 50122, 50123, and 50131 of Public Law 117–169 (42 U.S.C. 18795a, 18795b; 136 Stat. 2041) (as in effect on the day before the date of enactment of this Act) are rescinded.

(c) CONFORMING AMENDMENT.—Section 50121(c)(7) of Public Law 117–169 (42 U.S.C. 18795(c)(7)) is amended by striking '', including a rebate provided under a high-efficiency electric home rebate program (as defined in section 50122(d))''.

SEC. 330H. STUDY.

Not later than 180 days after the date of enactment of this Act, the Secretary of Energy, in consultation with the Nuclear Regulatory Commission, shall conduct a study on how to streamline regulatory timelines relating to developing new power plants by examining practices relating to various power generating sources, including fossil and nuclear generating sources.

SEC. 330I. STATE PRIMARY ENFORCEMENT RESPONSIBILITY.

(a) AMENDMENTS.—Section 1422(b) of the Safe Drinking Water Act (42 U.S.C. 300h–1(b)) is amended—

(1) in paragraph (2)—

(A) by striking ''Within ninety days'' and inserting ''(A) Within ninety days'';

(B) by striking ''and after reasonable opportunity for presentation of views''; and

(C) by adding at the end the following:

''(B) If, after 270 calendar days of a State's application being submitted under paragraph (1)(A) or notice being submitted under paragraph (1)(B), the Administrator has not, pursuant to subparagraph (A), by rule approved, disapproved, or approved in part and disapproved in part the State's underground injection control program—

''(i) the Administrator shall transmit, in writing, to the State a detailed explanation as to the status of the application or notice; and

''(ii) the State's underground injection control program shall be deemed approved under this section if—

''(I) the Administrator has not after another 30 days, pursuant to subparagraph (A), by rule approved, disapproved, or approved in part and disapproved in part the State's underground injection control program; and

''(II) the State has established and implemented an effective program (including adequate recordkeeping and reporting) to prevent underground injection which endangers drinking water sources.'';

(2) by amending paragraph (4) to read as follows:

''(4) Before promulgating any rule under paragraph (2) or (3) of this subsection, the Administrator shall—

''(A) provide a reasonable opportunity for presentation of views with respect to such rule, including a public hearing and a public comment period; and

''(B) publish in the Federal Register notice of the reasonable opportunity for presentation of views provided under subparagraph (A).''; and

(3) by adding at the end the following:

''(5) PREAPPLICATION ACTIVITIES.—The Administrator shall work as expeditiously as possible with States to complete any necessary activities relevant to the submission of an application under paragraph (1)(A) or notice under paragraph (1)(B), taking into consideration the need for a complete and detailed submission.

''(6) APPLICATION COORDINATION FOR CLASS VI WELLS.—With respect to the underground injection control program for Class VI wells (as defined in section 40306(a) of the Infrastructure Investment and Jobs Act (42 U.S.C. 300h–9(a))), the Administrator shall designate one individual at the Agency from each regional office to be responsible for coordinating—

''(A) the completion of any necessary activities prior to the submission of an application under paragraph (1)(A) or notice under paragraph (1)(B), in accordance with paragraph (5);

''(B) the review of an application submitted under paragraph (1)(A) or notice submitted under paragraph (1)(B);

''(C) any reasonable opportunity for presentation of views provided under paragraph (4)(A) and any notice published under paragraph (4)(B); and

''(D) pursuant to the recommendations included in the report required under paragraph (7), the hiring of additional staff to carry out subparagraphs (A) through (C).

''(7) EVALUATION OF RESOURCES.—

''(A) IN GENERAL.—Not later than 90 days after the date of enactment of this paragraph, the individual designated under paragraph (6) shall transmit to the appropriate Congressional committees a report, including recommendations, regarding the—

''(i) availability of staff and resources to promptly carry out the requirements of paragraph (6); and

''(ii) additional funding amounts needed to do so.

''(B) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this paragraph, the term 'appropriate Congressional Committees' means—

''(i) in the Senate—

''(I) the Committee on Environment and Public Works; and

''(II) the Committee on Appropriations; and

''(ii) in the House of Representatives—

''(I) the Committee on Energy and Commerce; and

''(II) the Committee on Appropriations.''.

(b) FUNDING.—In each of fiscal years 2023 through 2026, amounts made available by title VI of division J of the Infrastructure Investment and Jobs Act under paragraph (7) of the heading ''Environmental Protection Agency—State and Tribal Assistance Grants'' (Public Law 117–58; 135 Stat. 1402) may also be made available, subject to appropriations, to carry out paragraphs (5), (6), and (7) of section 1422(b) of the Safe Drinking Water Act, as added by this section.

(c) RULE OF CONSTRUCTION.—The amendments made by this section shall—

(1) apply to all applications submitted to the Environmental Protection Agency after the date of enactment of this Act to establish an underground injection control program under section 1422(b) of the Safe Drinking Water Act (42 U.S.C. 300h–1); and

(2) with respect to such applications submitted prior to the date of enactment of this Act, the 270 and 300 day deadlines under section 1422(b)(2)(B) of the Safe Drinking Water Act, as added by this section, shall begin on the date of enactment of this Act.

SEC. 330J. USE OF INDEX-BASED PRICING IN ACQUISITION OF PETROLEUM PRODUCTS FOR THE SPR.

Section 160(c) of the Energy Policy and Conservation Act (42 U.S.C. 6240(c)) is amended—

(1) by redesignating paragraphs (1) through (6) as clauses (i) through (vi), respectively (and adjusting the margins accordingly);

(2) by striking ''The Secretary shall'' and inserting the following:

''(1) IN GENERAL.—The Secretary shall''; and

(3) by striking ''Such procedures shall take into account the need to—'' and inserting the following:

''(2) INCLUSIONS.—Procedures developed under this subsection shall—

''(A) require acquisition of petroleum products using index-based pricing; and

''(B) take into account the need to—''.

SEC. 330K. PROHIBITION ON CERTAIN EXPORTS.

(a) IN GENERAL.—The Energy Policy and Conservation Act is amended by inserting after section 163 (42 U.S.C. 6243) the following:

''SEC. 164. PROHIBITION ON CERTAIN EXPORTS.

''(a) IN GENERAL.—The Secretary shall prohibit the export or sale of petroleum products drawn down from the Strategic Petroleum Reserve, under any provision of law, to—

''(1) the People's Republic of China;

''(2) the Democratic People's Republic of Korea;

''(3) the Russian Federation;

''(4) the Islamic Republic of Iran;

''(5) any other country the government of which is subject to sanctions imposed by the United States; and

''(6) any entity owned, controlled, or influenced by—

''(A) a country referred to in any of paragraphs (1) through (5); or

''(B) the Chinese Communist Party.

''(b) WAIVER.—The Secretary may issue a waiver of the prohibition described in subsection (a) if the Secretary certifies that any export or sale authorized pursuant to the waiver is in the national security interests of the United States.

''(c) RULE.—Not later than 60 days after the date of enactment of the Fiscal Responsibility Act of 2023, the Secretary shall issue a rule to carry out this section.''.

(b) CONFORMING AMENDMENTS.—

(1) DRAWDOWN AND SALE OF PETROLEUM PRODUCTS.—Section 161(a) of the Energy Policy and Conservation Act (42 U.S.C. 6241(a)) is amended by inserting ''and section 164'' before the period at the end.

(2) CLERICAL AMENDMENT.—The table of contents for the Energy Policy and Conservation Act is amended by inserting after the item relating to section 163 the following:

''Sec. 164. Prohibition on certain exports.''.

SEC. 330L. SENSE OF CONGRESS EXPRESSING DISAPPROVAL OF THE PROPOSED TAX HIKES ON THE OIL AND NATURAL GAS INDUSTRY IN THE PRESIDENT'S FISCAL YEAR 2024 BUDGET REQUEST.

(a) FINDING.—Congress finds that President Biden's fiscal year 2024 budget request proposes to repeal tax provisions that are vital to the oil and natural gas industry of the United States, resulting in a $31,000,000,000 tax hike on oil and natural gas producers in the United States.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Congress disapproves of the proposed tax hike on the oil and natural gas industry in the President's fiscal year 2024 budget request.

SEC. 330M. DOMESTIC ENERGY INDEPENDENCE REPORT.

Not later than 120 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Energy, shall submit to Congress a report that identifies and assesses regulations promulgated by the Administrator during the 15-year period preceding the date of enactment of this Act that have—

(1) reduced the energy independence of the United States;

(2) increased the regulatory burden for energy producers in the United States;

(3) decreased the energy output by such energy producers;

(4) reduced the energy security of the United States; or

(5) increased energy costs for consumers in the United States.

SEC. 330N. GAO STUDY.

Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study on how banning natural gas appliances will affect the rates and charges for electric ity.

SEC. 330O. GAS KITCHEN RANGES AND OVENS.

The Secretary of Energy may not finalize, implement, administer, or enforce the proposed rule titled ''Energy Conservation Program: Energy Conservation Standards for Consumer Conventional Cooking Products; Supplemental notice of proposed rulemaking and announcement of public meeting'' (88 Fed. Reg. 6818; published February 1, 2023) with respect to energy conservation standards for gas kitchen ranges and ovens, or any substantially similar rule, including any rule that would directly or indirectly limit consumer access to gas kitchen ranges and ovens.

TITLE IV—TRANSPARENCY, ACCOUNTABILITY, PERMITTING, AND PRODUCTION OF AMERICAN RESOURCES

SEC. 331. SHORT TITLE.

This title may be cited as the ''Transparency, Accountability, Permitting, and Production of American Resources Act'' or the ''TAPP American Resources Act''.

Subtitle A—Onshore and Offshore Leasing and Oversight

SEC. 332. ONSHORE OIL AND GAS LEASING.

(a) REQUIREMENT TO IMMEDIATELY RESUME ONSHORE OIL AND GAS LEASE SALES.—

(1) IN GENERAL.—The Secretary of the Interior shall immediately resume quarterly onshore oil and gas lease sales in compliance with the Mineral Leasing Act (30 U.S.C. 181 et seq.).

(2) REQUIREMENT.—The Secretary of the Interior shall ensure—

(A) that any oil and gas lease sale pursuant to paragraph (1) is conducted immediately on completion of all applicable scoping, public comment, and environmental analysis requirements under the Mineral Leasing Act (30 U.S.C. 181 et seq.) and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(B) that the processes described in subparagraph (A) are conducted in a timely manner to ensure compliance with subsection (b)(1).

(3) LEASE OF OIL AND GAS LANDS.—Section 17(b)(1)(A) of the Mineral Leasing Act (30 U.S.C. 226(b)(1)(A)) is amended by inserting ''Eligible lands comprise all lands subject to leasing under this Act and not excluded from leasing by a statutory or regulatory prohibition. Available lands are those lands that have been designated as open for leasing under a land use plan developed under section 202 of the Federal Land Policy and Management Act of 1976 and that have been nominated for leasing through the submission of an expression of interest, are subject to drainage in the absence of leasing, or are otherwise designated as available pursuant to regulations adopted by the Secretary.'' after ''sales are necessary.''.

(b) QUARTERLY LEASE SALES.—

(1) IN GENERAL.—In accordance with the Mineral Leasing Act (30 U.S.C. 181 et seq.), each fiscal year, the Secretary of the Interior shall conduct a minimum of four oil and gas lease sales in each of the following States:

(A) Wyoming.

(B) New Mexico.

(C) Colorado.

(D) Utah.

(E) Montana.

(F) North Dakota.

(G) Oklahoma.

(H) Nevada.

(I) Alaska.

(J) Any other State in which there is land available for oil and gas leasing under the Mineral Leasing Act (30 U.S.C. 181 et seq.) or any other mineral leasing law.

(2) REQUIREMENT.—In conducting a lease sale under paragraph (1) in a State described in that paragraph, the Secretary of the Interior shall offer all parcels nominated and eligible pursuant to the requirements of the Mineral Leasing Act (30 U.S.C. 181 et seq.) for oil and gas exploration, development, and production under the resource management plan in effect for the State.

(3) REPLACEMENT SALES.—The Secretary of the Interior shall conduct a replacement sale during the same fiscal year if—

(A) a lease sale under paragraph (1) is canceled, delayed, or deferred, including for a lack of eligible parcels; or

(B) during a lease sale under paragraph (1) the percentage of acreage that does not receive a bid is equal to or greater than 25 percent of the acreage offered.

(4) NOTICE REGARDING MISSED SALES.—Not later than 30 days after a sale required under this subsection is canceled, delayed, deferred, or otherwise missed the Secretary of the Interior shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that states what sale was missed and why it was missed.

SEC. 333. LEASE REINSTATEMENT.

The reinstatement of a lease entered into under the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) by the Secretary shall be not considered a major Federal action under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

SEC. 334. PROTESTED LEASE SALES.

Section 17(b)(1)(A) of the Mineral Leasing Act (30 U.S.C. 226(b)(1)(A)) is amended by inserting ''The Secretary shall resolve any protest to a lease sale not later than 60 days after such payment.'' after ''annual rental for the first lease year.''.

SEC. 335. SUSPENSION OF OPERATIONS.

Section 17 of the Mineral Leasing Act (30 U.S.C. 226) is amended by adding at the end the following:

''(r) SUSPENSION OF OPERATIONS PERMITS.—In the event that an oil and gas lease owner has submitted an expression of interest for adjacent acreage that is part of the nature of the geological play and has yet to be offered in a lease sale by the Secretary, they may request a suspension of operations from the Secretary of the Interior and upon request, the Secretary shall grant the suspension of operations within 15 days. Any payment of

acreage rental or of minimum royalty prescribed by such lease likewise shall be suspended during such period of suspension of operations and production; and the term of such lease shall be extended by adding any such suspension period thereto.''.

SEC. 336. ADMINISTRATIVE PROTEST PROCESS REFORM.

Section 17 of the Mineral Leasing Act (30 U.S.C. 226) is further amended by adding at the end the following:

''(s) PROTEST FILING FEE.—

''(1) IN GENERAL.—Before processing any protest filed under this section, the Secretary shall collect a filing fee in the amount described in paragraph (2) from the protestor to recover the cost for processing documents filed for each administrative protest.

''(2) AMOUNT.—The amount described in this paragraph is calculated as follows:

''(A) For each protest filed in a submission not exceeding 10 pages in length, the base filing fee shall be $150.

''(B) For each submission exceeding 10 pages in length, in addition to the base filing fee, an assessment of $5 per page in excess of 10 pages shall apply.

''(C) For protests that include more than one oil and gas lease parcel, right-of-way, or application for permit to drill in a submission, an additional assessment of $10 per additional lease parcel, right-of-way, or application for permit to drill shall apply.

''(3) ADJUSTMENT.—

''(A) IN GENERAL.—Beginning on January 1, 2024, and annually thereafter, the Secretary shall adjust the filing fees established in this subsection to whole dollar amounts to reflect changes in the Producer Price Index, as published by the Bureau of Labor Statistics, for the previous 12 months.

''(B) PUBLICATION OF ADJUSTED FILING FEES.—At least 30 days before the filing fees as adjusted under this paragraph take effect, the Secretary shall publish notification of the adjustment of such fees in the Federal Register.''.

SEC. 337. LEASING AND PERMITTING TRANSPARENCY.

(a) REPORT.—Not later than 30 days after the date of the enactment of this section, and annually thereafter, the Secretary of the Interior shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(1) the status of nominated parcels for future onshore oil and gas and geothermal lease sales, including—

(A) the number of expressions of interest received each month during the period of 365 days that ends on the date on which the report is submitted with respect to which the Bureau of Land Management—

(i) has not taken any action to review;

(ii) has not completed review; or

(iii) has completed review and determined that the relevant area meets all applicable requirements for leasing, but has not offered the relevant area in a lease sale;

(B) how long expressions of interest described in subparagraph (A) have been pending; and

(C) a plan, including timelines, for how the Secretary of the Interior plans to—

(i) work through future expressions of interest to prevent delays;

(ii) put expressions of interest described in subparagraph (A) into a lease sale; and

(iii) complete review for expressions of interest described in clauses (i) and (ii) of subparagraph (A);

(2) the status of each pending application for permit to drill received during the period of 365 days that ends on the date on which the report is submitted, including the number of applications received each month, by each Bureau of Land Management office, including—

(A) a description of the cause of delay for pending applications, including as a result of staffing shortages, technical limitations, incomplete applications, and incomplete review pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or other applicable laws;

(B) the number of days an application has been pending in violation of section 17(p)(2) of the Mineral Leasing Act (30 U.S.C. 226(p)(2)); and

(C) a plan for how the office intends to come into compliance with the requirements of section 17(p)(2) of the Mineral Leasing Act (30 U.S.C. 226(p)(2));

(3) the number of permits to drill issued each month by each Bureau of Land Management office during the 5-year period ending on the date on which the report is submitted;

(4) the status of each pending application for a license for offshore geological and geophysical surveys received during the period of 365 days that ends on the date on which the report is submitted, including the number of applications received each month, by each Bureau of Ocean Energy management regional office, including—

(A) a description of any cause of delay for pending applications, including as a result of staffing shortages, technical limitations, incomplete applications, and incomplete review pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or other applicable laws;

(B) the number of days an application has been pending; and

(C) a plan for how the Bureau of Ocean Energy Management intends to complete review of each application;

(5) the number of licenses for offshore geological and geophysical surveys issued each month by each Bureau of Ocean Energy Management regional office during the 5-year period ending on the date on which the report is submitted;

(6) the status of each pending application for a permit to drill received during the period of 365 days that ends on the date on which the report is submitted, including the number of applications received each month, by each Bureau of Safety and Environmental Enforcement regional office, including—

(A) a description of any cause of delay for pending applications, including as a result of staffing shortages, technical limitations, incomplete applications, and incomplete review pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or other applicable laws;

(B) the number of days an application has been pending; and

(C) steps the Bureau of Safety and Environmental Enforcement is taking to complete review of each application;

(7) the number of permits to drill issued each month by each Bureau of Safety and Environmental Enforcement regional office during the period of 365 days that ends on the date on which the report is submitted;

(8) how, as applicable, the Bureau of Land Management, the Bureau of Ocean Energy Management, and the Bureau of Safety and Environmental Enforcement determines whether to—

(A) issue a license for geological and geophysical surveys;

(B) issue a permit to drill; and

(C) issue, extend, or suspend an oil and gas lease;

(9) when determinations described in paragraph (8) are sent to the national office of the Bureau of Land Management, the Bureau of Ocean Energy Management, or the Bureau of Safety and Environmental Enforcement for final approval;

(10) the degree to which Bureau of Land Management, Bureau of Ocean Energy Management, and Bureau of Safety and Environmental Enforcement field, State, and regional offices exercise discretion on such final approval;

(11) during the period of 365 days that ends on the date on which the report is submitted, the number of auctioned leases receiving accepted bids that have not been issued to winning bidders and the number of days such leases have not been issued; and

(12) a description of the uses of application for permit to drill fees paid by permit holders during the 5-year period ending on the date on which the report is submitted.

(b) PENDING APPLICATIONS FOR PERMITS TO DRILL.—Not later than 30 days after the date of the enactment of this section, the Secretary of the Interior shall—

(1) complete all requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other applicable law that must be met before issuance of a permit to drill described in paragraph (2); and

(2) issue a permit for all completed applications to drill that are pending on the date of the enactment of this Act.

(c) PUBLIC AVAILABILITY OF DATA.—

(1) MINERAL LEASING ACT.—Section 17 of the Mineral Leasing Act (30 U.S.C. 226) is further amended by adding at the end the following:

''(t) PUBLIC AVAILABILITY OF DATA.—

''(1) EXPRESSIONS OF INTEREST.—Not later than 30 days after the date of the enactment of this subsection, and each month thereafter, the Secretary shall publish on the website of the Department of the Interior the number of pending, approved, and not approved expressions of interest in nominated parcels for future onshore oil and gas lease sales in the preceding month.

''(2) APPLICATIONS FOR PERMITS TO DRILL.—Not later than 30 days after the date of the enactment of this subsection, and each month thereafter, the Secretary shall publish on the website of the Department of the Interior the number of pending and approved applications for permits to drill in the preceding month in each State office.

''(3) PAST DATA.—Not later than 30 days after the date of the enactment of this subsection, the Secretary shall publish on the website of the Department of the Interior, with respect to each month during the 5-year period ending on the date of the enactment of this subsection—

''(A) the number of approved and not approved expressions of interest for onshore oil and gas lease sales during such 5-year period; and

''(B) the number of approved and not approved applications for permits to drill during such 5-year period.''.

(2) OUTER CONTINENTAL SHELF LANDS ACT.—Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) is amended by adding at the end the following:

''(q) PUBLIC AVAILABILITY OF DATA.—

''(1) OFFSHORE GEOLOGICAL AND GEOPHYSICAL SURVEY LICENSES.—Not later than 30 days after the date of the enactment of this subsection, and each month thereafter, the Secretary shall publish on the website of the Department of the Interior the number of pending and approved applications for licenses for offshore geological and geophysical surveys in the preceding month.

''(2) APPLICATIONS FOR PERMITS TO DRILL.—Not later than 30 days after the date of the enactment of this subsection, and each month thereafter, the Secretary shall publish on the website of the Department of the Interior the number of pending and approved applications for permits to drill on the outer

Continental Shelf in the preceding month in each regional office.

''(3) PAST DATA.—Not later than 30 days after the date of the enactment of this subsection, the Secretary shall publish on the website of the Department of the Interior, with respect each month during the 5-year period ending on the date of the enactment of this subsection—

''(A) the number of approved applications for licenses for offshore geological and geophysical surveys; and

''(B) the number of approved applications for permits to drill on the outer Continental Shelf.''.

(d) REQUIREMENT TO SUBMIT DOCUMENTS AND COMMUNICATIONS.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this section, the Secretary of the Interior shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives all documents and communications relating to the comprehensive review of Federal oil and gas permitting and leasing practices required under section 208 of Executive Order No. 14008 (86 Fed. Reg. 7624; relating to tackling the climate crisis at home and abroad).

(2) INCLUSIONS.—The submission under paragraph (1) shall include all documents and communications submitted to the Secretary of the Interior by members of the public in response to any public meeting or forum relating to the comprehensive review described in that paragraph.

SEC. 338. OFFSHORE OIL AND GAS LEASING.

(a) IN GENERAL.—The Secretary shall conduct all lease sales described in the 2017–2022 Outer Continental Shelf Oil and Gas Leasing Proposed Final Program (November 2016) that have not been conducted as of the date of the enactment of this Act by not later than September 30, 2023.

(b) GULF OF MEXICO REGION ANNUAL LEASE SALES.—Notwithstanding any other provision of law, and except within areas subject to existing oil and gas leasing moratoria beginning in fiscal year 2023, the Secretary of the Interior shall annually conduct a minimum of 2 region-wide oil and gas lease sales in the following planning areas of the Gulf of Mexico region, as described in the 2017–2022 Outer Continental Shelf Oil and Gas Leasing Proposed Final Program (November 2016):

(1) The Central Gulf of Mexico Planning Area.

(2) The Western Gulf of Mexico Planning Area.

(c) ALASKA REGION ANNUAL LEASE SALES.—Notwithstanding any other provision of law, beginning in fiscal year 2023, the Secretary of the Interior shall annually conduct a minimum of 2 region-wide oil and gas lease sales in the Alaska region of the Outer Continental Shelf, as described in the 2017–2022 Outer Continental Shelf Oil and Gas Leasing Proposed Final Program (November 2016).

(d) REQUIREMENTS.—In conducting lease sales under subsections (b) and (c), the Secretary of the Interior shall—

(1) issue such leases in accordance with the Outer Continental Shelf Lands Act (43 U.S.C. 1332 et seq.); and

(2) include in each such lease sale all unleased areas that are not subject to a moratorium as of the date of the lease sale.

SEC. 339. FIVE-YEAR PLAN FOR OFFSHORE OIL AND GAS LEASING.

Section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) is amended—

(1) in subsection (a)—

(A) by striking ''subsections (c) and (d) of this section, shall prepare and periodically revise,'' and inserting ''this section, shall issue every five years'';

(B) by adding at the end the following:

''(5) Each five-year program shall include at least two Gulf of Mexico region-wide lease sales per year.''; and

(C) in paragraph (3), by inserting ''domestic energy security,'' after ''between'';

(2) by redesignating subsections (f) through (i) as subsections (h) through (k), respectively; and

(3) by inserting after subsection (e) the following:

''(f) FIVE-YEAR PROGRAM FOR 2023–2028.—The Secretary shall issue the five-year oil and gas leasing program for 2023 through 2028 and issue the Record of Decision on the Final Programmatic Environmental Impact Statement by not later than July 1, 2023.

''(g) SUBSEQUENT LEASING PROGRAMS.—

''(1) IN GENERAL.—Not later than 36 months after conducting the first lease sale under an oil and gas leasing program prepared pursuant to this section, the Secretary shall begin preparing the subsequent oil and gas leasing program under this section.

''(2) REQUIREMENT.—Each subsequent oil and gas leasing program under this section shall be approved by not later than 180 days before the expiration of the previous oil and gas leasing program.''.

SEC. 340. GEOTHERMAL LEASING.

(a) ANNUAL LEASING.—Section 4(b) of the Geothermal Steam Act of 1970 (30 U.S.C. 1003(b)) is amended—

(1) in paragraph (2), by striking ''2 years'' and inserting ''year'';

(2) by redesignating paragraphs (3) and (4) as paragraphs (5) and (6), respectively; and

(3) after paragraph (2), by inserting the following:

''(3) REPLACEMENT SALES.—If a lease sale under paragraph (1) for a year is canceled or delayed, the Secretary of the Interior shall conduct a replacement sale during the same year.

''(4) REQUIREMENT.—In conducting a lease sale under paragraph (2) in a State described in that paragraph, the Secretary of the Interior shall offer all nominated parcels eligible for geothermal development and utilization under the resource management plan in effect for the State.''.

(b) DEADLINES FOR CONSIDERATION OF GEOTHERMAL DRILLING PERMITS.—Section 4 of the Geothermal Steam Act of 1970 (30 U.S.C. 1003) is amended by adding at the end the following:

''(h) DEADLINES FOR CONSIDERATION OF GEOTHERMAL DRILLING PERMITS.—

''(1) NOTICE.—Not later than 30 days after the date on which the Secretary receives an application for any geothermal drilling permit, the Secretary shall—

''(A) provide written notice to the applicant that the application is complete; or

''(B) notify the applicant that information is missing and specify any information that is required to be submitted for the application to be complete.

''(2) ISSUANCE OF DECISION.—If the Secretary determines that an application for a geothermal drilling permit is complete under paragraph (1)(A), the Secretary shall issue a final decision on the application not later than 30 days after the Secretary notifies the applicant that the application is complete.''.

SEC. 340A. LEASING FOR CERTAIN QUALIFIED COAL APPLICATIONS.

(a) DEFINITIONS.—In this section:

(1) COAL LEASE.—The term ''coal lease'' means a lease entered into by the United States as lessor, through the Bureau of Land Management, and the applicant on Bureau of Land Management Form 3400–012.

(2) QUALIFIED APPLICATION.—The term ''qualified application'' means any application pending under the lease by application program administered by the Bureau of Land Management pursuant to the Mineral Leasing Act (30 U.S.C. 181 et seq.) and subpart 3425 of title 43, Code of Federal Regulations (as in effect on the date of the enactment of this Act), for which the environmental review process under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) has commenced.

(b) MANDATORY LEASING AND OTHER REQUIRED APPROVALS.—As soon as practicable after the date of the enactment of this Act, the Secretary shall promptly—

(1) with respect to each qualified application—

(A) if not previously published for public comment, publish a draft environmental assessment, as required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any applicable implementing regulations;

(B) finalize the fair market value of the coal tract for which a lease by application is pending;

(C) take all intermediate actions necessary to grant the qualified application; and

(D) grant the qualified application; and

(2) with respect to previously awarded coal leases, grant any additional approvals of the Department of the Interior or any bureau, agency, or division of the Department of the Interior required for mining activities to commence.

SEC. 340B. FUTURE COAL LEASING.

Notwithstanding any judicial decision to the contrary or a departmental review of the Federal coal leasing program, Secretarial Order 3338, issued by the Secretary of the Interior on January 15, 2016, shall have no force or effect.

SEC. 340C. STAFF PLANNING REPORT.

The Secretary of the Interior and the Secretary of Agriculture shall each annually submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the staffing capacity of each respective agency with respect to issuing oil, gas, hardrock mining, coal, and renewable energy leases, rights-of-way, claims, easements, and permits. Each such report shall include—

(1) the number of staff assigned to process and issue oil, gas, hardrock mining, coal, and renewable energy leases, rights-of-way, claims, easements, and permits;

(2) a description of how many staff are needed to meet statutory requirements for such oil, gas, hardrock mining, coal, and renewable energy leases, rights-of-way, claims, easements, and permits; and

(3) how, as applicable, the Department of the Interior or the Department of Agriculture plans to address technological needs and staffing shortfalls and turnover to ensure adequate staffing to process and issue such oil, gas, hardrock mining, coal, and renewable energy leases, rights-of-way, claims, easements, and permits.

SEC. 340D. PROHIBITION ON CHINESE COMMUNIST PARTY OWNERSHIP INTEREST.

Notwithstanding any other provision of law, the Communist Party of China (or a person acting on behalf of the Community Party of China), any entity subject to the jurisdiction of the Government of the People's Republic of China, or any entity that is owned by the Government of the People's Republic of China, may not acquire any interest with respect to lands leased for oil or gas under the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) or American farmland or any lands used for American renewable energy production, or acquire claims subject to the General Mining Law of 1872.

SEC. 340E. EFFECT ON OTHER LAW.

Nothing in this title, or any amendments made by this title, shall affect—

(1) the Presidential memorandum titled ''Memorandum on Withdrawal of Certain Areas of the United States Outer Continental Shelf From Leasing Disposition'' and dated September 8, 2020;

(2) the Presidential memorandum titled ''Memorandum on Withdrawal of Certain Areas of the United States Outer Continental Shelf From Leasing Disposition'' and dated September 25, 2020;

(3) the Presidential memorandum titled ''Memorandum on Withdrawal of Certain Areas off the Atlantic Coast on the Outer Continental Shelf From Leasing Disposition'' and dated December 20, 2016; or

(4) the ban on oil and gas development in the Great Lakes described in section 386 of the Energy Policy Act of 2005 (42 U.S.C. 15941).

SEC. 340F. REQUIREMENT FOR GAO REPORT ON WIND ENERGY IMPACTS.

The Secretary of the Interior shall not publish a notice for a wind lease sale or hold a lease sale for wind energy development in the Eastern Gulf of Mexico Planning Area, the South Atlantic Planning Area, or the Straits of Florida Planning Area (as described in the 2017–2022 Outer Continental Shelf Oil and Gas Leasing Proposed Final Program (November 2016)) until the Comptroller General of the United States publishes a report on all potential adverse effects of wind energy development in such areas, including associated infrastructure and vessel traffic, on—

(1) military readiness and training activities in the Planning Areas described in this section, including activities within or related to the Eglin Test and Training Complex and the Jacksonville Range Complex;

(2) marine environment and ecology, including species listed as endangered or threatened under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or designated as depleted under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.) in the Planning Areas described in this section; and

(3) tourism, including the economic impacts that a decrease in tourism may have on the communities adjacent to the Planning Areas described in this section.

SEC. 340G. SENSE OF CONGRESS ON WIND ENERGY DEVELOPMENT SUPPLY CHAIN.

It is the sense of Congress that—

(1) wind energy development on Federal lands and waters is a burgeoning industry in the United States;

(2) major components of wind infrastructure, including turbines, are imported in large quantities from other countries including countries that are national security threats, such as the Government of the People's Republic of China;

(3) it is in the best interest of the United States to foster and support domestic supply chains across sectors to promote American energy independence;

(4) the economic and manufacturing opportunities presented by wind turbine construction and component manufacturing should be met by American workers and materials that are sourced domestically to the greatest extent practicable; and

(5) infrastructure for wind energy development in the United States should be constructed with materials produced and manufactured in the United States.

SEC. 340H. SENSE OF CONGRESS ON OIL AND GAS ROYALTY RATES.

It is the sense of Congress that the royalty rate for onshore Federal oil and gas leases should be not more than 12.5 percent in amount or value of the production removed or sold from the lease.

SEC. 340I. OFFSHORE WIND ENVIRONMENTAL REVIEW PROCESS STUDY.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this section, the Comptroller General shall conduct a study to assess the sufficiency of the environmental review processes for offshore wind projects in place as of the date of the enactment of this section of the National Marine Fisheries Service, the Bureau of Ocean Energy Management, and any other relevant Federal agency.

(b) CONTENTS.—The study required under subsection (a) shall include consideration of the following:

(1) The impacts of offshore wind projects on—

(A) whales, finfish, and other marine mammals;

(B) benthic resources;

(C) commercial and recreational fishing;

(D) air quality;

(E) cultural, historical, and archaeological resources;

(F) invertebrates;

(G) essential fish habitat;

(H) military use and navigation and vessel traffic;

(I) recreation and tourism; and

(J) the sustainability of shoreline beaches and inlets.

(2) The impacts of hurricanes and other severe weather on offshore wind projects.

(3) How the agencies described in subsection (a) determine which stakeholders are consulted and if a timely, comprehensive comment period is provided for local representatives and other interested parties.

(4) The estimated cost and who pays for offshore wind projects.

SEC. 340J. GAO REPORT ON WIND ENERGY IMPACTS.

The Comptroller General of the United States shall publish a report on all potential adverse effects of wind energy development in the North Atlantic Planning Area (as described in the 2017–2022 Outer Continental Shelf Oil and Gas Leasing Proposed Final Program (November 2016)), including associated infrastructure and vessel traffic, on—

(1) maritime safety, including the operation of radar systems;

(2) economic impacts related to commercial fishing activities; and

(3) marine environment and ecology, including species listed as endangered or threatened under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or designated as depleted under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.) in the North Atlantic Planning Area.

Subtitle B—Permitting Streamlining

SEC. 341. DEFINITIONS.

In this subtitle:

(1) ENERGY FACILITY.—The term ''energy facility'' means a facility the primary purpose of which is the exploration for, or the development, production, conversion, gathering, storage, transfer, processing, or transportation of, any energy resource.

(2) ENERGY STORAGE DEVICE.—The term ''energy storage device''—

(A) means any equipment that stores energy, including electricity, compressed air, pumped water, heat, and hydrogen, which may be converted into, or used to produce, electricity; and

(B) includes a battery, regenerative fuel cell, flywheel, capacitor, superconducting magnet, and any other equipment the Secretary concerned determines may be used to store energy which may be converted into, or used to produce, electricity.

(3) PUBLIC LANDS.—The term ''public lands'' means any land and interest in land owned by the United States within the several States and administered by the Secretary of the Interior or the Secretary of Agriculture without regard to how the United States acquired ownership, except—

(A) lands located on the Outer Continental Shelf; and

(B) lands held in trust by the United States for the benefit of Indians, Indian Tribes, Aleuts, and Eskimos.

(4) RIGHT-OF-WAY.—The term ''right-of-way'' means—

(A) a right-of-way issued, granted, or renewed under section 501 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761); or

(B) a right-of-way granted under section 28 of the Mineral Leasing Act (30 U.S.C. 185).

(5) SECRETARY CONCERNED.—The term ''Secretary concerned'' means—

(A) with respect to public lands, the Secretary of the Interior; and

(B) with respect to National Forest System lands, the Secretary of Agriculture.

(6) LAND USE PLAN.—The term ''land use plan'' means—

(A) a land and resource management plan prepared by the Forest Service for a unit of the National Forest System pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604);

(B) a Land Management Plan developed by the Bureau of Land Management under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); or

(C) a comprehensive conservation plan developed by the United States Fish and Wildlife Service under section 4(e)(1)(A) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(e)(1)(A)).

SEC. 342. BUILDER ACT.

(a) PARAGRAPH (2) OF SECTION 102.—Section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)) is amended—

(1) in subparagraph (A), by striking ''insure'' and inserting ''ensure'';

(2) in subparagraph (B), by striking ''insure'' and inserting ''ensure'';

(3) in subparagraph (C)—

(A) by inserting ''consistent with the provisions of this Act and except as provided by other provisions of law,'' before ''include in every'';

(B) by striking clauses (i) through (v) and inserting the following:

''(i) reasonably foreseeable environmental effects with a reasonably close causal relationship to the proposed agency action;

''(ii) any reasonably foreseeable adverse environmental effects which cannot be avoided should the proposal be implemented;

''(iii) a reasonable number of alternatives to the proposed agency action, including an analysis of any negative environmental impacts of not implementing the proposed agency action in the case of a no action alternative, that are technically and economically feasible, are within the jurisdiction of the agency, meet the purpose and need of the proposal, and, where applicable, meet the goals of the applicant;

''(iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity; and

''(v) any irreversible and irretrievable commitments of Federal resources which would be involved in the proposed agency action should it be implemented.''; and

(C) by striking ''the responsible Federal official'' and inserting ''the head of the lead agency'';

(4) in subparagraph (D), by striking ''Any'' and inserting ''any'';

(5) by redesignating subparagraphs (D) through (I) as subparagraphs (F) through (K), respectively;

(6) by inserting after subparagraph (C) the following:

''(D) ensure the professional integrity, including scientific integrity, of the discussion and analysis in an environmental document;

''(E) make use of reliable existing data and resources in carrying out this Act;'';

(7) by amending subparagraph (G), as redesignated, to read as follows:

''(G) consistent with the provisions of this Act, study, develop, and describe technically and economically feasible alternatives within the jurisdiction and authority of the agency;''; and

(8) in subparagraph (H), as amended, by inserting ''consistent with the provisions of this Act,'' before ''recognize''.

(b) NEW SECTIONS.—Title I of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) is amended by adding at the end the following:

''SEC. 106. PROCEDURE FOR DETERMINATION OF LEVEL OF REVIEW.

''(a) THRESHOLD DETERMINATIONS.—An agency is not required to prepare an environmental document with respect to a proposed agency action if—

''(1) the proposed agency action is not a final agency action within the meaning of such term in chapter 5 of title 5, United States Code;

''(2) the proposed agency action is covered by a categorical exclusion established by the agency, another Federal agency, or another provision of law;

''(3) the preparation of such document would clearly and fundamentally conflict with the requirements of another provision of law;

''(4) the proposed agency action is, in whole or in part, a nondiscretionary action with respect to which such agency does not have authority to take environmental factors into consideration in determining whether to take the proposed action;

''(5) the proposed agency action is a rulemaking that is subject to section 553 of title 5, United States Code; or

''(6) the proposed agency action is an action for which such agency's compliance with another statute's requirements serve the same or similar function as the requirements of this Act with respect to such action.

''(b) LEVELS OF REVIEW.—

''(1) ENVIRONMENTAL IMPACT STATEMENT.—An agency shall issue an environmental impact statement with respect to a proposed agency action that has a significant effect on the quality of the human environment.

''(2) ENVIRONMENTAL ASSESSMENT.—An agency shall prepare an environmental assessment with respect to a proposed agency action that is not likely to have a significant effect on the quality of the human environment, or if the significance of such effect is unknown, unless the agency finds that a categorical exclusion established by the agency, another Federal agency, or another provision of law applies. Such environmental assessment shall be a concise public document prepared by a Federal agency to set forth the basis of such agency's finding of no significant impact.

''(3) SOURCES OF INFORMATION.—In making a determination under this subsection, an agency—

''(A) may make use of any reliable data source; and

''(B) is not required to undertake new scientific or technical research.

''SEC. 107. TIMELY AND UNIFIED FEDERAL REVIEWS.

''(a) LEAD AGENCY.—

''(1) DESIGNATION.—

''(A) IN GENERAL.—If there are two or more involved Federal agencies, such agencies shall determine, by letter or memorandum, which agency shall be the lead agency based on consideration of the following factors:

''(i) Magnitude of agency's involvement.

''(ii) Project approval or disapproval authority.

''(iii) Expertise concerning the action's environmental effects.

''(iv) Duration of agency's involvement.

''(v) Sequence of agency's involvement.

''(B) JOINT LEAD AGENCIES.—In making a determination under subparagraph (A), the involved Federal agencies may, in addition to a Federal agency, appoint such Federal, State, Tribal, or local agencies as joint lead agencies as the involved Federal agencies shall determine appropriate. Joint lead agencies shall jointly fulfill the role described in paragraph (2).

''(C) MINERAL PROJECTS.—This paragraph shall not apply with respect to a mineral exploration or mine permit.

''(2) ROLE.—A lead agency shall, with respect to a proposed agency action—

''(A) supervise the preparation of an environmental document if, with respect to such proposed agency action, there is more than one involved Federal agency;

''(B) request the participation of each cooperating agency at the earliest practicable time;

''(C) in preparing an environmental document, give consideration to any analysis or proposal created by a cooperating agency with jurisdiction by law or a cooperating agency with special expertise;

''(D) develop a schedule, in consultation with each involved cooperating agency, the applicant, and such other entities as the lead agency determines appropriate, for completion of any environmental review, permit, or authorization required to carry out the proposed agency action;

''(E) if the lead agency determines that a review, permit, or authorization will not be completed in accordance with the schedule developed under subparagraph (D), notify the agency responsible for issuing such review, permit, or authorization of the discrepancy and request that such agency take such measures as such agency determines appropriate to comply with such schedule; and

''(F) meet with a cooperating agency that requests such a meeting.

''(3) COOPERATING AGENCY.—The lead agency may, with respect to a proposed agency action, designate any involved Federal agency or a State, Tribal, or local agency as a cooperating agency. A cooperating agency may, not later than a date specified by the lead agency, submit comments to the lead agency. Such comments shall be limited to matters relating to the proposed agency action with respect to which such agency has special expertise or jurisdiction by law with respect to an environmental issue.

''(4) REQUEST FOR DESIGNATION.—Any Federal, State, Tribal, or local agency or person that is substantially affected by the lack of a designation of a lead agency with respect to a proposed agency action under paragraph (1) may submit a written request for such a designation to an involved Federal agency. An agency that receives a request under this paragraph shall transmit such request to each involved Federal agency and to the Council.

''(5) COUNCIL DESIGNATION.—

''(A) REQUEST.—Not earlier than 45 days after the date on which a request is submitted under paragraph (4), if no designation has been made under paragraph (1), a Federal, State, Tribal, or local agency or person that is substantially affected by the lack of a designation of a lead agency may request that the Council designate a lead agency. Such request shall consist of—

''(i) a precise description of the nature and extent of the proposed agency action; and

''(ii) a detailed statement with respect to each involved Federal agency and each factor listed in paragraph (1) regarding which agency should serve as lead agency.

''(B) TRANSMISSION.—The Council shall transmit a request received under subparagraph (A) to each involved Federal agency.

''(C) RESPONSE.—An involved Federal agency may, not later than 20 days after the date of the submission of a request under subparagraph (A), submit to the Council a response to such request.

''(D) DESIGNATION.—Not later than 40 days after the date of the submission of a request under subparagraph (A), the Council shall designate the lead agency with respect to the relevant proposed agency action.

''(b) ONE DOCUMENT.—

''(1) DOCUMENT.—To the extent practicable, if there are 2 or more involved Federal agencies with respect to a proposed agency action and the lead agency has determined that an environmental document is required, such requirement shall be deemed satisfied with respect to all involved Federal agencies if the lead agency issues such an environmental document.

''(2) CONSIDERATION TIMING.—In developing an environmental document for a proposed agency action, no involved Federal agency shall be required to consider any information that becomes available after the sooner of, as applicable—

''(A) receipt of a complete application with respect to such proposed agency action; or

''(B) publication of a notice of intent or decision to prepare an environmental impact statement for such proposed agency action.

''(3) SCOPE OF REVIEW.—In developing an environmental document for a proposed agency action, the lead agency and any other involved Federal agencies shall only consider the effects of the proposed agency action that—

''(A) occur on Federal land; or

''(B) are subject to Federal control and responsibility.

''(c) REQUEST FOR PUBLIC COMMENT.—Each notice of intent to prepare an environmental impact statement under section 102 shall include a request for public comment on alternatives or impacts and on relevant information, studies, or analyses with respect to the proposed agency action.

''(d) STATEMENT OF PURPOSE AND NEED.—Each environmental impact statement shall include a statement of purpose and need that briefly summarizes the underlying purpose and need for the proposed agency action.

''(e) ESTIMATED TOTAL COST.—The cover sheet for each environmental impact statement shall include a statement of the estimated total cost of preparing such environmental impact statement, including the costs of agency full-time equivalent personnel hours, contractor costs, and other direct costs.

''(f) PAGE LIMITS.—

''(1) ENVIRONMENTAL IMPACT STATEMENTS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), an environmental impact statement shall not exceed 150 pages, not including any citations or appendices.

''(B) EXTRAORDINARY COMPLEXITY.—An environmental impact statement for a proposed agency action of extraordinary complexity shall not exceed 300 pages, not including any citations or appendices.

''(2) ENVIRONMENTAL ASSESSMENTS.—An environmental assessment shall not exceed 75 pages, not including any citations or appendices.

''(g) SPONSOR PREPARATION.—A lead agency shall allow a project sponsor to prepare an environmental assessment or an environmental impact statement upon request of

the project sponsor. Such agency may provide such sponsor with appropriate guidance and assist in the preparation. The lead agency shall independently evaluate the environmental document and shall take responsibility for the contents upon adoption.

''(h) DEADLINES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), with respect to a proposed agency action, a lead agency shall complete, as applicable—

''(A) the environmental impact statement not later than the date that is 2 years after the sooner of, as applicable—

''(i) the date on which such agency determines that section 102(2)(C) requires the issuance of an environmental impact statement with respect to such action;

''(ii) the date on which such agency notifies the applicant that the application to establish a right-of-way for such action is complete; and

''(iii) the date on which such agency issues a notice of intent to prepare the environmental impact statement for such action; and

''(B) the environmental assessment not later than the date that is 1 year after the sooner of, as applicable—

''(i) the date on which such agency determines that section 106(b)(2) requires the preparation of an environmental assessment with respect to such action;

''(ii) the date on which such agency notifies the applicant that the application to establish a right-of-way for such action is complete; and

''(iii) the date on which such agency issues a notice of intent to prepare the environmental assessment for such action.

''(2) DELAY.—A lead agency that determines it is not able to meet the deadline described in paragraph (1) may extend such deadline with the approval of the applicant. If the applicant approves such an extension, the lead agency shall establish a new deadline that provides only so much additional time as is necessary to complete such environmental impact statement or environmental assessment.

''(3) EXPENDITURES FOR DELAY.—If a lead agency is unable to meet the deadline described in paragraph (1) or extended under paragraph (2), the lead agency must pay $100 per day, to the extent funding is provided in advance in an appropriations Act, out of the office of the head of the department of the lead agency to the applicant starting on the first day immediately following the deadline described in paragraph (1) or extended under paragraph (2) up until the date that an applicant approves a new deadline. This paragraph does not apply when the lead agency misses a deadline solely due to delays caused by litigation.

''(i) REPORT.—

''(1) IN GENERAL.—The head of each lead agency shall annually submit to the Committee on Natural Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that—

''(A) identifies any environmental assessment and environmental impact statement that such lead agency did not complete by the deadline described in subsection (h); and

''(B) provides an explanation for any failure to meet such deadline.

''(2) INCLUSIONS.—Each report submitted under paragraph (1) shall identify, as applicable—

''(A) the office, bureau, division, unit, or other entity within the Federal agency responsible for each such environmental assessment and environmental impact statement;

''(B) the date on which—

''(i) such lead agency notified the applicant that the application to establish a right-of-way for the major Federal action is complete;

''(ii) such lead agency began the scoping for the major Federal action; or

''(iii) such lead agency issued a notice of intent to prepare the environmental assessment or environmental impact statement for the major Federal action; and

''(C) when such environmental assessment and environmental impact statement is expected to be complete.

''SEC. 108. JUDICIAL REVIEW.

''(a) LIMITATIONS ON CLAIMS.—Notwithstanding any other provision of law, a claim arising under Federal law seeking judicial review of compliance with this Act, of a determination made under this Act, or of Federal action resulting from a determination made under this Act, shall be barred unless—

''(1) in the case of a claim pertaining to a proposed agency action for which—

''(A) an environmental document was prepared and an opportunity for comment was provided;

''(B) the claim is filed by a party that participated in the administrative proceedings regarding such environmental document; and

''(C) the claim—

''(i) is filed by a party that submitted a comment during the public comment period for such administrative proceedings and such comment was sufficiently detailed to put the lead agency on notice of the issue upon which the party seeks judicial review; and

''(ii) is related to such comment;

''(2) except as provided in subsection (b), such claim is filed not later than 120 days after the date of publication of a notice in the Federal Register of agency intent to carry out the proposed agency action;

''(3) such claim is filed after the issuance of a record of decision or other final agency action with respect to the relevant proposed agency action;

''(4) such claim does not challenge the establishment or use of a categorical exclusion under section 102; and

''(5) such claim concerns—

''(A) an alternative included in the environmental document; or

''(B) an environmental effect considered in the environmental document.

''(b) SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT.—

''(1) SEPARATE FINAL AGENCY ACTION.—The issuance of a Federal action resulting from a final supplemental environmental impact statement shall be considered a final agency action for the purposes of chapter 5 of title 5, United States Code, separate from the issuance of any previous environmental impact statement with respect to the same proposed agency action.

''(2) DEADLINE FOR FILING A CLAIM.—A claim seeking judicial review of a Federal action resulting from a final supplemental environmental review issued under section 102(2)(C) shall be barred unless—

''(A) such claim is filed within 120 days of the date on which a notice of the Federal agency action resulting from a final supplemental environmental impact statement is issued; and

''(B) such claim is based on information contained in such supplemental environmental impact statement that was not contained in a previous environmental document pertaining to the same proposed agency action.

''(c) PROHIBITION ON INJUNCTIVE RELIEF.—Notwithstanding any other provision of law, a violation of this Act shall not constitute the basis for injunctive relief.

''(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to create a right of judicial review or place any limit on filing a claim with respect to the violation of the terms of a permit, license, or approval.

''(e) REMAND.—Notwithstanding any other provision of law, no proposed agency action for which an environmental document is required shall be vacated or otherwise limited, delayed, or enjoined unless a court concludes allowing such proposed action will pose a risk of an imminent and substantial environmental harm and there is no other equitable remedy available as a matter of law.

''SEC. 109. DEFINITIONS.

''In this title:

''(1) CATEGORICAL EXCLUSION.—The term 'categorical exclusion' means a category of actions that a Federal agency has determined normally does not significantly affect the quality of the human environment within the meaning of section 102(2)(C).

''(2) COOPERATING AGENCY.—The term 'cooperating agency' means any Federal, State, Tribal, or local agency that has been designated as a cooperating agency under section 107(a)(3).

''(3) COUNCIL.—The term 'Council' means the Council on Environmental Quality established in title II.

''(4) ENVIRONMENTAL ASSESSMENT.—The term 'environmental assessment' means an environmental assessment prepared under section 106(b)(2).

''(5) ENVIRONMENTAL DOCUMENT.—The term 'environmental document' means an environmental impact statement, an environmental assessment, or a finding of no significant impact.

''(6) ENVIRONMENTAL IMPACT STATEMENT.—The term 'environmental impact statement' means a detailed written statement that is required by section 102(2)(C).

''(7) FINDING OF NO SIGNIFICANT IMPACT.—The term 'finding of no significant impact' means a determination by a Federal agency that a proposed agency action does not require the issuance of an environmental impact statement.

''(8) INVOLVED FEDERAL AGENCY.—The term 'involved Federal agency' means an agency that, with respect to a proposed agency action—

''(A) proposed such action; or

''(B) is involved in such action because such action is directly related, through functional interdependence or geographic proximity, to an action such agency has taken or has proposed to take.

''(9) LEAD AGENCY.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'lead agency' means, with respect to a proposed agency action—

''(i) the agency that proposed such action; or

''(ii) if there are 2 or more involved Federal agencies with respect to such action, the agency designated under section 107(a)(1).

''(B) SPECIFICATION FOR MINERAL EXPLORATION OR MINE PERMITS.—With respect to a proposed mineral exploration or mine permit, the term 'lead agency' has the meaning given such term in section 40206(a) of the Infrastructure Investment and Jobs Act.

''(10) MAJOR FEDERAL ACTION.—

''(A) IN GENERAL.—The term 'major Federal action' means an action that the agency carrying out such action determines is subject to substantial Federal control and responsibility.

''(B) EXCLUSION.—The term 'major Federal action' does not include—

''(i) a non-Federal action—

''(I) with no or minimal Federal funding;

''(II) with no or minimal Federal involvement where a Federal agency cannot control the outcome of the project; or

''(III) that does not include Federal land;

''(ii) funding assistance solely in the form of general revenue sharing funds which do not provide Federal agency compliance or enforcement responsibility over the subsequent use of such funds;

''(iii) loans, loan guarantees, or other forms of financial assistance where a Federal agency does not exercise sufficient control and responsibility over the effect of the action;

''(iv) farm ownership and operating loan guarantees by the Farm Service Agency pursuant to sections 305 and 311 through 319 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1925 and 1941 through 1949);

''(v) business loan guarantees provided by the Small Business Administration pursuant to section 7(a) or (b) and of the Small Business Act (15 U.S.C. 636(a)), or title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.);

''(vi) bringing judicial or administrative civil or criminal enforcement actions; or

''(vii) extraterritorial activities or decisions, which means agency activities or decisions with effects located entirely outside of the jurisdiction of the United States.

''(C) ADDITIONAL EXCLUSIONS.—An agency action may not be determined to be a major Federal action on the basis of—

''(i) an interstate effect of the action or related project; or

''(ii) the provision of Federal funds for the action or related project.

''(11) MINERAL EXPLORATION OR MINE PERMIT.—The term 'mineral exploration or mine permit' has the meaning given such term in section 40206(a) of the Infrastructure Investment and Jobs Act.

''(12) PROPOSAL.—The term 'proposal' means a proposed action at a stage when an agency has a goal, is actively preparing to make a decision on one or more alternative means of accomplishing that goal, and can meaningfully evaluate its effects.

''(13) REASONABLY FORESEEABLE.—The term 'reasonably foreseeable' means likely to occur—

''(A) not later than 10 years after the lead agency begins preparing the environmental document; and

''(B) in an area directly affected by the proposed agency action such that an individual of ordinary prudence would take such occurrence into account in reaching a decision.

''(14) SPECIAL EXPERTISE.—The term 'special expertise' means statutory responsibility, agency mission, or related program experience.''.

SEC. 343. CODIFICATION OF NATIONAL ENVIRONMENTAL POLICY ACT REGULATIONS.

The revisions to the Code of Federal Regulations made pursuant to the final rule of the Council on Environmental Quality titled ''Update to the Regulations Implementing the Procedural Provisions of the National Environmental Policy Act'' and published on July 16, 2020 (85 Fed. Reg. 43304), shall have the same force and effect of law as if enacted by an Act of Congress.

SEC. 344. NON-MAJOR FEDERAL ACTIONS.

(a) EXEMPTION.—An action by the Secretary concerned with respect to a covered activity shall be not considered a major Federal action under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

(b) COVERED ACTIVITY.—In this section, the term ''covered activity'' includes—

(1) geotechnical investigations;

(2) off-road travel in an existing right-of-way;

(3) construction of meteorological towers where the total surface disturbance at the location is less than 5 acres;

(4) adding a battery or other energy storage device to an existing or planned energy facility, if that storage resource is located within the physical footprint of the existing or planned energy facility;

(5) drilling temperature gradient wells and other geothermal exploratory wells, including construction or making improvements for such activities, where—

(A) the last cemented casing string is less than 12 inches in diameter; and

(B) the total unreclaimed surface disturbance at any one time within the project area is less than 5 acres;

(6) any repair, maintenance, upgrade, optimization, or minor addition to existing transmission and distribution infrastructure, including—

(A) operation, maintenance, or repair of power equipment and structures within existing substations, switching stations, transmission, and distribution lines;

(B) the addition, modification, retirement, or replacement of breakers, transmission towers, transformers, bushings, or relays;

(C) the voltage uprating, modification, reconductoring with conventional or advanced conductors, and clearance resolution of transmission lines;

(D) activities to minimize fire risk, including vegetation management, routine fire mitigation, inspection, and maintenance activities, and removal of hazard trees and other hazard vegetation within or adjacent to an existing right-of-way;

(E) improvements to or construction of structure pads for such infrastructure; and

(F) access and access route maintenance and repairs associated with any activity described in subparagraph (A) through (E);

(7) approval of and activities conducted in accordance with operating plans or agreements for transmission and distribution facilities or under a special use authorization for an electric transmission and distribution facility right-of-way; and

(8) construction, maintenance, realignment, or repair of an existing permanent or temporary access road—

(A) within an existing right-of-way or within a transmission or utility corridor established by Congress or in a land use plan;

(B) that serves an existing transmission line, distribution line, or energy facility; or

(C) activities conducted in accordance with existing onshore oil and gas leases.

SEC. 345. NO NET LOSS DETERMINATION FOR EXISTING RIGHTS-OF-WAY.

(a) IN GENERAL.—Upon a determination by the Secretary concerned that there will be no overall long-term net loss of vegetation, soil, or habitat, as defined by acreage and function, resulting from a proposed action, decision, or activity within an existing right-of-way, within a right-of-way corridor established in a land use plan, or in an otherwise designated right-of-way, that action, decision, or activity shall not be considered a major Federal action under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

(b) INCLUSION OF REMEDIATION.—In making a determination under subsection (a), the Secretary concerned shall consider the effect of any remediation work to be conducted during the lifetime of the action, decision, or activity when determining whether there will be any overall long-term net loss of vegetation, soil, or habitat.

SEC. 346. DETERMINATION OF NATIONAL ENVIRONMENTAL POLICY ACT ADEQUACY.

The Secretary concerned shall use previously completed environmental assessments and environmental impact statements to satisfy the requirements of section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) with respect to any major Federal action, if such Secretary determines that—

(1) the new proposed action is substantially the same as a previously analyzed proposed action or alternative analyzed in a previous environmental assessment or environmental impact statement; and

(2) the effects of the proposed action are substantially the same as the effects analyzed in such existing environmental assessments or environmental impact statements.

SEC. 347. DETERMINATION REGARDING RIGHTS-OF-WAY.

Not later than 60 days after the Secretary concerned receives an application to grant a right-of-way, the Secretary concerned shall notify the applicant as to whether the application is complete or deficient. If the Secretary concerned determines the application is complete, the Secretary concerned may not consider any other application to grant a right-of-way on the same or any overlapping parcels of land while such application is pending.

SEC. 348. TERMS OF RIGHTS-OF-WAY.

(a) FIFTY-YEAR TERMS FOR RIGHTS-OF-WAY.—

(1) IN GENERAL.—Any right-of-way for pipelines for the transportation or distribution of oil or gas granted, issued, amended, or renewed under Federal law may be limited to a term of not more than 50 years before such right-of-way is subject to renewal or amendment.

(2) FEDERAL LAND POLICY AND MANAGEMENT ACT OF 1976.—Section 501 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761) is amended by adding at the end the following:

''(e) Any right-of-way granted, issued, amended, or renewed under subsection (a)(4) may be limited to a term of not more than 50 years before such right-of-way is subject to renewal or amendment.''.

(b) MINERAL LEASING ACT.—Section 28(n) of the Mineral Leasing Act (30 U.S.C. 185(n)) is amended by striking ''thirty'' and inserting ''50''.

SEC. 349. FUNDING TO PROCESS PERMITS AND DEVELOP INFORMATION TECHNOLOGY.

(a) IN GENERAL.—In fiscal years 2023 through 2025, the Secretary of Agriculture (acting through the Forest Service) and the Secretary of the Interior, after public notice, may accept and expend funds contributed by non-Federal entities for dedicated staff, information resource management, and information technology system development to expedite the evaluation of permits, biological opinions, concurrence letters, environmental surveys and studies, processing of applications, consultations, and other activities for the leasing, development, or expansion of an energy facility under the jurisdiction of the respective Secretaries.

(b) EFFECT ON PERMITTING.—In carrying out this section, the Secretary of the Interior shall ensure that the use of funds accepted under subsection (a) will not impact impartial decision making with respect to permits, either substantively or procedurally.

(c) STATEMENT FOR FAILURE TO ACCEPT OR EXPEND FUNDS.—Not later than 60 days after the end of the applicable fiscal year, if the Secretary of Agriculture (acting through the Forest Service) or the Secretary of the Interior does not accept funds contributed under subsection (a) or accepts but does not expend such funds, that Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a statement explaining why such funds were not accepted, were not expended, or both, as the case may be.

(d) PROHIBITION.—Notwithstanding any other provision of law, the Secretary of Agriculture (acting through the Forest Service) and the Secretary of the Interior may not accept contributions, as authorized by subsection (a), from non-Federal entities owned by the Communist Party of China (or a person or entity acting on behalf of the Communist Party of China).

(e) REPORT ON NON-FEDERAL ENTITIES.—Not later than 60 days after the end of the applicable fiscal year, the Secretary of Agriculture (acting through the Forest Service) and the Secretary of the Interior shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that includes, for each expenditure authorized by subsection (a)—

(1) the amount of funds accepted; and

(2) the contributing non-Federal entity.

SEC. 350. OFFSHORE GEOLOGICAL AND GEOPHYSICAL SURVEY LICENSING.

The Secretary of the Interior shall authorize geological and geophysical surveys related to oil and gas activities on the Gulf of Mexico Outer Continental Shelf, except within areas subject to existing oil and gas leasing moratoria. Such authorizations shall be issued within 30 days of receipt of a completed application and shall, as applicable to survey type, comply with the mitigation and monitoring measures in subsections (a), (b), (c), (d), (f), and (g) of section 217.184 of title 50, Code of Federal Regulations (as in effect on January 1, 2022), and section 217.185 of title 50, Code of Federal Regulations (as in effect on January 1, 2022). Geological and geophysical surveys authorized pursuant to this section are deemed to be in full compliance with the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.) and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and their implementing regulations.

SEC. 350A. DEFERRAL OF APPLICATIONS FOR PERMITS TO DRILL.

Section 17(p)(3) of the Mineral Leasing Act (30 U.S.C. 226(p)(3)) is amended by adding at the end the following:

''(D) DEFERRAL BASED ON FORMATTING ISSUES.—A decision on an application for a permit to drill may not be deferred under paragraph (2)(B) as a result of a formatting issue with the permit, unless such formatting issue results in missing information.''.

SEC. 350B. PROCESSING AND TERMS OF APPLICATIONS FOR PERMITS TO DRILL.

(a) EFFECT OF PENDING CIVIL ACTIONS.—Section 17(p) of the Mineral Leasing Act (30 U.S.C. 226(p)) is amended by adding at the end the following:

''(4) EFFECT OF PENDING CIVIL ACTION ON PROCESSING APPLICATIONS FOR PERMITS TO DRILL.—Pursuant to the requirements of paragraph (2), notwithstanding the existence of any pending civil actions affecting the application or related lease, the Secretary shall process an application for a permit to drill or other authorizations or approvals under a valid existing lease, unless a United States Federal court vacated such lease. Nothing in this paragraph shall be construed as providing authority to a Federal court to vacate a lease.''.

(b) TERM OF PERMIT TO DRILL.—Section 17 of the Mineral Leasing Act (30 U.S.C. 226) is further amended by adding at the end the following:

''(u) TERM OF PERMIT TO DRILL.—A permit to drill issued under this section after the date of the enactment of this subsection shall be valid for one four-year term from the date that the permit is approved, or until the lease regarding which the permit is issued expires, whichever occurs first.''.

SEC. 350C. AMENDMENTS TO THE ENERGY POLICY ACT OF 2005.

Section 390 of the Energy Policy Act of 2005 (42 U.S.C. 15942) is amended to read as follows:

''SEC. 390. NATIONAL ENVIRONMENTAL POLICY ACT REVIEW.

''(a) NATIONAL ENVIRONMENTAL POLICY ACT REVIEW.—Action by the Secretary of the Interior, in managing the public lands, or the Secretary of Agriculture, in managing National Forest System lands, with respect to any of the activities described in subsection (c), shall not be considered a major Federal action for the purposes of section 102(2)(C) of the National Environmental Policy Act of 1969, if the activity is conducted pursuant to the Mineral Leasing Act (30 U.S.C. 181 et seq.) for the purpose of exploration or development of oil or gas.

''(b) APPLICATION.—This section shall not apply to an action of the Secretary of the Interior or the Secretary of Agriculture on Indian lands or resources managed in trust for the benefit of Indian Tribes.

''(c) ACTIVITIES DESCRIBED.—The activities referred to in subsection (a) are as follows:

''(1) Reinstating a lease pursuant to section 31 of the Mineral Leasing Act (30 U.S.C. 188).

''(2) The following activities, provided that any new surface disturbance is contiguous with the footprint of the original authorization and does not exceed 20 acres or the acreage has previously been evaluated in a document previously prepared under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) with respect to such activity:

''(A) Drilling an oil or gas well at a well pad site at which drilling has occurred previously.

''(B) Expansion of an existing oil or gas well pad site to accommodate an additional well.

''(C) Expansion or modification of an existing oil or gas well pad site, road, pipeline, facility, or utility submitted in a sundry notice.

''(3) Drilling of an oil or gas well at a new well pad site, provided that the new surface disturbance does not exceed 20 acres and the acreage evaluated in a document previously prepared under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) with respect to such activity, whichever is greater.

''(4) Construction or realignment of a road, pipeline, or utility within an existing right-of-way or within a right-of-way corridor established in a land use plan.

''(5) The following activities when conducted from non-Federal surface into federally owned minerals, provided that the operator submits to the Secretary concerned certification of a surface use agreement with the non-Federal landowner:

''(A) Drilling an oil or gas well at a well pad site at which drilling has occurred previously.

''(B) Expansion of an existing oil or gas well pad site to accommodate an additional well.

''(C) Expansion or modification of an existing oil or gas well pad site, road, pipeline, facility, or utility submitted in a sundry notice.

''(6) Drilling of an oil or gas well from non-Federal surface and non-Federal subsurface into Federal mineral estate.

''(7) Construction of up to 1 mile of new road on Federal or non-Federal surface, not to exceed 2 miles in total.

''(8) Construction of up to 3 miles of individual pipelines or utilities, regardless of surface ownership.''.

SEC. 350D. ACCESS TO FEDERAL ENERGY RESOURCES FROM NON-FEDERAL SURFACE ESTATE.

(a) OIL AND GAS PERMITS.—Section 17 of the Mineral Leasing Act (30 U.S.C. 226) is further amended by adding at the end the following:

''(v) NO FEDERAL PERMIT REQUIRED FOR OIL AND GAS ACTIVITIES ON CERTAIN LAND.—

''(1) IN GENERAL.—The Secretary shall not require an operator to obtain a Federal drilling permit for oil and gas exploration and production activities conducted on non-Federal surface estate, provided that—

''(A) the United States holds an ownership interest of less than 50 percent of the subsurface mineral estate to be accessed by the proposed action; and

''(B) the operator submits to the Secretary a State permit to conduct oil and gas exploration and production activities on the non-Federal surface estate.

''(2) NO FEDERAL ACTION.—An oil and gas exploration and production activity carried out under paragraph (1)—

''(A) shall not be considered a major Federal action for the purposes of section 102(2)(C) of the National Environmental Policy Act of 1969;

''(B) shall require no additional Federal action;

''(C) may commence 30 days after submission of the State permit to the Secretary; and

''(D) shall not be subject to—

''(i) section 306108 of title 54, United States Code (commonly known as the National Historic Preservation Act of 1966); and

''(ii) section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536).

''(3) ROYALTIES AND PRODUCTION ACCOUNTABILITY.—(A) Nothing in this subsection shall affect the amount of royalties due to the United States under this Act from the production of oil and gas, or alter the Secretary's authority to conduct audits and collect civil penalties pursuant to the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 et seq.).

''(B) The Secretary may conduct onsite reviews and inspections to ensure proper accountability, measurement, and reporting of production of Federal oil and gas, and payment of royalties.

''(4) EXCEPTIONS.—This subsection shall not apply to actions on Indian lands or resources managed in trust for the benefit of Indian Tribes.

''(5) INDIAN LAND.—In this subsection, the term 'Indian land' means—

''(A) any land located within the boundaries of an Indian reservation, pueblo, or rancheria; and

''(B) any land not located within the boundaries of an Indian reservation, pueblo, or rancheria, the title to which is held—

''(i) in trust by the United States for the benefit of an Indian tribe or an individual Indian;

''(ii) by an Indian tribe or an individual Indian, subject to restriction against alienation under laws of the United States; or

''(iii) by a dependent Indian community.''.

(b) GEOTHERMAL PERMITS.—The Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) is amended by adding at the end the following:

''SEC. 30. NO FEDERAL PERMIT REQUIRED FOR GEOTHERMAL ACTIVITIES ON CERTAIN LAND.

''(a) IN GENERAL.—The Secretary shall not require an operator to obtain a Federal drilling permit for geothermal exploration and production activities conducted on a non-Federal surface estate, provided that—

''(1) the United States holds an ownership interest of less than 50 percent of the subsurface geothermal estate to be accessed by the proposed action; and

''(2) the operator submits to the Secretary a State permit to conduct geothermal exploration and production activities on the non-Federal surface estate.

''(b) NO FEDERAL ACTION.—A geothermal exploration and production activity carried out under paragraph (1)—

''(1) shall not be considered a major Federal action for the purposes of section 102(2)(C) of the National Environmental Policy Act of 1969;

''(2) shall require no additional Federal action;

''(3) may commence 30 days after submission of the State permit to the Secretary; and

''(4) shall not be subject to—

''(A) section 306108 of title 54, United States Code (commonly known as the National Historic Preservation Act of 1966); and

''(B) section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536).

''(c) ROYALTIES AND PRODUCTION ACCOUNTABILITY.—(1) Nothing in this section shall affect the amount of royalties due to the United States under this Act from the production of electricity using geothermal resources (other than direct use of geothermal resources) or the production of any byproducts.

''(2) The Secretary may conduct onsite reviews and inspections to ensure proper accountability, measurement, and reporting of the production described in paragraph (1), and payment of royalties.

''(d) EXCEPTIONS.—This section shall not apply to actions on Indian lands or resources managed in trust for the benefit of Indian Tribes.

''(e) INDIAN LAND.—In this section, the term 'Indian land' means—

''(1) any land located within the boundaries of an Indian reservation, pueblo, or rancheria; and

''(2) any land not located within the boundaries of an Indian reservation, pueblo, or rancheria, the title to which is held—

''(A) in trust by the United States for the benefit of an Indian tribe or an individual Indian;

''(B) by an Indian tribe or an individual Indian, subject to restriction against alienation under laws of the United States; or

''(C) by a dependent Indian community.''.

SEC. 350E. SCOPE OF ENVIRONMENTAL REVIEWS FOR OIL AND GAS LEASES.

An environmental review for an oil and gas lease or permit prepared pursuant to the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and its implementing regulations—

(1) shall apply only to areas that are within or immediately adjacent to the lease plot or plots and that are directly affected by the proposed action; and

(2) shall not require consideration of downstream, indirect effects of oil and gas consumption.

SEC. 350F. EXPEDITING APPROVAL OF GATHERING LINES.

Section 11318(b)(1) of the Infrastructure Investment and Jobs Act (42 U.S.C. 15943(b)(1)) is amended by striking ''to be an action that is categorically excluded (as defined in section 1508.1 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this Act))'' and inserting ''to not be a major Federal action''.

SEC. 350G. LEASE SALE LITIGATION.

Notwithstanding any other provision of law, any oil and gas lease sale held under section 17 of the Mineral Leasing Act (26 U.S.C. 226) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) shall not be vacated and activities on leases awarded in the sale shall not be otherwise limited, delayed, or enjoined unless the court concludes allowing development of the challenged lease will pose a risk of an imminent and substantial environmental harm and there is no other equitable remedy available as a matter of law. No court, in response to an action brought pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. et seq.), may enjoin or issue any order preventing the award of leases to a bidder in a lease sale conducted pursuant to section 17 of the Mineral Leasing Act (26 U.S.C. 226) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) if the Department of the Interior has previously opened bids for such leases or disclosed the high bidder for any tract that was included in such lease sale.

SEC. 350H. LIMITATION ON CLAIMS.

(a) IN GENERAL.—Notwithstanding any other provision of law, a claim arising under Federal law seeking judicial review of a permit, license, or approval issued by a Federal agency for a mineral project, energy facility, or energy storage device shall be barred unless—

(1) the claim is filed within 120 days after publication of a notice in the Federal Register announcing that the permit, license, or approval is final pursuant to the law under which the agency action is taken, unless a shorter time is specified in the Federal law pursuant to which judicial review is allowed; and

(2) the claim is filed by a party that submitted a comment during the public comment period for such permit, license, or approval and such comment was sufficiently detailed to put the agency on notice of the issue upon which the party seeks judicial review.

(b) SAVINGS CLAUSE.—Nothing in this section shall create a right to judicial review or place any limit on filing a claim that a person has violated the terms of a permit, license, or approval.

(c) TRANSPORTATION PROJECTS.—Subsection (a) shall not apply to or supersede a claim subject to section 139(l)(1) of title 23, United States Code.

(d) MINERAL PROJECT.—In this section, the term ''mineral project'' means a project—

(1) located on—

(A) a mining claim, millsite claim, or tunnel site claim for any mineral;

(B) lands open to mineral entry; or

(C) a Federal mineral lease; and

(2) for the purposes of exploring for or producing minerals.

SEC. 350I. GOVERNMENT ACCOUNTABILITY OFFICE REPORT ON PERMITS TO DRILL.

(a) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall issue a report detailing—

(1) the approval timelines for applications for permits to drill issued by the Bureau of Land Management from 2018 through 2022;

(2) the number of applications for permits to drill that were not issued within 30 days of receipt of a completed application; and

(3) the causes of delays resulting in applications for permits to drill pending beyond the 30 day deadline required under section 17(p)(2) of the Mineral Leasing Act (30 U.S.C. 226(p)(2)).

(b) RECOMMENDATIONS.—The report issued under subsection (a) shall include recommendations with respect to—

(1) actions the Bureau of Land Management can take to streamline the approval process for applications for permits to drill to approve applications for permits to drill within 30 days of receipt of a completed application;

(2) aspects of the Federal permitting process carried out by the Bureau of Land Management to issue applications for permits to drill that can be turned over to States to expedite approval of applications for permits to drill; and

(3) legislative actions that Congress must take to allow States to administer certain aspects of the Federal permitting process described in paragraph (2).

SEC. 350J. E–NEPA.

(a) PERMITTING PORTAL STUDY.—The Council on Environmental Quality shall conduct a study and submit a report to Congress within 1 year of the enactment of this Act on the potential to create an online permitting portal for permits that require review under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) that would—

(1) allow applicants to—

(A) submit required documents or materials for their application in one unified portal;

(B) upload additional documents as required by the applicable agency; and

(C) track the progress of individual applications;

(2) enhance interagency coordination in consultation by—

(A) allowing for comments in one unified portal;

(B) centralizing data necessary for reviews; and

(C) streamlining communications between other agencies and the applicant; and

(3) boost transparency in agency decisionmaking.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $500,000 for the Council of Environmental Quality to carry out the study directed by this section.

SEC. 350K. LIMITATIONS ON CLAIMS.

(a) IN GENERAL.—Section 139(l) of title 23, United States Code, is amended by striking ''150 days'' each place it appears and inserting ''90 days''.

(b) CONFORMING AMENDMENTS.—

(1) Section 330(e) of title 23, United States Code, is amended—

(A) in paragraph (2)(A), by striking ''150 days'' and inserting ''90 days''; and

(B) in paragraph (3)(B)(i), by striking ''150 days'' and inserting ''90 days''.

(2) Section 24201(a)(4) of title 49, United States Code, is amended by striking ''of 150 days''.

SEC. 350L. ONE FEDERAL DECISION FOR PIPELINES.

(a) IN GENERAL.—Chapter 601 of title 49, United States Code, is amended by adding at the end the following:

''§ 60144. Efficient environmental reviews and one Federal decision

''(a) EFFICIENT ENVIRONMENTAL REVIEWS.—

''(1) IN GENERAL.—The Secretary of Transportation shall apply the project development procedures, to the greatest extent feasible, described in section 139 of title 23 to any pipeline project that requires the approval of the Secretary under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

''(2) REGULATIONS AND PROCEDURES.—In carrying out paragraph (1), the Secretary shall incorporate into agency regulations and procedures pertaining to pipeline projects described in paragraph (1) aspects of such project development procedures, or portions thereof, determined appropriate by the Secretary in a manner consistent with this section, that increase the efficiency of the review of pipeline projects.

''(3) DISCRETION.—The Secretary may choose not to incorporate into agency regulations and procedures pertaining to pipeline projects described in paragraph (1) such project development procedures that could

only feasibly apply to highway projects, public transportation capital projects, and multimodal projects.

''(4) APPLICABILITY.—Subsection (l) of section 139 of title 23 shall apply to pipeline projects described in paragraph (1).

''(b) ADDITIONAL CATEGORICAL EXCLUSIONS.—The Secretary shall maintain and make publicly available, including on the Internet, a database that identifies project-specific information on the use of a categorical exclusion on any pipeline project carried out under this title.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 601 of title 49, United States Code, is amended by adding at the end the following:

''60144. Efficient environmental reviews and one Federal decision.''.

SEC. 350M. EXEMPTION OF CERTAIN WILDFIRE MITIGATION ACTIVITIES FROM CERTAIN ENVIRONMENTAL REQUIREMENTS.

(a) IN GENERAL.—Wildfire mitigation activities of the Secretary of the Interior and the Secretary of Agriculture may be carried out without regard to the provisions of law specified in subsection (b).

(b) PROVISIONS OF LAW SPECIFIED.—The provisions of law specified in this section are all Federal, State, or other laws, regulations, and legal requirements of, deriving from, or related to the subject of, the following laws:

(1) Section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

(2) The Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(c) WILDFIRE MITIGATION ACTIVITY.—For purposes of this section, the term ''wildfire mitigation activity''—

(1) is an activity conducted on Federal land that is—

(A) under the administration of the Director of the National Park System, the Director of the Bureau of Land Management, or the Chief of the Forest Service; and

(B) within 300 feet of any permanent or temporary road, as measured from the center of such road; and

(2) includes forest thinning, hazardous fuel reduction, prescribed burning, and vegetation management.

SEC. 350N. VEGETATION MANAGEMENT, FACILITY INSPECTION, AND OPERATION AND MAINTENANCE RELATING TO ELECTRIC TRANSMISSION AND DISTRIBUTION FACILITY RIGHTS OF WAY.

(a) HAZARD TREES WITHIN 50 FEET OF ELECTRIC POWER LINE.—Section 512(a)(1)(B)(ii) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1772(a)(1)(B)(ii)) is amended by striking ''10'' and inserting ''50''.

(b) CONSULTATION WITH PRIVATE LANDOWNERS.—Section 512(c)(3)(E) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1772(c)(3)(E)) is amended—

(1) in clause (i), by striking ''and'' at the end;

(2) in clause (ii), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(iii) consulting with private landowners with respect to any hazard trees identified for removal from land owned by such private landowners.''.

(c) REVIEW AND APPROVAL PROCESS.—Clause (iv) of section 512(c)(4)(A) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1772(c)(4)(A)) is amended to read as follows:

''(iv) ensures that—

''(I) a plan submitted without a modification under clause (iii) shall be automatically approved 60 days after review; and

''(II) a plan submitted with a modification under clause (iii) shall be automatically approved 67 days after review.''.

SEC. 350O. CATEGORICAL EXCLUSION FOR ELECTRIC UTILITY LINES RIGHTS-OF-WAY.

(a) SECRETARY CONCERNED DEFINED.—In this section, the term ''Secretary concerned'' means—

(1) the Secretary of Agriculture, with respect to National Forest System lands; and

(2) the Secretary of the Interior, with respect to public lands.

(b) CATEGORICAL EXCLUSION ESTABLISHED.—Forest management activities described in subsection (c) are a category of activities designated as being categorically excluded from the preparation of an environmental assessment or an environmental impact statement under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

(c) FOREST MANAGEMENT ACTIVITIES DESIGNATED FOR CATEGORICAL EXCLUSION.—The forest management activities designated as being categorically excluded under subsection (b) are—

(1) the development and approval of a vegetation management, facility inspection, and operation and maintenance plan submitted under section 512(c)(1) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1772(c)(1)) by the Secretary concerned; and

(2) the implementation of routine activities conducted under the plan referred to in paragraph (1).

(d) AVAILABILITY OF CATEGORICAL EXCLUSION.—On and after the date of the enactment of this Act, the Secretary concerned may use the categorical exclusion established under subsection (b) in accordance with this section.

(e) EXTRAORDINARY CIRCUMSTANCES.—Use of the categorical exclusion established under subsection (b) shall not be subject to the extraordinary circumstances procedures in section 220.6, title 36, Code of Federal Regulations, or section 1508.4, title 40, Code of Federal Regulations.

(f) EXCLUSION OF CERTAIN AREAS.—The categorical exclusion established under subsection (b) shall not apply to any forest management activity conducted—

(1) in a component of the National Wilderness Preservation System; or

(2) on National Forest System lands on which, by Act of Congress, the removal of vegetation is restricted or prohibited.

(g) PERMANENT ROADS.—

(1) PROHIBITION ON ESTABLISHMENT.—A forest management activity designated under subsection (c) shall not include the establishment of a permanent road.

(2) EXISTING ROADS.—The Secretary concerned may carry out necessary maintenance and repair on an existing permanent road for the purposes of conducting a forest management activity designated under subsection (c).

(3) TEMPORARY ROADS.—The Secretary concerned shall decommission any temporary road constructed for a forest management activity designated under subsection (c) not later than 3 years after the date on which the action is completed.

(h) APPLICABLE LAWS.—A forest management activity designated under subsection (c) shall not be subject to section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536), section 106 of the National Historic Preservation Act, or any other applicable law.

SEC. 350P. STAFFING PLANS.

(a) IN GENERAL.—Not later than 365 days after the date of enactment of this Act, each local unit of the National Park Service, Bureau of Land Management, and Forest Service shall conduct an outreach plan for disseminating and advertising open civil service positions with functions relating to permitting or natural resources in their offices. Each such plan shall include outreach to local high schools, community colleges, institutions of higher education, and any other relevant institutions, as determined by the Secretary of the Interior or the Secretary of Agriculture (as the case may be).

(b) COLLABORATION PERMITTED.—Such local units of the National Park Service, Bureau of Land Management, and Forest Service located in reasonably close geographic areas may collaborate to produce a joint outreach plan that meets the requirements of subsection (a).

Subtitle C—Permitting for Mining Needs

SEC. 351. DEFINITIONS.

In this subtitle:

(1) BYPRODUCT.—The term ''byproduct'' has the meaning given such term in section 7002(a) of the Energy Act of 2020 (30 U.S.C. 1606(a)).

(2) INDIAN TRIBE.—The term ''Indian Tribe'' has the meaning given such term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(3) MINERAL.—The term ''mineral'' means any mineral of a kind that is locatable (including, but not limited to, such minerals located on ''lands acquired by the United States'', as such term is defined in section 2 of the Mineral Leasing Act for Acquired Lands) under the Act of May 10, 1872 (Chapter 152; 17 Stat. 91).

(4) SECRETARY.—Except as otherwise provided, the term ''Secretary'' means the Secretary of the Interior.

(5) STATE.—The term ''State'' means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico;

(D) Guam;

(E) American Samoa;

(F) the Commonwealth of the Northern Mariana Islands; and

(G) the United States Virgin Islands.

SEC. 352. MINERALS SUPPLY CHAIN AND RELIABILITY.

Section 40206 of the Infrastructure Investment and Jobs Act (30 U.S.C. 1607) is amended—

(1) in the section heading, by striking ''**CRITICAL MINERALS**'' and inserting ''**MINERALS**'';

(2) by amending subsection (a) to read as follows:

''(a) DEFINITIONS.—In this section:

''(1) LEAD AGENCY.—The term 'lead agency' means the Federal agency with primary responsibility for issuing a mineral exploration or mine permit or lease for a mineral project.

''(2) MINERAL.—The term 'mineral' has the meaning given such term in section 20301 of the TAPP American Resources Act.

''(3) MINERAL EXPLORATION OR MINE PERMIT.—The term 'mineral exploration or mine permit' means—

''(A) an authorization of the Bureau of Land Management or the Forest Service, as applicable, for exploration for minerals that requires analysis under the National Environmental Policy Act of 1969;

''(B) a plan of operations for a mineral project approved by the Bureau of Land Management or the Forest Service; or

''(C) any other Federal permit or authorization for a mineral project.

''(4) MINERAL PROJECT.—The term 'mineral project' means a project—

''(A) located on—

''(i) a mining claim, millsite claim, or tunnel site claim for any mineral;

''(ii) lands open to mineral entry; or

''(iii) a Federal mineral lease; and

''(B) for the purposes of exploring for or producing minerals.'';

(3) in subsection (b), by striking ''critical'' each place such term appears;

(4) in subsection (c)—

(A) by striking ''critical mineral production on Federal land'' and inserting ''mineral projects'';

(B) by inserting '', and in accordance with subsection (h)'' after ''to the maximum extent practicable'';

(C) by striking ''shall complete the'' and inserting ''shall complete such'';

(D) in paragraph (1), by striking ''critical mineral-related activities on Federal land'' and inserting ''mineral projects'';

(E) in paragraph (8), by striking the ''and'' at the end;

(F) in paragraph (9), by striking ''procedures.'' and inserting ''procedures; and''; and

(G) by adding at the end the following:

''(10) deferring to and relying on baseline data, analyses, and reviews performed by State agencies with jurisdiction over the environmental or reclamation permits for the proposed mineral project.'';

(5) in subsection (d)—

(A) by striking ''critical'' each place such term appears; and

(B) in paragraph (3), by striking ''mineral-related activities on Federal land'' and inserting ''mineral projects'';

(6) in subsection (e), by striking ''critical'';

(7) in subsection (f), by striking ''critical'' each place such term appears;

(8) in subsection (g), by striking ''critical'' each place such term appears; and

(9) by adding at the end the following:

''(h) OTHER REQUIREMENTS.—

''(1) MEMORANDUM OF AGREEMENT.—For purposes of maximizing efficiency and effectiveness of the Federal permitting and review processes described under subsection (c), the lead agency in the Federal permitting and review processes of a mineral project shall (in consultation with any other Federal agency involved in such Federal permitting and review processes, and upon request of the project applicant, an affected State government, local government, or an Indian Tribe, or other entity such lead agency determines appropriate) enter into a memorandum of agreement with a project applicant where requested by the applicant to carry out the activities described in subsection (c).

''(2) TIMELINES AND SCHEDULES FOR NEPA REVIEWS.—

''(A) EXTENSION.—A project applicant may enter into 1 or more agreements with a lead agency to extend the deadlines described in subparagraphs (A) and (B) of subsection (h)(1) of section 107 of title I of the National Environmental Policy Act of 1969 by, with respect to each such agreement, not more than 6 months.

''(B) ADJUSTMENT OF TIMELINES.—At the request of a project applicant, the lead agency and any other entity which is a signatory to a memorandum of agreement under paragraph (1) may, by unanimous agreement, adjust—

''(i) any deadlines described in subparagraph (A); and

''(ii) any deadlines extended under subparagraph (B).

''(3) EFFECT ON PENDING APPLICATIONS.—Upon a written request by a project applicant, the requirements of this subsection shall apply to any application for a mineral exploration or mine permit or mineral lease that was submitted before the date of the enactment of the TAPP American Resources Act.''.

SEC. 353. FEDERAL REGISTER PROCESS IMPROVEMENT.

Section 7002(f) of the Energy Act of 2020 (30 U.S.C. 1606(f)) is amended—

(1) in paragraph (2), by striking ''critical'' both places such term appears; and

(2) by striking paragraph (4).

SEC. 354. DESIGNATION OF MINING AS A COVERED SECTOR FOR FEDERAL PERMITTING IMPROVEMENT PURPOSES.

Section 41001(6)(A) of the FAST Act (42 U.S.C. 4370m(6)(A)) is amended by inserting ''mineral production,'' before ''or any other sector''.

SEC. 355. TREATMENT OF ACTIONS UNDER PRESIDENTIAL DETERMINATION 2022–11 FOR FEDERAL PERMITTING IMPROVEMENT PURPOSES.

(a) IN GENERAL.—Except as provided by subsection (c), an action described in subsection (b) shall be—

(1) treated as a covered project, as defined in section 41001(6) of the FAST Act (42 U.S.C. 4370m(6)), without regard to the requirements of that section; and

(2) included in the Permitting Dashboard maintained pursuant to section 41003(b) of that Act (42 13 U.S.C. 4370m–2(b)).

(b) ACTIONS DESCRIBED.—An action described in this subsection is an action taken by the Secretary of Defense pursuant to Presidential Determination 2022–11 (87 Fed. Reg. 19775; relating to certain actions under section 303 of the Defense Production Act of 1950) or the Presidential Memorandum of February 27, 2023, titled ''Presidential Waiver of Statutory Requirements Pursuant to Section 303 of the Defense Production Act of 1950, as amended, on Department of Defense Supply Chains Resilience'' (88 Fed. Reg. 13015) to create, maintain, protect, expand, or restore sustainable and responsible domestic production capabilities through—

(1) supporting feasibility studies for mature mining, beneficiation, and value-added processing projects;

(2) byproduct and co-product production at existing mining, mine waste reclamation, and other industrial facilities;

(3) modernization of mining, beneficiation, and value-added processing to increase productivity, environmental sustainability, and workforce safety; or

(4) any other activity authorized under section 303(a)(1) of the Defense Production Act of 1950 15 (50 U.S.C. 4533(a)(1)).

(c) EXCEPTION.—An action described in subsection (b) may not be treated as a covered project or be included in the Permitting Dashboard under subsection (a) if the project sponsor (as defined in section 41001(18) of the FAST Act (42 U.S.C. 21 4370m(18))) requests that the action not be treated as a covered project.

SEC. 356. NOTICE FOR MINERAL EXPLORATION ACTIVITIES WITH LIMITED SURFACE DISTURBANCE.

(a) IN GENERAL.—Not later than 15 days before commencing an exploration activity with a surface disturbance of not more than 5 acres of public lands, the operator of such exploration activity shall submit to the Secretary concerned a complete notice of such exploration activity.

(b) INCLUSIONS.—Notice submitted under subsection (a) shall include such information the Secretary concerned may require, including the information described in section 3809.301 of title 43, Code of Federal Regulations (or any successor regulation).

(c) REVIEW.—Not later than 15 days after the Secretary concerned receives notice submitted under subsection (a), the Secretary concerned shall—

(1) review and determine completeness of the notice; and

(2) allow exploration activities to proceed if—

(A) the surface disturbance of such exploration activities on such public lands will not exceed 5 acres;

(B) the Secretary concerned determines that the notice is complete; and

(C) the operator provides financial assurance that the Secretary concerned determines is adequate.

(d) DEFINITIONS.—In this section:

(1) EXPLORATION ACTIVITY.—The term ''exploration activity''—

(A) means creating surface disturbance greater than casual use that includes sampling, drilling, or developing surface or underground workings to evaluate the type, extent, quantity, or quality of mineral values present;

(B) includes constructing drill roads and drill pads, drilling, trenching, excavating test pits, and conducting geotechnical tests and geophysical surveys; and

(C) does not include activities where material is extracted for commercial use or sale.

(2) SECRETARY CONCERNED.—The term ''Secretary concerned'' means—

(A) with respect to lands administered by the Secretary of the Interior, the Secretary of the Interior; and

(B) with respect to National Forest System lands, the Secretary of Agriculture.

SEC. 357. USE OF MINING CLAIMS FOR ANCILLARY ACTIVITIES.

Section 10101 of the Omnibus Budget Reconciliation Act of 1993 (30 U.S.C. 28f) is amended by adding at the end the following:

''(e) SECURITY OF TENURE.—

''(1) IN GENERAL.—

''(A) IN GENERAL.—A claimant shall have the right to use, occupy, and conduct operations on public land, with or without the discovery of a valuable mineral deposit, if—

''(i) such claimant makes a timely payment of the location fee required by section 10102 and the claim maintenance fee required by subsection (a); or

''(ii) in the case of a claimant who qualifies for a waiver under subsection (d), such claimant makes a timely payment of the location fee and complies with the required assessment work under the general mining laws.

''(B) OPERATIONS DEFINED.—For the purposes of this paragraph, the term 'operations' means—

''(i) any activity or work carried out in connection with prospecting, exploration, processing, discovery and assessment, development, or extraction with respect to a locatable mineral;

''(ii) the reclamation of any disturbed areas; and

''(iii) any other reasonably incident uses, whether on a mining claim or not, including the construction and maintenance of facilities, roads, transmission lines, pipelines, and any other necessary infrastructure or means of access on public land for support facilities.

''(2) FULFILLMENT OF FEDERAL LAND POLICY AND MANAGEMENT ACT.—A claimant that fulfills the requirements of this section and section 10102 shall be deemed to satisfy the requirements of any provision of the Federal Land Policy and Management Act that requires the payment of fair market value to the United States for use of public lands and resources relating to use of such lands and resources authorized by the general mining laws.

''(3) SAVINGS CLAUSE.—Nothing in this subsection may be construed to diminish the rights of entry, use, and occupancy, or any other right, of a claimant under the general mining laws.''.

SEC. 358. ENSURING CONSIDERATION OF URANIUM AS A CRITICAL MINERAL.

(a) IN GENERAL.—Section 7002(a)(3)(B)(i) of the Energy Act of 2020 (30 U.S.C. 1606(a)(3)(B)(i)) is amended to read as follows:

''(i) oil, oil shale, coal, or natural gas;''.

(b) UPDATE.—Not later than 60 days after the date of the enactment of this section, the Secretary, acting through the Director of the United States Geological Survey, shall publish in the Federal Register an update to

the final list established in section 7002(c)(3) of the Energy Act of 2020 (30 U.S.C. 1606(c)(3)) in accordance with subsection (a) of this section.

(c) REPORT.—Not later than 180 days after the date of the enactment of this section, the Secretary, acting through the Director of the United States Geological Survey, in consultation with the Secretary of Energy, shall submit to the appropriate committees of Congress a report that includes the following:

(1) The current status of uranium deposits in the United States with respect to the amount and quality of uranium contained in such deposits.

(2) A comparison of the United States to the rest of the world with respect to the amount and quality of uranium contained in uranium deposits.

(3) Policy considerations, including potential challenges, of utilizing the uranium from the deposits described in paragraph (1).

SEC. 359. BARRING FOREIGN BAD ACTORS FROM OPERATING ON FEDERAL LANDS.

A mining claimant shall be barred from the right to use, occupy, and conduct operations on Federal land if the Secretary of the Interior finds the claimant has a foreign parent company that has (including through a subsidiary)—

(1) a known record of human rights violations; or

(2) knowingly operated an illegal mine in another country.

SEC. 360. PERMIT PROCESS FOR PROJECTS RELATING TO EXTRACTION, RECOVERY, OR PROCESSING OF CRITICAL MATERIALS.

(a) DEFINITION OF COVERED PROJECT.—Section 41001(6)(A) of the FAST Act (42 U.S.C. 4370m(6)(A)) is amended—

(1) in clause (iii)(III), by striking ''; or'' and inserting '';'';

(2) in clause (iv)(II), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(v) is related to the extraction, recovery, or processing from coal, coal waste, coal processing waste, pre-or post-combustion coal byproducts, or acid mine drainage from coal mines of—

''(I) critical minerals (as such term is defined in section 7002 of the Energy Act of 2020);

''(II) rare earth elements; or

''(III) microfine carbon or carbon from coal.''.

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Secretary of the Interior shall submit to the Committees on Energy and Natural Resources and Commerce, Science, and Transportation of the Senate and the Committees on Transportation and Infrastructure, Natural Resources, and Energy and Commerce of the House of Representatives a report evaluating the timeliness of implementation of reforms of the permitting process required as a result of the amendments made by this section on the following:

(1) The economic and national security of the United States.

(2) Domestic production and supply of critical minerals, rare earths, and microfine carbon or carbon from coal.

SEC. 360A. NATIONAL STRATEGY TO RE-SHORE MINERAL SUPPLY CHAINS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the United States Geological Survey, in consultation with the Secretaries of Defense, Energy, and State, shall—

(1) identify mineral commodities that—

(A) serve a critical purpose to the national security of the United States, including with respect to military, defense, and strategic mobility applications; and

(B) are at highest risk of supply chain disruption due to the domestic or global actions of any covered entity, including price-fixing, systemic acquisition and control of global mineral resources and processing, refining, and smelting capacity, and undercutting the fair market value of such resources; and

(2) develop a national strategy for bolstering supply chains in the United States for the mineral commodities identified under paragraph (1), including through the enactment of new national policies and the utilization of current authorities, to increase capacity and efficiency of domestic mining, refining, processing, and manufacturing of such mineral commodities.

(b) COVERED ENTITY.—In this section, the term ''covered entity'' means an entity that—

(1) is subject to the jurisdiction or direction of the People's Republic of China;

(2) is directly or indirectly operating on behalf of the People's Republic of China; or

(3) is owned by, directly or indirectly controlled by, or otherwise subject to the influence of the People's Republic of China.

Subtitle D—Federal Land Use Planning

SEC. 361. FEDERAL LAND USE PLANNING AND WITHDRAWALS.

(a) RESOURCE ASSESSMENTS REQUIRED.—Federal lands and waters may not be withdrawn from entry under the mining laws or operation of the mineral leasing and mineral materials laws unless—

(1) a quantitative and qualitative geophysical and geological mineral resource assessment of the impacted area has been completed during the 10-year period ending on the date of such withdrawal;

(2) the Secretary, in consultation with the Secretary of Commerce, the Secretary of Energy, and the Secretary of Defense, conducts an assessment of the economic, energy, strategic, and national security value of mineral deposits identified in such mineral resource assessment;

(3) the Secretary conducts an assessment of the reduction in future Federal revenues to the Treasury, States, the Land and Water Conservation Fund, the Historic Preservation Fund, and the National Parks and Public Land Legacy Restoration Fund resulting from the proposed mineral withdrawal;

(4) the Secretary, in consultation with the Secretary of Defense, conducts an assessment of military readiness and training activities in the proposed withdrawal area; and

(5) the Secretary submits a report to the Committees on Natural Resources, Agriculture, Energy and Commerce, and Foreign Affairs of the House of Representatives and the Committees on Energy and Natural Resources, Agriculture, and Foreign Affairs of the Senate, that includes the results of the assessments completed pursuant to this subsection.

(b) LAND USE PLANS.—Before a resource management plan under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) or a forest management plan under the National Forest Management Act is updated or completed, the Secretary or Secretary of Agriculture, as applicable, in consultation with the Director of the United States Geological Survey, shall—

(1) review any quantitative and qualitative mineral resource assessment that was completed or updated during the 10-year period ending on the date that the applicable land management agency publishes a notice to prepare, revise, or amend a land use plan by the Director of the United States Geological Survey for the geographic area affected by the applicable management plan;

(2) the Secretary, in consultation with the Secretary of Commerce, the Secretary of Energy, and the Secretary of Defense, conducts an assessment of the economic, energy, strategic, and national security value of mineral deposits identified in such mineral resource assessment; and

(3) submit a report to the Committees on Natural Resources, Agriculture, Energy and Commerce, and Foreign Affairs of the House of Representatives and the Committees on Energy and Natural Resources, Agriculture, and Foreign Affairs of the Senate, that includes the results of the assessment completed pursuant to this subsection.

(c) NEW INFORMATION.—The Secretary shall provide recommendations to the President on appropriate measures to reduce unnecessary impacts that a withdrawal of Federal lands or waters from entry under the mining laws or operation of the mineral leasing and mineral materials laws may have on mineral exploration, development, and other mineral activities (including authorizing exploration and development of such mineral deposits) not later than 180 days after the Secretary has notice that a resource assessment completed by the Director of the United States Geological Survey, in coordination with the State geological surveys, determines that a previously undiscovered mineral deposit may be present in an area that has been withdrawn from entry under the mining laws or operation of the mineral leasing and mineral materials laws pursuant to—

(1) section 204 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1714); or

(2) chapter 3203 of title 54, United States Code.

SEC. 362. PROHIBITIONS ON DELAY OF MINERAL DEVELOPMENT OF CERTAIN FEDERAL LAND.

(a) PROHIBITIONS.—Notwithstanding any other provision of law, the President shall not carry out any action that would pause, restrict, or delay the process for or issuance of any of the following on Federal land, unless such lands are withdrawn from disposition under the mineral leasing laws, including by administrative withdrawal:

(1) New oil and gas lease sales, oil and gas leases, drill permits, or associated approvals or authorizations of any kind associated with oil and gas leases.

(2) New coal leases (including leases by application in process, renewals, modifications, or expansions of existing leases), permits, approvals, or authorizations.

(3) New leases, claims, permits, approvals, or authorizations for development or exploration of minerals.

(b) PROHIBITION ON RESCISSION OF LEASES, PERMITS, OR CLAIMS.—The President, the Secretary, or Secretary of Agriculture as applicable, may not rescind any existing lease, permit, or claim for the extraction and production of any mineral under the mining laws or mineral leasing and mineral materials laws on National Forest System land or land under the jurisdiction of the Bureau of Land Management, unless specifically authorized by Federal statute, or upon the lessee, permittee, or claimant's failure to comply with any of the provisions of the applicable lease, permit, or claim.

(c) MINERAL DEFINED.—In subsection (a)(3), the term ''mineral'' means any mineral of a kind that is locatable (including such minerals located on ''lands acquired by the United States'', as such term is defined in section 2 of the Mineral Leasing Act for Acquired Lands) under the Act of May 10, 1872 (Chapter 152; 17 Stat. 91).

SEC. 363. DEFINITIONS.

In this subtitle:

(1) FEDERAL LAND.—The term ''Federal land'' means—

(A) National Forest System land;

(B) public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702));

(C) the outer Continental Shelf (as defined in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331)); and

(D) land managed by the Secretary of Energy.

(2) PRESIDENT.—The term ''President'' means—

(A) the President; and

(B) any designee of the President, including—

(i) the Secretary of Agriculture;

(ii) the Secretary of Commerce;

(iii) the Secretary of Energy; and

(iv) the Secretary of the Interior.

(3) PREVIOUSLY UNDISCOVERED DEPOSIT.—The term ''previously undiscovered mineral deposit'' means—

(A) a mineral deposit that has been previously evaluated by the United States Geological Survey and found to be of low mineral potential, but upon subsequent evaluation is determined by the United States Geological Survey to have significant mineral potential; or

(B) a mineral deposit that has not previously been evaluated by the United States Geological Survey.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

Subtitle E—Ensuring Competitiveness on Federal Lands

SEC. 371. INCENTIVIZING DOMESTIC PRODUCTION.

(a) OFFSHORE OIL AND GAS ROYALTY RATE.—Section 8(a)(1) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(1)) is amended—

(1) in subparagraph (A), by striking ''not less than 16⅔ percent, but not more than 18¾ percent, during the 10-year period beginning on the date of enactment of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14', and not less than 16⅔ percent thereafter,'' each place it appears and inserting ''not less than 12.5 percent'';

(2) in subparagraph (C), by striking ''not less than 16⅔ percent, but not more than 18¾ percent, during the 10-year period beginning on the date of enactment of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14', and not less than 16⅔ percent thereafter,'' each place it appears and inserting ''not less than 12.5 percent'';

(3) in subparagraph (F), by striking ''not less than 16⅔ percent, but not more than 18¾ percent, during the 10-year period beginning on the date of enactment of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14', and not less than 16⅔ percent thereafter,'' and inserting ''not less than 12.5 percent''; and

(4) in subparagraph (H), by striking ''not less than 16⅔ percent, but not more than 18¾ percent, during the 10-year period beginning on the date of enactment of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14', and not less than 16⅔ percent thereafter,'' and inserting ''not less than 12.5 percent''.

(b) MINERAL LEASING ACT.—

(1) ONSHORE OIL AND GAS ROYALTY RATES.—

(A) LEASE OF OIL AND GAS LAND.—Section 17 of the Mineral Leasing Act (30 U.S.C. 226) is amended—

(i) in subsection (b)(1)(A)—

(I) by striking ''not less than 16⅔'' and inserting ''not less than 12.5''; and

(II) by striking ''or, in the case of a lease issued during the 10-year period beginning on the date of enactment of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14', 16⅔ percent in amount or value of the production removed or sold from the lease''; and

(ii) by striking ''16⅔ percent'' each place it appears and inserting ''12.5 percent''.

(B) CONDITIONS FOR REINSTATEMENT.—Section 31(e)(3) of the Mineral Leasing Act (30 U.S.C. 188(e)(3)) is amended by striking ''20'' inserting ''16⅔''.

(2) OIL AND GAS MINIMUM BID.—Section 17(b) of the Mineral Leasing Act (30 U.S.C. 226(b)) is amended—

(A) in paragraph (1)(B), by striking ''$10 per acre during the 10-year period beginning on the date of enactment of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14'.'' and inserting ''$2 per acre for a period of 2 years from the date of the enactment of the Federal Onshore Oil and Gas Leasing Reform Act of 1987.''; and

(B) in paragraph (2)(C), by striking ''$10 per acre'' and inserting ''$2 per acre''.

(3) FOSSIL FUEL RENTAL RATES.—Section 17(d) of the Mineral Leasing Act (30 U.S.C. 226(d)) is amended to read as follows:

''(d) All leases issued under this section, as amended by the Federal Onshore Oil and Gas Leasing Reform Act of 1987, shall be conditioned upon payment by the lessee of a rental of not less than $1.50 per acre per year for the first through fifth years of the lease and not less than $2 per acre per year for each year thereafter. A minimum royalty in lieu of rental of not less than the rental which otherwise would be required for that lease year shall be payable at the expiration of each lease year beginning on or after a discovery of oil or gas in paying quantities on the lands leased.''.

(4) EXPRESSION OF INTEREST FEE.—Section 17 of the Mineral Leasing Act (30 U.S.C. 226) is further amended by repealing subsection (q).

(5) ELIMINATION OF NONCOMPETITIVE LEASING.—Section 17 of the Mineral Leasing Act (30 U.S.C. 226) is further amended—

(A) in subsection (b)—

(i) in paragraph (1)(A)—

(I) in the first sentence, by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (3)''; and

(II) by adding at the end ''Lands for which no bids are received or for which the highest bid is less than the national minimum acceptable bid shall be offered promptly within 30 days for leasing under subsection (c) of this section and shall remain available for leasing for a period of 2 years after the competitive lease sale.''; and

(ii) by adding at the end the following:

''(3)(A) If the United States held a vested future interest in a mineral estate that, immediately prior to becoming a vested present interest, was subject to a lease under which oil or gas was being produced, or had a well capable of producing, in paying quantities at an annual average production volume per well per day of either not more than 15 barrels per day of oil or condensate, or not more than 60,000 cubic feet of gas, the holder of the lease may elect to continue the lease as a noncompetitive lease under subsection (c)(1).

''(B) An election under this paragraph is effective—

''(i) in the case of an interest which vested after January 1, 1990, and on or before October 24, 1992, if the election is made before the date that is 1 year after October 24, 1992;

''(ii) in the case of an interest which vests within 1 year after October 24, 1992, if the election is made before the date that is 2 years after October 24, 1992; and

''(iii) in any case other than those described in clause (i) or (ii), if the election is made prior to the interest becoming a vested present interest.'';

(B) by striking subsection (c) and inserting the following:

''(c) LANDS SUBJECT TO LEASING UNDER SUBSECTION (b); FIRST QUALIFIED APPLICANT.—

''(1) If the lands to be leased are not leased under subsection (b)(1) of this section or are not subject to competitive leasing under subsection (b)(2) of this section, the person first making application for the lease who is qualified to hold a lease under this chapter shall be entitled to a lease of such lands without competitive bidding, upon payment of a non-refundable application fee of at least $75. A lease under this subsection shall be conditioned upon the payment of a royalty at a rate of 12.5 percent in amount or value of the production removed or sold from the lease. Leases shall be issued within 60 days of the date on which the Secretary identifies the first responsible qualified applicant.

''(2)(A) Lands (i) which were posted for sale under subsection (b)(1) of this section but for which no bids were received or for which the highest bid was less than the national minimum acceptable bid and (ii) for which, at the end of the period referred to in subsection (b)(1) of this section no lease has been issued and no lease application is pending under paragraph (1) of this subsection, shall again be available for leasing only in accordance with subsection (b)(1) of this section.

''(B) The land in any lease which is issued under paragraph (1) of this subsection or under subsection (b)(1) of this section which lease terminates, expires, is cancelled or is relinquished shall again be available for leasing only in accordance with subsection (b)(1) of this section.''; and

(C) by striking subsection (e) and inserting the following:

''(e) PRIMARY TERM.—Competitive and noncompetitive leases issued under this section shall be for a primary term of 10 years: Provided, however, That competitive leases issued in special tar sand areas shall also be for a primary term of 10 years. Each such lease shall continue so long after its primary term as oil or gas is produced in paying quantities. Any lease issued under this section for land on which, or for which under an approved cooperative or unit plan of development or operation, actual drilling operations were commenced prior to the end of its primary term and are being diligently prosecuted at that time shall be extended for two years and so long thereafter as oil or gas is produced in paying quantities.''.

(6) CONFORMING AMENDMENTS.—Section 31 of the Mineral Leasing Act (30 U.S.C. 188) is amended—

(A) in subsection (d)(1), by striking ''section 17(b)'' and inserting ''subsection (b) or (c) of section 17 of this Act'';

(B) in subsection (e)—

(i) in paragraph (2)—

(I) insert ''either'' after ''rentals and''; and

(II) insert ''or the inclusion in a reinstated lease issued pursuant to the provisions of section 17(c) of this Act of a requirement that future rentals shall be at a rate not less than $5 per acre per year, all'' before ''as determined by the Secretary''; and

(ii) by amending paragraph (3) to read as follows:

''(3)(A) payment of back royalties and the inclusion in a reinstated lease issued pursuant to the provisions of section 17(b) of this Act of a requirement for future royalties at a rate of not less than 16⅔ percent computed on a sliding scale based upon the average production per well per day, at a rate which shall be not less than 4 percentage points greater than the competitive royalty schedule then in force and used for royalty determination for competitive leases issued pursuant to such section as determined by the Secretary: Provided, That royalty on such reinstated lease shall be paid on all production removed or sold from such lease subsequent to the termination of the original lease;

''(B) payment of back royalties and inclusion in a reinstated lease issued pursuant to the provisions of section 17(c) of this Act of a requirement for future royalties at a rate not less than 16⅔ percent: Provided, That royalty on such reinstated lease shall be paid on all production removed or sold from such lease subsequent to the cancellation or termination of the original lease; and'';

(C) in subsection (f)—

(i) in paragraph (1), strike ''in the same manner as the original lease issued pursuant to section 17'' and insert ''as a competitive or a noncompetitive oil and gas lease in the same manner as the original lease issued pursuant to subsection (b) or (c) of section 17 of this Act'';

(ii) by redesignating paragraphs (2) and (3) as paragraph (3) and (4), respectively; and

(iii) by inserting after paragraph (1) the following:

''(2) Except as otherwise provided in this section, the issuance of a lease in lieu of an abandoned patented oil placer mining claim shall be treated as a noncompetitive oil and gas lease issued pursuant to section 17(c) of this Act.'';

(D) in subsection (g), by striking ''subsection (d)'' and inserting ''subsections (d) and (f)'';

(E) by amending subsection (h) to read as follows:

''(h) ROYALTY REDUCTIONS.—

''(1) In acting on a petition to issue a noncompetitive oil and gas lease, under subsection (f) of this section or in response to a request filed after issuance of such a lease, or both, the Secretary is authorized to reduce the royalty on such lease if in his judgment it is equitable to do so or the circumstances warrant such relief due to uneconomic or other circumstances which could cause undue hardship or premature termination of production.

''(2) In acting on a petition for reinstatement pursuant to subsection (d) of this section or in response to a request filed after reinstatement, or both, the Secretary is authorized to reduce the royalty in that reinstated lease on the entire leasehold or any tract or portion thereof segregated for royalty purposes if, in his judgment, there are uneconomic or other circumstances which could cause undue hardship or premature termination of production; or because of any written action of the United States, its agents or employees, which preceded, and was a major consideration in, the lessee's expenditure of funds to develop the property under the lease after the rent had become due and had not been paid; or if in the judgment of the Secretary it is equitable to do so for any reason.'';

(F) by redesignating subsections (f) through (i) as subsections (g) through (j), respectively; and

(G) by inserting after subsection (e) the following:

''(f) ISSUANCE OF NONCOMPETITIVE OIL AND GAS LEASE; CONDITIONS.—Where an unpatented oil placer mining claim validly located prior to February 24, 1920, which has been or is currently producing or is capable of producing oil or gas, has been or is hereafter deemed conclusively abandoned for failure to file timely the required instruments or copies of instruments required by section 1744 of title 43, and it is shown to the satisfaction of the Secretary that such failure was inadvertent, justifiable, or not due to lack of reasonable diligence on the part of the owner, the Secretary may issue, for the lands covered by the abandoned unpatented oil placer mining claim, a noncompetitive oil and gas lease, consistent with the provisions of section 17(e) of this Act, to be effective from the statutory date the claim was deemed conclusively abandoned. Issuance of such a lease shall be conditioned upon:

''(1) a petition for issuance of a noncompetitive oil and gas lease, together with the required rental and royalty, including back rental and royalty accruing from the statutory date of abandonment of the oil placer mining claim, being filed with the Secretary- (A) with respect to any claim deemed conclusively abandoned on or before January 12, 1983, on or before the one hundred and twentieth day after January 12, 1983, or (B) with respect to any claim deemed conclusively abandoned after January 12, 1983, on or before the one hundred and twentieth day after final notification by the Secretary or a court of competent jurisdiction of the determination of the abandonment of the oil placer mining claim;

''(2) a valid lease not having been issued affecting any of the lands covered by the abandoned oil placer mining claim prior to the filing of such petition: Provided, however, That after the filing of a petition for issuance of a lease under this subsection, the Secretary shall not issue any new lease affecting any of the lands covered by such abandoned oil placer mining claim for a reasonable period, as determined in accordance with regulations issued by him;

''(3) a requirement in the lease for payment of rental, including back rentals accruing from the statutory date of abandonment of the oil placer mining claim, of not less than $5 per acre per year;

''(4) a requirement in the lease for payment of royalty on production removed or sold from the oil placer mining claim, including all royalty on production made subsequent to the statutory date the claim was deemed conclusively abandoned, of not less than 12½ percent; and

''(5) compliance with the notice and reimbursement of costs provisions of paragraph (4) of subsection (e) but addressed to the petition covering the conversion of an abandoned unpatented oil placer mining claim to a noncompetitive oil and gas lease.''.

Subtitle F—Energy Revenue Sharing

SEC. 381. GULF OF MEXICO OUTER CONTINENTAL SHELF REVENUE.

(a) DISTRIBUTION OF OUTER CONTINENTAL SHELF REVENUE TO GULF PRODUCING STATES.—Section 105 of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''50'' and inserting ''37.5''; and

(B) in paragraph (2)—

(i) by striking ''50'' and inserting ''62.5'';

(ii) in subparagraph (A), by striking ''75'' and inserting ''80''; and

(iii) in subparagraph (B), by striking ''25'' and inserting ''20''; and

(2) by striking subsection (f) and inserting the following:

''(f) TREATMENT OF AMOUNTS.—Amounts disbursed to a Gulf producing State under this section shall be treated as revenue sharing and not as a Federal award or grant for the purposes of part 200 of title 2, Code of Federal Regulations.''.

(b) EXEMPTION OF CERTAIN PAYMENTS FROM SEQUESTRATION.—

(1) IN GENERAL.—Section 255(g)(1)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 905(g)(1)(A)) is amended by inserting after ''Payments to Social Security Trust Funds (28–0404–0–1–651).'' the following:

''Payments to States pursuant to section 105(a)(2)(A) of the Gulf of Mexico Energy Security Act of 2006 (Public Law 109–432; 43 U.S.C. 1331 note) (014–5535–0–2–302).''.

(2) APPLICABILITY.—The amendment made by this subsection shall apply to any sequestration order issued under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.) on or after the date of enactment of this Act.

SEC. 382. PARITY IN OFFSHORE WIND REVENUE SHARING.

(a) PAYMENTS AND REVENUES.—Section 8(p)(2) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)(2)) is amended—

(1) in subparagraph (A), by striking ''(A) The Secretary'' and inserting the following:

''(A) IN GENERAL.—Subject to subparagraphs (B) and (C), the Secretary'';

(2) in subparagraph (B), by striking ''(B) The Secretary'' and inserting the following:

''(B) DISPOSITION OF REVENUES FOR PROJECTS LOCATED WITHIN 3 NAUTICAL MILES SEAWARD OF STATE SUBMERGED LAND.—The Secretary''; and

(3) by adding at the end the following:

''(C) DISPOSITION OF REVENUES FOR OFFSHORE WIND PROJECTS IN CERTAIN AREAS.—

''(i) DEFINITIONS.—In this subparagraph:

''(I) COVERED OFFSHORE WIND PROJECT.—The term 'covered offshore wind project' means a wind powered electric generation project in a wind energy area on the outer Continental Shelf that is not wholly or partially located within an area subject to subparagraph (B).

''(II) ELIGIBLE STATE.—The term 'eligible State' means a State a point on the coastline of which is located within 75 miles of the geographic center of a covered offshore wind project.

''(III) QUALIFIED OUTER CONTINENTAL SHELF REVENUES.—The term 'qualified outer Continental Shelf revenues' means all royalties, fees, rentals, bonuses, or other payments from covered offshore wind projects carried out pursuant to this subsection on or after the date of enactment of this subparagraph.

''(ii) REQUIREMENT.—

''(I) IN GENERAL.—The Secretary of the Treasury shall deposit—

''(aa) 12.5 percent of qualified outer Continental Shelf revenues in the general fund of the Treasury;

''(bb) 37.5 percent of qualified outer Continental Shelf revenues in the North American Wetlands Conservation Fund; and

''(cc) 50 percent of qualified outer Continental Shelf revenues in a special account in the Treasury from which the Secretary shall disburse to each eligible State an amount determined pursuant to subclause (II).

''(II) ALLOCATION.—

''(aa) IN GENERAL.—Subject to item (bb), for each fiscal year beginning after the date of enactment of this subparagraph, the amount made available under subclause (I)(cc) shall be allocated to each eligible State in amounts (based on a formula established by the Secretary by regulation) that are inversely proportional to the respective distances between the point on the coastline of each eligible State that is closest to the geographic center of the applicable leased tract and the geographic center of the leased tract.

''(bb) MINIMUM ALLOCATION.—The amount allocated to an eligible State each fiscal year under item (aa) shall be at least 10 percent of the amounts made available under subclause (I)(cc).

''(cc) PAYMENTS TO COASTAL POLITICAL SUBDIVISIONS.—

''(AA) IN GENERAL.—The Secretary shall pay 20 percent of the allocable share of each eligible State, as determined pursuant to item (aa), to the coastal political subdivisions of the eligible State.

''(BB) ALLOCATION.—The amount paid by the Secretary to coastal political subdivisions under subitem (AA) shall be allocated to each coastal political subdivision in accordance with subparagraphs (B) and (C) of section 31(b)(4) of this Act.

''(iii) TIMING.—The amounts required to be deposited under subclause (I) of clause (ii) for the applicable fiscal year shall be made available in accordance with such subclause during the fiscal year immediately following the applicable fiscal year.

''(iv) AUTHORIZED USES.—

''(I) IN GENERAL.—Subject to subclause (II), each eligible State shall use all amounts received under clause (ii)(II) in accordance with all applicable Federal and State laws, only for 1 or more of the following purposes:

''(aa) Projects and activities for the purposes of coastal protection and resiliency, including conservation, coastal restoration, estuary management, beach nourishment, hurricane and flood protection, and infrastructure directly affected by coastal wetland losses.

''(bb) Mitigation of damage to fish, wildlife, or natural resources, including through fisheries science and research.

''(cc) Implementation of a federally approved marine, coastal, or comprehensive conservation management plan.

''(dd) Mitigation of the impact of outer Continental Shelf activities through the funding of onshore infrastructure projects.

''(ee) Planning assistance and the administrative costs of complying with this section.

''(ff) Infrastructure improvements at ports, including modifications to Federal navigation channels, to support installation of offshore wind energy projects.

''(II) LIMITATION.—Of the amounts received by an eligible State under clause (ii)(II), not more than 3 percent shall be used for the purposes described in subclause (I)(ee).

''(v) ADMINISTRATION.—Subject to clause (vi)(III), amounts made available under items (aa) and (cc) of clause (ii)(I) shall—

''(I) be made available, without further appropriation, in accordance with this subparagraph;

''(II) remain available until expended; and

''(III) be in addition to any amount appropriated under any other Act.

''(vi) REPORTING REQUIREMENT.—

''(I) IN GENERAL.—Not later than 180 days after the end of each fiscal year, the Governor of each eligible State that receives amounts under clause (ii)(II) for the applicable fiscal year shall submit to the Secretary a report that describes the use of the amounts by the eligible State during the period covered by the report.

''(II) PUBLIC AVAILABILITY.—On receipt of a report submitted under subclause (I), the Secretary shall make the report available to the public on the website of the Department of the Interior.

''(III) LIMITATION.—If the Governor of an eligible State that receives amounts under clause (ii)(II) fails to submit the report required under subclause (I) by the deadline specified in that subclause, any amounts that would otherwise be provided to the eligible State under clause (ii)(II) for the succeeding fiscal year shall be deposited in the Treasury.

''(vii) TREATMENT OF AMOUNTS.—Amounts disbursed to an eligible State under this subsection shall be treated as revenue sharing and not as a Federal award or grant for the purposes of part 200 of title 2, Code of Federal Regulations.''.

(b) WIND LEASE SALES FOR AREAS OF THE OUTER CONTINENTAL SHELF OFFSHORE OF TERRITORIES OF THE UNITED STATES.—Section 33 of the Outer Continental Shelf Lands Act (43 U.S.C. 1356c) is amended by adding at the end the following:

''(b) WIND LEASE SALE PROCEDURE.—Any wind lease granted pursuant to this section shall be considered a wind lease granted under section 8(p), including for purposes of the disposition of revenues pursuant to subparagraphs (B) and (C) of section 8(p)(2).''.

(c) EXEMPTION OF CERTAIN PAYMENTS FROM SEQUESTRATION.—

(1) IN GENERAL.—Section 255(g)(1)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 905(g)(1)(A)) is amended by inserting after ''Payments to Social Security Trust Funds (28–0404–0–1–651).'' the following:

''Payments to States pursuant to subparagraph (C)(ii)(I)(cc) of section 8(p)(2) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)(2)).''.

(2) APPLICABILITY.—The amendment made by this subsection shall apply to any sequestration order issued under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.) on or after the date of enactment of this Act.

SEC. 383. ELIMINATION OF ADMINISTRATIVE FEE UNDER THE MINERAL LEASING ACT.

(a) IN GENERAL.—Section 35 of the Mineral Leasing Act (30 U.S.C. 191) is amended—

(1) in subsection (a), in the first sentence, by striking ''and, subject to the provisions of subsection (b),'';

(2) by striking subsection (b);

(3) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively;

(4) in paragraph (3)(B)(ii) of subsection (b) (as so redesignated), by striking ''subsection (d)'' and inserting ''subsection (c)''; and

(5) in paragraph (3)(A)(ii) of subsection (c) (as so redesignated), by striking ''subsection (c)(2)(B)'' and inserting ''subsection (b)(2)(B)''.

(b) CONFORMING AMENDMENTS.—

(1) Section 6(a) of the Mineral Leasing Act for Acquired Lands (30 U.S.C. 355(a)) is amended—

(A) in the first sentence, by striking ''Subject to the provisions of section 35(b) of the Mineral Leasing Act (30 U.S.C. 191(b)), all'' and inserting ''All''; and

(B) in the second sentence, by striking ''of the Act of February 25, 1920 (41 Stat. 450; 30 U.S.C. 191),'' and inserting ''of the Mineral Leasing Act (30 U.S.C. 191)''.

(2) Section 20(a) of the Geothermal Steam Act of 1970 (30 U.S.C. 1019(a)) is amended, in the second sentence of the matter preceding paragraph (1), by striking ''the provisions of subsection (b) of section 35 of the Mineral Leasing Act (30 U.S.C. 191(b)) and section 5(a)(2) of this Act'' and inserting ''section 5(a)(2)''.

(3) Section 205(f) of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1735(f)) is amended—

(A) in the first sentence, by striking ''this Section'' and inserting ''this section''; and

(B) by striking the fourth, fifth, and sixth sentences.

SEC. 384. SUNSET.

This subtitle, and the amendments made by this subtitle, shall cease to have effect on September 30, 2032, and on such date the provisions of law amended by this subtitle shall be restored or revived as if this subtitle had not been enacted.

Subtitle G—Miscellaneous

SEC. 391. EXPEDITING COMPLETION OF THE MOUNTAIN VALLEY PIPELINE.

(a) DEFINITION OF MOUNTAIN VALLEY PIPELINE.—In this section, the term ''Mountain Valley Pipeline'' means the Mountain Valley Pipeline project, as generally described and approved in Federal Energy Regulatory Commission Docket Nos. CP16–10, CP19–477, and CP21–57.

(b) CONGRESSIONAL FINDINGS AND DECLARATION.—The Congress hereby finds and declares that the timely completion of construction and operation of the Mountain Valley Pipeline is required in the national interest. The Mountain Valley Pipeline will serve demonstrated natural gas demand in the Northeast, Mid-Atlantic, and Southeast regions, will increase the reliability of natural gas supplies and the availability of natural gas at reasonable prices, will allow natural gas producers to access additional markets for their product, and will reduce carbon emissions and facilitate the energy transition.

(c) APPROVAL AND RATIFICATION AND MAINTENANCE OF EXISTING AUTHORIZATIONS.—Notwithstanding any other provision of law—

(1) Congress hereby ratifies and approves all authorizations, permits, verifications, extensions, biological opinions, incidental take statements, and any other approvals or orders issued pursuant to Federal law necessary for the construction and initial operation at full capacity of the Mountain Valley Pipeline; and

(2) Congress hereby directs the Secretary of the Army, the Federal Energy Regulatory Commission, the Secretary of Agriculture, and the Secretary of the Interior, and other agencies as applicable, as the case may be, to continue to maintain such authorizations, permits, verifications, extensions, biological opinions, incidental take statements, and any other approvals or orders issued pursuant to Federal law necessary for the construction and initial operation at full capacity of the Mountain Valley Pipeline.

(d) EXPEDITED APPROVAL.—Notwithstanding any other provision of law, not later than 21 days after the date of enactment of this Act and for the purpose of facilitating the completion of the Mountain Valley Pipeline, the Secretary of the Army shall issue all permits or verifications necessary—

(1) to complete the construction of the Mountain Valley Pipeline across the waters of the United States; and

(2) to allow for the operation and maintenance of the Mountain Valley Pipeline.

(e) JUDICIAL REVIEW.—

(1) Notwithstanding any other provision of law, no court shall have jurisdiction to review any action taken by the Secretary of the Army, the Federal Energy Regulatory Commission, the Secretary of Agriculture, the Secretary of the Interior, or a State administrative agency acting pursuant to Federal law that grants an authorization, permit, verification, biological opinion, incidental take statement, or any other approval necessary for the construction and initial operation at full capacity of the Mountain Valley Pipeline, including the issuance of any authorization, permit, extension, verification, biological opinion, incidental take statement, or other approval described in subsection (c) or (d) of this section for the Mountain Valley Pipeline, whether issued prior to, on, or subsequent to the date of enactment of this section, and including any lawsuit pending in a court as of the date of enactment of this section.

(2) The United States Court of Appeals for the District of Columbia Circuit shall have original and exclusive jurisdiction over any claim alleging the invalidity of this section or that an action is beyond the scope of authority conferred by this section.

(f) EFFECT.—This section supersedes any other provision of law (including any other section of this Act or other statute, any regulation, any judicial decision, or any agency guidance) that is inconsistent with the issuance of any authorization, permit, verification, biological opinion, incidental take statement, or other approval for the Mountain Valley Pipeline.

SA 130. Mr. BUDD submitted an amendment intended to be proposed by him to the bill H.R. 3746, to provide for a responsible increase to the debt ceiling; which was ordered to lie on the table; as follows:

Strike title III of division B and insert the following:

TITLE III—REGULATORY BUDGETING AND STATUTORY ADMINISTRATIVE PAY-AS-YOU-GO

SEC. 261. SHORT TITLE.

This title may be cited as the ''Regulatory Budgeting and Administrative Pay-As-You-Go Act of 2023''.

SEC. 262. DEFINITIONS.

In this title:

(1) ADMINISTRATIVE ACTION.—The term ''administrative action'' means a ''rule'' as defined in section 804(3) of title 5, United States Code.

(2) AGENCY.—The term ''agency'' means any authority of the United States that is an ''agency'' under section 3502(1) of title 44, United States Code, other than those considered to be independent regulatory agencies, as defined in section 3502(5) of such title.

(3) COSTS.—The term ''costs'' means opportunity cost to society.

(4) COST SAVINGS.—The term ''cost savings'' means the cost imposed by a regulatory action that is eliminated by the repeal, replacement, or modification of the regulatory action.

(5) COVERED DISCRETIONARY ADMINISTRATIVE ACTION.—The term ''covered discretionary administrative action'' means a discretionary administrative action that would affect direct spending.

(6) DEREGULATORY ACTION.—The term ''deregulatory action'' means the repeal, replacement, or modification of an existing regulatory action.

(7) DIRECT SPENDING.—The term ''direct spending'' has the meaning given that term in section 250(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900(c)).

(8) DIRECTOR.—The term ''Director'' means the Director of the Office of Management and Budget.

(9) DISCRETIONARY ADMINISTRATIVE ACTION.—The term ''discretionary administrative action''—

(A) means any administrative action that is not required by law; and

(B) includes an administrative action required by law for which an agency has discretion in the manner in which to implement the administrative action.

(10) INCREASE DIRECT SPENDING.—The term ''increase direct spending'' means that the amount of direct spending would increase relative to—

(A) the most recently submitted projection of the amount of direct spending presented in baseline estimates as defined in section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, under—

(i) the budget of the President submitted under section 1105 of title 31, United States Code; or

(ii) the supplemental summary of the budget submitted under section 1106 of title 31, United States Code;

(B) with respect to a discretionary administrative action that is incorporated into the applicable projection described in subparagraph (A) and for which a proposal has not been submitted under section 263(a)(2)(A), a projection of the amount of direct spending if no administrative action were taken; or

(C) with respect to a discretionary administrative action described in paragraph (9)(B), a projection of the amount of direct spending under the least costly implementation option reasonably identifiable by the agency that meets the requirements under the statute.

(11) INCREMENTAL REGULATORY COST.—The term ''incremental regulatory cost'' means the difference between the estimated cost of issuing a significant regulatory action and the estimated cost saved by issuing any deregulatory action.

(12) REGULATION; RULE.—The term ''regulation'' or ''rule'' has the meaning given the term ''rule'' in section 551 of title 5, United States Code.

(13) REGULATORY ACTION.—The term ''regulatory action'' means—

(A) any regulation; and

(B) any other regulatory guidance, statement of policy, information collection request, form, or reporting, recordkeeping, or disclosure requirements that imposes a burden on the public or governs agency operations.

(14) SIGNIFICANT REGULATORY ACTION.—The term ''significant regulatory action'' means any regulatory action, other than monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee, that is likely to—

(A) have an annual effect on the economy of $100,000,000 or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities;

(B) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(C) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(D) raise a novel legal or policy issue.

(15) STATE.—The term ''State'' means each of the several States, the District of Columbia, and each territory or possession of the United States.

SEC. 263. REQUIREMENTS FOR ADMINISTRATIVE ACTIONS THAT AFFECT DIRECT SPENDING.

(a) DISCRETIONARY ADMINISTRATIVE ACTIONS.—

(1) IN GENERAL.—Before an agency may finalize any covered discretionary administrative action, the head of the agency shall submit to the Director for review written notice regarding the covered discretionary administrative action, which shall include an estimate of the budgetary effects of the covered discretionary administrative action.

(2) INCREASING DIRECT SPENDING.—

(A) IN GENERAL.—If the covered discretionary administrative action would increase direct spending in an amount equal to or exceeding the amounts specified in paragraph (3), the written notice submitted by the head of the agency under paragraph (1) shall identify 1 or more other administrative actions that would provide a reduction in direct spending greater than or equal to the increase in direct spending attributable to the covered discretionary administrative action. To the extent feasible, the head of such agency shall issue such administrative actions that would provide a reduction in direct spending before or on the same schedule as the covered discretionary administrative action.

(B) REVIEW.—

(i) IN GENERAL.—The Director shall determine whether the reduction in direct spending in a proposal in a written notice from an agency under subparagraph (A) is greater than or equal to the increase in direct spending attributable to the covered discretionary administrative action to which the written notice relates.

(ii) NO OFFSET.—If the written notice regarding a proposed covered discretionary administrative action that would increase direct spending does not include a proposal to offset the increased direct spending as determined in clause (i), the Director shall return the written notice to the agency for resubmission in accordance with this title.

(3) AMOUNTS SPECIFIED.—The amounts specified in this paragraph are—

(A) $1,000,000,000 over the 10-year period beginning with the current year; and

(B) $100,000,000 in any given year during such 10-year period.

(b) NONDISCRETIONARY ACTIONS.—

(1) IN GENERAL.—If an agency determines that an administrative action that would increase direct spending is required by law and therefore is not a covered discretionary administrative action, before the agency finalizes that administrative action, the head of the agency shall—

(A) submit to the Director a written opinion by the general counsel of the agency, or the equivalent employee of the agency, explaining that legal conclusion;

(B) submit to the Director a projection of the amount of direct spending under the least costly implementation option reasonably identifiable by the agency that meets the requirements under the statute; and

(C) consult with the Director regarding implementation of the administrative action.

(2) APPROVAL REQUIRED.—An administrative action described in paragraph (1) shall have no effect unless the Director—

(A) certifies the administrative action is required by law and therefore is not a covered discretionary administrative action; and

(B) approves the administrative action in advance in writing and the written approval is publicly available online prior to the issuance of the administrative action.

(c) PROJECTIONS.—Any projection for purposes of this title shall be conducted in accordance with Office of Management and Budget Circular A–11, or any successor thereto.

(d) ISSUANCE OF ADMINISTRATIVE GUIDANCE.—Not later than 90 days after the date of enactment of this Act, the Director shall issue instructions regarding the implementation of this title, including how covered discretionary administrative actions that increase direct spending and nontax receipts will be evaluated.

SEC. 264. REGULATORY PLANNING AND BUDGET.

(a) UNIFIED AGENDA AND ANNUAL REGULATORY PLAN.—

(1) UNIFIED REGULATORY AGENDA.—During the months of April and October of each year, the Director shall publish a unified regulatory agenda, which shall include—

(A) regulatory and deregulatory actions under development or review at agencies;

(B) a Federal regulatory plan of all significant regulatory actions and associated deregulatory actions that agencies reasonably expect to issue in proposed or final form in the current and following fiscal year; and

(C) all information required to be included in the regulatory flexibility agenda under section 602 of title 5, United States Code.

(2) AGENCY SUBMISSIONS.—In accordance with guidance issued by the Director and not less than 60 days before each date of publication for the unified regulatory agenda under paragraph (1), the head of each agency shall submit to the Director an agenda of all regulatory actions and deregulatory actions under development at the agency, including the following:

(A) For each regulatory action and deregulatory action:

(i) A regulation identifier number.

(ii) A brief summary of the action.

(iii) The legal authority for the action.

(iv) Any legal deadline for the action.

(v) The name and contact information for a knowledgeable agency official.

(vi) Any other information as required by the Director.

(B) An annual regulatory plan, which shall include a list of each significant regulatory action the agency reasonably expects to issue in proposed or final form in the current and following fiscal year, including for each significant regulatory action:

(i) A summary, including the following:

(I) A statement of the regulatory objectives.

(II) The legal authority for the action.

(III) A statement of the need for the action.

(IV) The agency's schedule for the action.

(ii) The estimated cost.

(iii) The estimated benefits.

(iv) Any deregulatory action identified to offset the estimated cost of such significant regulatory action and an explanation of how the agency will continue to achieve regulatory objectives if the deregulatory action is taken.

(v) A best approximation of the total cost or savings and any cost or savings associated with a deregulatory action.

(vi) An estimate of the economic effects, including any estimate of the net effect that such action will have on the number of jobs in the United States, that was considered in drafting the action, or, if such estimate is not available, a statement affirming that no information on the economic effects, including the effect on the number of jobs, of the action has been considered.

(C) Information required under section 602 of title 5, United States Code.

(D) Information required under any other law to be reported by agencies about significant regulatory actions, as determined by the Director.

(b) FEDERAL REGULATORY BUDGET.—

(1) ESTABLISHMENT.—In the April unified regulatory agenda described in subsection (a), the Director—

(A) shall establish the annual Federal Regulatory Budget, which specifies the net amount of incremental regulatory costs allowed by the Federal Government and at each agency for the next fiscal year; and

(B) may set the incremental regulatory cost allowance to allow an increase, prohibit an increase, or require a decrease of incremental regulatory costs.

(2) DEFAULT NET INCREMENTAL REGULATORY COST.—If the Director does not set a net amount of incremental regulatory costs allowed for an agency, the net incremental regulatory cost allowed shall be zero.

(3) BALANCE ROLLOVER OF INCREMENTAL REGULATORY COST ALLOWANCE.—

(A) IN GENERAL.—If an agency does not exhaust all of the incremental regulatory cost allowance for a fiscal year, the balance may be added to the incremental regulatory cost allowance for the subsequent fiscal year, without increasing the incremental regulatory costs allowed for the Federal Government for the subsequent fiscal year.

(B) TOTAL CARRYOVER.—The Director shall identify the total carryover incremental regulatory cost allowance available to an agency in the Federal Regulatory Budget.

(c) SIGNIFICANT REGULATORY ACTION REQUIREMENTS.—Except as otherwise required by law, a significant regulatory action shall have no effect unless—

(1) the—

(A) head of the agency identifies not less than 2 deregulatory actions to offset the costs of the significant regulatory action, and to the extent feasible, issues those deregulatory actions before or on the same schedule as the significant regulatory action;

(B) incremental costs of the significant regulatory action as offset by any deregulatory action issued before or on the same schedule as the significant regulatory action do not cause the agency to exceed or contribute to the agency exceeding the incremental regulatory cost allowance of the agency for that fiscal year; and

(C) significant regulatory action was included on the most recent version or update of the published unified regulatory agenda; or

(2) the issuance of the significant regulatory action was approved in advance in writing by the Director and the written approval is publicly available online prior to the issuance of the significant regulatory action.

(d) GUIDANCE BY OMB.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Director shall establish and issue guidance on how agencies should comply with the requirements of this section, which shall include the following:

(A) A process for standardizing the measurement and estimation of regulatory costs, including cost savings associated with deregulatory actions.

(B) Standards for determining what qualifies as a deregulatory action.

(C) Standards for determining the costs of existing regulatory actions that are considered for repeal, replacement, or modification.

(D) A process for accounting for costs in different fiscal years.

(E) Methods to oversee the issuance of significant regulatory actions offset by cost savings achieved at different times or by different agencies.

(F) Emergencies and other circumstances that may justify individual waivers of the requirements of this section.

(G) Standards by which the Director will determine whether a regulatory action or a collection of regulatory actions qualifies as a significant regulatory action.

(2) UPDATES TO GUIDANCE.—The Director shall update the guidance issued pursuant to this section as necessary.

SEC. 265. WAIVER.

(a) IN GENERAL.—The Director may waive the requirements of section 263(a) if the Director concludes that the waiver—

(1) is necessary for the delivery of essential services; or

(2) is necessary for effective program delivery.

(b) PUBLICATION.—Any waiver determination under subsection (a) shall be published in the Federal Register.

(c) APPLICABILITY OF THE CONGRESSIONAL REVIEW ACT.—A waiver determination under subsection (a) shall be considered a rule for the purposes of chapter 8 of title 5, United States Code.

SEC. 266. GAO REPORT.

Within 180 days of the date of enactment of this Act, the Comptroller General shall issue a report on the implementation of this title.

SEC. 267. CONGRESSIONAL REVIEW ACT COMPLIANCE ASSESSMENT.

Section 801(a)(2)(A) of title 5, United States Code, is amended by inserting after ''compliance with procedural steps required by paragraph (1)(B)'' the following: '', and shall in addition include an assessment of the agency's compliance with such requirements of the Regulatory Budgeting and Administrative Pay-As-You-Go Act of 2023 as may be applicable''.

SA 131. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill H.R. 3746, to provide for a responsible increase to the debt ceiling; which was ordered to lie on the table; as follows:

Beginning on page 9, strike line 18 and all that follows through page 11, line 13, and insert the following:

(e) ADDITIONAL SPENDING LIMITS.—For purposes

SA 132. Mr. MERKLEY (for himself, Mr. WELCH, Mr. MARKEY, Mr. MENENDEZ, and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill H.R. 3746, to provide for a responsible increase to the debt ceiling; which was ordered to lie on the table; as follows:

Strike sections 321 through 323.

SA 133. Mr. MERKLEY (for himself and Mr. KAINE) submitted an amendment intended to be proposed by him to the bill H.R. 3746, to provide for a responsible increase to the debt ceiling; which was ordered to lie on the table; as follows:

On page 17, between lines 8 and 9, insert the following:

SEC. 104. ADDITIONAL PRESIDENTIAL MODIFICATION OF THE DEBT CEILING.

(a) SHORT TITLE.—This section may be cited as the ''Protect Our Citizens from Reckless Extortion of our Debt and Irresponsible Tactics Act of 2023'' or the ''Protect Our CREDIT Act of 2023''.

(b) AMENDMENTS.—Subchapter I of chapter 31 of subtitle III of title 31, United States Code, is amended—

(1) in section 3101(b), by inserting ''or 3101B'' after ''section 3101A''; and

(2) by inserting after section 3101A the following:

''§ 3101B. Additional Presidential modification of the debt ceiling

''(a) DEFINITION.—In this section, the term 'joint resolution' means only a joint resolution—

''(1) that is introduced during the period—

''(A) beginning on the date a certification described in paragraph (1) or (2) of subsection (b) is received by Congress; and

''(B) ending on the date that is 3 legislative days (excluding any day on which it is not in order to introduce resolutions) after the date described in subparagraph (A);

''(2) which does not have a preamble;

''(3) the title of which is only as follows: 'Joint resolution relating to the disapproval of the President's exercise of authority to increase the debt limit, as submitted under section 3101B of title 31, United States Code, on _____' (with the blank containing the date of such submission); and

''(4) the matter after the resolving clause of which is only as follows: 'That Congress disapproves of the President's exercise of authority to increase the debt limit, as exercised pursuant to the certification submitted under section 3101B(b) of title 31, United States Code, on _____.' (with the blank containing the date of such submission).

''(b) SUBMISSIONS TO CONGRESS.—

''(1) ANNUAL SUBMISSION.—Before the beginning of each fiscal year, the President shall submit to Congress a written certification specifying the amount of obligations that are subject to limit under section 3101(b), in addition to the amount of such obligations authorized to be outstanding on the date of the certification, that the President determines it shall be necessary to issue during the next fiscal year to meet existing commitments.

''(2) SUBMISSION DURING FISCAL YEAR.—If the President determines during a fiscal year that the debt subject to limit under section 3101(b) is within $250,000,000,000 of such limit and that further borrowing is necessary to meet existing commitments, the President shall submit to Congress a written certification—

''(A) specifying the amount of obligations that are subject to limit under section 3101(b), in addition to the amount of such obligations authorized to be outstanding on the date of the certification, that the President determines it shall be necessary to issue during the fiscal year to meet existing commitments; and

''(B) containing the reason for any discrepancy from the certification submitted under paragraph (1) for the fiscal year.

''(3) EFFECT OF FAILURE TO ENACT DISAPPROVAL.—If a joint resolution is not enacted with respect to a certification under paragraph (1) or (2) during the 15-legislative-day period beginning on the date on which Congress receives the certification, the limit under section 3101(b) is increased by the amount specified in the certification.

''(4) EFFECT OF ENACTMENT OF DISAPPROVAL.—If a joint resolution is enacted with respect to a certification under paragraph (1) or (2) during the 15-legislative-day period beginning on the date on which Congress receives the certification, the limit under section 3101(b)—

''(A) shall not be increased by the amount specified in the certification; and

''(B) shall be increased in accordance with subsection (c)(2).

''(c) SUSPENSION FOR MID-YEAR CERTIFICATION.—

''(1) IN GENERAL.—Section 3101(b) shall not apply for the period—

''(A) beginning on the date on which the President submits to Congress a certification under subsection (b)(2); and

''(B) ending on the earlier of—

''(i) the date that is 15 legislative days after Congress receives the certification; or

''(ii) the date of enactment of a joint resolution with respect to the certification.

''(2) SPECIAL RULE RELATING TO OBLIGATIONS ISSUED DURING SUSPENSION PERIOD.—

''(A) IN GENERAL.—If a joint resolution is enacted with respect to a certification under subsection (b)(2), effective on the day after such date of enactment, the limitation in section 3101(b) is increased to the extent that—

''(i) the face amount of obligations issued under this chapter and the face amount of obligations whose principal and interest are guaranteed by the United States Government (except guaranteed obligations held by the Secretary of the Treasury) outstanding on the calendar day after such date of enactment, exceeds

''(ii) the face amount of such obligations outstanding on the date on which the President submits the certification.

''(B) LIMITATION.—An obligation shall not be taken into account under subparagraph (A) unless the issuance of such obligation was necessary to fund a commitment incurred by the Federal Government that required payment during the 15-legislative-day period described in paragraph (1)(B)(i).

''(d) EXPEDITED CONSIDERATION IN HOUSE OF REPRESENTATIVES.—

''(1) REPORTING AND DISCHARGE.—Any committee of the House of Representatives to which a joint resolution is referred shall report it to the House of Representatives without amendment not later than 5 calendar days after the date of introduction of the joint resolution. If a committee fails to report the joint resolution within that period, the committee shall be discharged from further consideration of the joint resolution and the joint resolution shall be referred to the appropriate calendar.

''(2) PROCEEDING TO CONSIDERATION.—After each committee authorized to consider a joint resolution reports it to the House of Representatives or has been discharged from its consideration, it shall be in order, not later than the sixth day after introduction of the joint resolution, to move to proceed to consider the joint resolution in the House of Representatives. All points of order against the motion are waived. Such a motion shall not be in order after the House of Representatives has disposed of a motion to proceed on a joint resolution addressing a particular submission. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. The motion shall not be debatable. A motion to reconsider the vote by which the motion is disposed of shall not be in order.

''(3) CONSIDERATION.—The joint resolution shall be considered as read. All points of order against the joint resolution and against its consideration are waived. The previous question shall be considered as ordered on the joint resolution to its passage without intervening motion except 2 hours of debate equally divided and controlled by the proponent and an opponent. An amendment to the joint resolution or a motion to reconsider the vote on passage of the joint resolution shall not be in order.

''(e) EXPEDITED PROCEDURE IN SENATE.—

''(1) PLACEMENT ON CALENDAR.—Upon introduction in the Senate, a joint resolution shall be immediately placed on the calendar.

''(2) FLOOR CONSIDERATION.—

''(A) IN GENERAL.—Notwithstanding rule XXII of the Standing Rules of the Senate, it is in order at any time during the period beginning on the day after the date on which Congress receives a certification under paragraph (1) or (2) of subsection (b) and ending on the sixth day after the date of introduction of a joint resolution (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion to proceed is not debatable. The motion is not subject to a motion to postpone. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the joint resolution shall remain the unfinished business until disposed of.

''(B) CONSIDERATION.—Consideration of the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between the majority and minority leaders or their designees. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.

''(C) VOTE ON PASSAGE.—If the Senate has voted to proceed to a joint resolution, the vote on passage of the joint resolution shall occur immediately following the conclusion of consideration of the joint resolution, and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate.

''(D) RULINGS OF THE CHAIR ON PROCEDURE.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate, as the case may be, to the procedure relating to a joint resolution shall be decided without debate.

''(f) COORDINATION WITH ACTION BY OTHER HOUSE.—

''(1) IN GENERAL.—If, before passing the joint resolution, one House receives from the other a joint resolution—

''(A) the joint resolution of the other House shall not be referred to a committee; and

''(B) the procedure in the receiving House shall be the same as if no joint resolution had been received from the other House, except that the vote on final passage shall be on the joint resolution of the other House.

''(2) TREATMENT OF JOINT RESOLUTION OF OTHER HOUSE.—If the Senate fails to introduce or consider a joint resolution under this section, the joint resolution of the House shall be entitled to expedited floor procedures under this section.

''(3) TREATMENT OF COMPANION MEASURES.—If, following passage of the joint resolution in the Senate, the Senate receives the companion measure from the House of Representatives, the companion measure shall not be debatable.

''(4) CONSIDERATION AFTER PASSAGE.—

''(A) IN GENERAL.—If Congress passes a joint resolution, the period beginning on the date the President is presented with the joint resolution and ending on the date the President signs, allows to become law without his signature, or vetoes and returns the joint resolution (but excluding days when either House is not in session) shall be disregarded in computing the legislative day period described in paragraphs (3) and (4) of subsection (b) and subsection (c)(1).

''(B) DEBATE.—Debate on a veto message in the Senate under this section shall be 1 hour equally divided between the majority and minority leaders or their designees.

''(5) VETO OVERRIDE.—If within the legislative day period described in paragraphs (3) and (4) of subsection (b) and subsection (c)(1), Congress overrides a veto of a joint resolution, except as provided in subsection (c)(2), the limit on debt provided in section 3101(b) shall not be raised under this section.

''(g) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—Subsections (a), (d), (e), and (f) (except for paragraphs (4)(A) and (5) of such subsection) are enacted by Congress—

''(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

''(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.''.

(c) CONFORMING AMENDMENT.—The table of sections for chapter 31 of title 31, United States Code, is amended by inserting after the item relating to section 3101A the following:

''3101B. Additional Presidential modification of the debt ceiling.''.

SA 134. Mr. BUDD proposed an amendment to the bill H.R. 3746, to provide for a responsible increase to the debt ceiling; as follows:

Strike title I of division B and insert the following:

TITLE I—RESCISSION OF UNOBLIGATED FUNDS

SEC. 201. RESCISSION OF UNOBLIGATED CORONAVIRUS FUNDS.

The unobligated balances of amounts appropriated or otherwise made available by the American Rescue Plan Act of 2021 (Public Law 117–2), and by each of Public Laws 116–123, 116–127, 116–136, and 116–139 and divisions M and N of Public Law 116–260, are hereby permanently rescinded, except for—

(1) such amounts that were appropriated or otherwise made available to the Department of Veterans Affairs; and

(2) amounts made available under section 601 of division HH of Public Law 117–328.

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 ENERGY AND NATURAL RESOURCES

The Committee on Energy and Natural Resources is authorized to meet during the session of the Senate on Thursday, June 1, 2023, at 10 a.m., to conduct a hearing.

COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Thursday, June 1, 2023, at 10:30 a.m., to conduct a business meeting.

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Thursday, June 1, 2023, at 10 a.m., to conduct an executive business meeting.

PRIVILEGES OF THE FLOOR

Mr. PAUL. Madam President, I ask unanimous consent that the following interns from my office be granted floor privileges until June 30, 2023: Maddie Jackson, Joseph Thoburn, Maddalena Wasinger, Brett Logsdon, and Mary Kate Barbee.

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

SIGNING AUTHORITY

Mr. SCHUMER. Mr. President, I ask unanimous consent that the junior Senator from Illinois, the senior Senator from Hawaii, and the junior Senator from Maryland be authorized to sign duly enrolled bills or joint resolutions from June 1, 2023, through June 5, 2023.

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

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. 232, S. Res. 233, S. Res. 234, and S. Res. 235.

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

Mr. SCHUMER. Mr. President, I ask unanimous consent that 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.'')

ORDERS FOR FRIDAY, JUNE 2, 2023

Mr. SCHUMER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned to convene for a pro forma session with no business being conducted on Friday, June 2, at 10:15 a.m.; that when the Senate adjourns on Friday, it stand adjourned until 3 p.m. on Tuesday, June 6; that on Tuesday, 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 executive session to resume consideration of the Crane nomination; further, that the cloture motions filed during today's session ripen at 5:30 p.m. on Tuesday, June 6.

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

ADJOURNMENT UNTIL 10:15 A.M. TOMORROW

Mr. SCHUMER. Mr. President, if there is no further business to come before the Senate, I ask that it stand adjourned under the previous order.

There being no objection, the Senate, at 11:25 p.m., adjourned until Friday, June 2, 2023, at 10:15 a.m.

NOMINATIONS

Executive nomination received by the Senate:

DEPARTMENT OF STATE

SEAN PATRICK MALONEY, OF NEW YORK, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT, WITH THE RANK OF AMBASSADOR.