



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 118th CONGRESS, SECOND SESSION

Vol. 170

WASHINGTON, MONDAY, APRIL 15, 2024

No. 65

Senate

The Senate met at 9:04 p.m. and was called to order by the Honorable TINA SMITH, a Senator from the State of Minnesota.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The senior assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 15, 2024.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TINA SMITH, a Senator from the State of Minnesota, to perform the duties of the Chair.

PATTY MURRAY,
President pro tempore.

Ms. SMITH thereupon assumed the Chair as Acting President pro tempore.

CONCLUSION OF MORNING BUSINESS

Mr. SCHUMER. Madam President, I ask unanimous consent that the morning hour be deemed expired.

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

JOURNAL OF PROCEEDINGS

Mr. SCHUMER. Madam President, I ask unanimous consent that the Journal of proceedings be approved to date.

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

RESERVATION OF LEADER TIME

Mr. SCHUMER. Madam President, I ask unanimous consent that the time for the two leaders be reserved for their use later in the day.

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

MORNING BUSINESS

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

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

ARMS SALES NOTIFICATIONS

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

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

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

DEFENSE SECURITY
COOPERATION AGENCY,
Washington, DC.

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

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 23-61, concerning the Navy's proposed Let-

ter(s) of Offer and Acceptance to the Government of the Kingdom of Saudi Arabia for defense articles and services estimated to cost \$101.1 million. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,

JAMES A. HURSCH,
Director.

Enclosures.

TRANSMITTAL NO. 23-61

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

(i) Prospective Purchaser: Kingdom of Saudi Arabia.

(ii) Total Estimated Value:
Major Defense Equipment* \$95.7 million.
Other \$5.4 million.
Total \$101.1 million.

Funding Source: National Funds.

(iii) Description and Quantity or Quantities of Articles or Services Under Consideration for Purchase: Foreign Military Sales (FMS) case SR-P-LDK was below the congressional notification threshold value at \$12.6 million (\$9.0 million in MDE), and included thirty-five (35) Multifunctional Information Distribution System Joint Tactical Radio Systems (MIDS JTRS) and twenty-four (24) Multifunctional Information Distribution System-Low Volume Terminals (MIDS-LVT) Block Upgrade Two (BU2) retrofit kits. The Kingdom of Saudi Arabia has requested the case be amended to additionally include fifty (50) MIDS-LVT BU2 Terminals and one hundred (100) MIDS-LVT BU2 retrofit kits. This amendment will push the current case value, above the MDE notification threshold and thus notification of the entire case is required.

The Kingdom of Saudi Arabia has also requested a new FMS case that includes one hundred ninety-four (194) MIDS JTRS and thirteen (13) MIDS-LVT BU2 Terminals. This case will also exceed the MDE notification threshold and therefore also requires notification.

The above notification requirements are combined as follows:

Major Defense Equipment (MDE):
Two hundred twenty-nine (229) MIDS JTRS.

Sixty-three (63) MIDS-LVT BU2 Terminals.
One hundred twenty-four (124) MIDS-LVT BU2 Retrofit Kits.

Non-MDE: Also included are TacNet Tactical Radios; Low Volume Terminal Cryptographic Modules; other communications

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



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equipment; support equipment; engineering and technical support and assistance; training; and other related elements of logistics and program support.

(iv) Military Department: Navy (SR-P-LDK, SR-P-LHM).

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

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

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

(viii) Date Report Delivered to Congress: April 10, 2024.

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

POLICY JUSTIFICATION

Kingdom of Saudi Arabia—Multifunctional Information Distribution Systems

The Kingdom of Saudi Arabia has requested to buy fifty (50) Multifunctional Information Distribution System-Low Volume Terminal (MIDS-LVT) Block Upgrade 2 (BU2) Terminals and one hundred (100) additional MIDS-LVT BU2 Retrofit Kits that will be added to a previously implemented case whose value was under the congressional notification threshold. The original Foreign Military Sales (FMS) case, valued at \$12.6 million, included thirty-five (35) Multifunctional Information Distribution System Joint Tactical Radio System (MIDS JTRS) and twenty-four (24) MIDS-LVT BU2 Retrofit Kits. The Kingdom of Saudi Arabia has also requested a new FMS case that includes one hundred ninety-four (194) MIDS JTRS and thirteen (13) MIDS-LVT BU2 Terminals. This notification is for a combined total of two hundred twenty-nine (229) MIDS JTRS; sixty-three (63) MIDS-LVT BU2 Terminals; and one hundred twenty-four (124) MIDS-LVT BU2 Retrofit Kits. Also included are TacNet Tactical Radios; Low Volume Terminal Cryptographic Modules; other communications equipment; support equipment; engineering and technical support and assistance; training; and other related elements of logistics and program support. The estimated total cost is \$101.1 million.

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

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

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

The principal contractor has not been determined as there will be a competitive contractual award process after case implementation. There are no known offset agreements proposed in connection with this potential sale.

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

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

TRANSMITTAL NO. 23-61

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

Annex Item No. vii

(vii) Sensitivity of Technology:

1. The Multifunctional Information Distribution System-Low Volume Terminals (MIDS-LVT) is used by the U.S. Navy, Marine Corps, and Air Force, as well as foreign partners, and allows air defense units to engage incoming missiles or manned and unmanned airborne platforms in day, night, and adverse weather conditions. The MIDS-LVT utilizes Link-16, an encrypted frequency hopping pattern to transmit tactical situational awareness data. Link-16 is the standard Tactical Data Link (TDL) used by both the United States and foreign nations to provide real-time operational awareness for both individual units as well as overall command and control components.

2. The Multifunctional Information Distribution System Joint Tactical Radio System (MIDS JTRS) provides an advanced Link-16 command, control, communications, and intelligence (C3I) system incorporating high-capacity and jam-resistant digital communications links for exchange of near real-time tactical information, including both data and voice, among air, ground, and sea elements. MIDS JTRS is a multi-channel, software-defined variant of the MIDS-LVT.

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

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

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

6. All defense articles and services listed in this transmittal are authorized for release and export to the Kingdom of Saudi Arabia.

ARMS SALES NOTIFICATIONS

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

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

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

DEFENSE SECURITY
COOPERATION AGENCY,
Washington, DC.

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

DEAR MR. CHAIRMAN: On April 8, 2024, the Secretary of State, pursuant to section 36(b)

of the Arms Export Control Act (AECA), as amended, determined that an emergency exists which requires the immediate sale of the defense articles and defense services identified in the attached transmittal to the Government of Ukraine through the Foreign Military Sales process, including any further amendment specific to costs, quantity, or requirements occurring within the duration of circumstances giving rise to this emergency sale.

Please find attached (Tab 1) the Secretary of State Determination and Justification waiving the congressional review requirements under Section 36(b)(1) of the Arms Export Control Act, as amended. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,

JAMES A. HURSCH,
Director.

Enclosures.

Sensitive But Unclassified
(To be downgraded to UNCLASSIFIED following approval by the Secretary)

DETERMINATION UNDER SECTION 36(B)(1) OF THE ARMS EXPORT CONTROL ACT

Pursuant to section 36(b)(1) of the Arms Export Control Act, 22 U.S.C. 2776, I hereby determine that an emergency exists that requires the immediate sale through the following foreign military sales cases, including any further amendments specific to the cost, quantity, or requirements of these cases, in the national security interest of the United States:

For Ukraine: HAWK Phase III Missile System Sustainment.

This determination shall be published in the *Federal Register* and, along with the accompanying Memorandum of Justification, shall be transmitted to Congress with the applicable notifications.

ANTONY J. BLINKEN,
Secretary of State.

Unclassified

(U) MEMORANDUM OF JUSTIFICATION FOR EMERGENCY ARMS TRANSFERS TO UKRAINE UNDER SECTION 36(B)(1) OF THE ARMS EXPORT CONTROL ACT

(U) In the early morning of February 24, 2022, Russia launched a full scale, unprovoked, premeditated war against Ukraine, consistent with months of critical U.S. intelligence that had indicated that a major renewed invasion of Ukraine by Russia was imminent. This renewed invasion came after Russia conducted disruptive cyber operations against Ukrainian systems, Russian President Putin's purported recognition on February 21, 2022, of the so called "Luhansk People's Republic" and "Donetsk People's Republic" as independent states, and the Kremlin's subsequent deployment of Russia's military forces further into the Donbas. On February 24, 2022, President Putin announced a "special military operation" in Ukraine, and Russia's forces launched premeditated, unprovoked, and unjustified attacks against locations throughout Ukraine, in a full-scale invasion.

(U) Over the last nine years since Russia's initial incursion into Ukraine, the U.S. government has provided robust levels of defense support to Ukraine to help counter Russia's aggressive and destabilizing activities. Ukraine has also increasingly purchased U.S. military equipment using its national funds.

(U) Since Russia's initial invasion of Ukraine in 2014, the United States has provided over \$47 billion in security assistance to Ukraine, including through the DoD's Ukraine Security Assistance Initiative,

DoD's security assistance authority under 10 U.S.C. 333, State's Foreign Military Financing program, and previous presidential drawdowns. Through these programs, the United States has provided and is providing Ukraine with military equipment such as Stinger air defense missiles, Javelin anti-armor missile systems, armed patrol boats, grenade launchers, counter-artillery and counter mortar radars, military medical equipment, electronic warfare detection systems, tactical gear, and support for ongoing training programs. On 44 previous occasions since September 2021, drawdowns were directed under sections 506(a)(1) and 552(c)(2) of the FAA for a total of \$23.785 billion in assistance for Ukraine (including a total of \$896 million directed in conjunction with section 614 of the FAA during FY 2022 and FY 2023). The principal equipment delivered under these drawdowns for Ukraine included High Mobility Artillery Rocket Systems (HIMARS), Stinger air-defense missiles, munitions for the National Advanced Surface-to-Air Missile Systems (NASAMS), high-speed anti-radiation missiles (HARMS), Javelin anti-armor missiles, command launch units, M18A1 Claymore anti-personnel munitions (configured to be compliant with the Ottawa Convention), first aid kits, artillery and ammunition, helicopters, unmanned aerial systems, machine guns, tactical gear, night vision devices, personal protective equipment, spare parts, and various calibers of ammunition.

(U) Although U.S. security assistance has improved Ukraine's overall defense posture and capabilities, Ukraine requires urgent support to enable it to continue resisting and repelling Russia's ongoing invasion. The U.S. multi-year security assistance effort is designed to help Ukraine build a sustainable defense capacity over the long term, while defense articles provided through this emergency arms transfers under Section 36(b)(1) of the Arms Export Control Act would address its most pressing defense needs in response to Russia's aggression.

(U) In the midst of the ongoing conflict, a critical need has surfaced requiring the immediate transfer of these defense articles in order for Ukraine to maintain its ability to prevent Russian gains. Russia has shown no sign of easing air attacks against Ukrainian targets and Ukrainian stocks of air defense munitions are reaching critical levels. Meanwhile, the United States and its partners are struggling to continue to provide air defense systems at the rate needed by Ukrainian forces, especially if there are any delays in the transfer process. The HAWK system has proven extremely effective against the types of offensive air munitions that Russia is employing and the systems are in constant use—requiring, at this time, immediate and thorough refurbishment, refit, or replacement.

(U) It is in the United States' national security interest to swiftly provide Ukraine with the defense systems it requires to defend itself. In order to effectively do so and ensure it is prepared for any other attacks, it has an immediate need for these defense articles and services for sustainment, refurbishment, overhaul, and integration of the HAWK Phase III Missile System. The urgency of this requirement has been validated by the Department of Defense in consultation with the Department of State. These items and services are readily available in DoD stock and can be quickly transferred to Ukraine. The immediacy of the challenge at hand requires overcoming the statutory 30-day Congressional Notification timeline to immediately expedite transfers to Ukraine.

(U) For the reasons cited above, an emergency exists requiring immediate provision of these defense articles to Ukraine in the

national security interest of the United States. This transfer, through a Foreign Military Sale, will provide Ukraine as soon as possible with defense articles that are necessary to allow it to defend itself in its war with Russia. The Secretary of State, therefore, has certified an emergency exists under sections 36(b)(1) of the Arms Export Control Act, 22 U.S.C. 2776, thereby waiving the congressional review requirement of that provision.

TRANSMITTAL NO. 24-53

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

(i) Prospective Purchaser: Government of Ukraine.

(ii) Total Estimated Value:
Major Defense Equipment * \$0.
Other \$138 million.
Total \$138 million.

Funding Source: Foreign Military Financing.

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase: The Government of Ukraine has requested to buy sustainment-related articles and services for the HAWK Phase III missile system, including:

Major Defense Equipment (MDE): None.

Non-MDE: Engineering and integration for communications and interoperability; refurbishment and system overhaul of HAWK air defense fire units; missile recertification components; tool kits; test equipment; support equipment; technical documentation; spare parts; training; U.S. Government and contractor technical and field office support; and other related elements of logistics and program support.

(iv) Military Department: Army (UP-B-UCX).

(v) Prior Related Cases, if any: NX-B-VGA, NW-B-WTD (USAI Cases).

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

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: None.

(viii) Date Report Delivered to Congress: April 9, 2024.

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

POLICY JUSTIFICATION

Ukraine—HAWK Phase III Missile System Sustainment

The Government of Ukraine has requested to buy sustainment-related articles and services for the HAWK Phase III missile system, including engineering and integration for communications and interoperability; refurbishment and system overhaul of HAWK air defense fire units; missile recertification components; tool kits; test equipment; support equipment; technical documentation; spare parts; training; U.S. Government and contractor technical and field office support; and other related elements of logistics and program support. The estimated total cost is \$138 million.

The Secretary of State has determined and provided detailed justification that an emergency exists that requires the immediate sale to the Government of Ukraine of the above defense articles and services in the national security interests of the United States, thereby waiving the congressional review requirements under Section 36(b) of the Arms Export Control Act, as amended.

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

Ukraine has an urgent need to increase its capabilities to defend against Russian mis-

sile strikes and the aerial capabilities of Russian forces. Maintaining and sustaining the HAWK missile system will enhance Ukraine's ability to defend its people and protect critical national infrastructure.

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

The principal contractors will be RTX Corporation, located in Andover, MA, and PROJECTXYZ, located in Huntsville, AL. Equipment will be supplied from a combination of U.S. Army stock, country donations, Commercial Off-the-Shelf (COTS), and new production. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will require temporary duty travel of an estimated 5 U.S. Government and 15 contractor representatives to Europe to support HAWK system training and sustainment.

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

TRIBUTE TO SUSANNAH MORGAN

Mr. WYDEN. Madam President, today I want to recognize and honor Susannah Morgan for her past decade of work serving as president of the Oregon Food Bank. Susannah may be retiring from an amazing career at the Oregon Food Bank, but Oregon will long feel the positive impact of her work.

For over 26 years, Susannah has dedicated herself to ending hunger in many States across the country, and Oregon has had the fortune to benefit from her work for the past decade. Under Susannah's administration at the Oregon Food Bank, the first national policy leadership council was established. The first of its kind, this council worked directly with individuals who experienced food and hunger crises firsthand to inform the Oregon Food Bank's policy agenda and make the connection between food access and other needs, like housing. Many food banks across the Nation are looking to Oregon Food Bank's model and working to include the leadership of people with lived experiences in efforts to end hunger.

In addition to the creation of the policy leadership council, Susannah's work has transformed food systems in the State. Under her leadership, Oregon Food Bank made food assistance sites more welcoming to everyone by expanding best practices like shopping-style food pantries, which allow families greater choices. The Oregon Food Bank established a "Food Finder" tool that is offered in 19 languages and makes it easy for Oregonians to find free food assistance sites near them. All this gives Oregonians most in need access to fresh and culturally-flexible produce, meats, and dairy.

Her decades of experience were also an essential asset during the COVID pandemic. The pandemic created an incredible challenge of feeding thousands of families at a time where everything was shut down. The Oregon Food Bank stepped up to the plate and mobilized over 1,400 food pantries across Oregon

to support families in need. I have personally seen, through my trips in Oregon, how programs and initiatives led by Susannah have impacted families in a positive way. This is the Oregon Way.

In her personal capacity, Susannah, along with her wife Dr. Jocelyn Krebs, have been staunch advocates for strengthening the mental health system for youth. Susannah is vocal about her own family's struggles to get appropriate and responsive care for their children. Time and time again, Susannah offered her time to share her story and reflect on the problems with our system and how we can all do better to give children the best care possible. It was their desire to make a difference for children with complex health needs that led to Dr. Krebs to accept a position at the Armellino Center of Excellence on Williams Syndrome at the University of Pennsylvania.

I know that I speak for Oregonians statewide as I express my gratitude for Susannah's dedication, talent, mentorship, leadership, and persistence in public service and in the betterment of food bank systems throughout Oregon. Thank you, Susannah. My family and I are wishing you and your family all the best in your future endeavors.

REMEMBERING RABBI MENACHEM M. SCHNEERSON

Mr. ROUNDS. Madam President, I ask unanimous consent that the attached statement be printed in the CONGRESSIONAL RECORD.

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

On April 19, 2024, we recognize the life and leadership of Rabbi Menachem M. Schneerson, a global spiritual leader and Torah sage, known as "the Rebbe" and head of the ChabadLubavitch movement.

The Rebbe was born in 1902 and lived through the darkest periods of history, the evils of Russian communism, and the horrors of Nazi Germany. In 1941, the Rebbe and his wife Rebbetzin Chaya Mushka arrived safely on the shores of the United States, which he called "a country of kindness", and worked tirelessly to rebuild and guide world Jewry after the holocaust.

During WWII, the Rebbe used his engineering skills at the Brooklyn Navy Yard to supervise wiring for the USS Missouri (BB-63) and launched a program for rabbinical students to travel across the country to visit Jewish farmers, US servicemen and others isolated from their families or larger communities. This included locations like the 335th Army Air Force Base Unit in Sioux Falls, Rapid City Army Air Base near Rapid City (later became Ellsworth Air Force Base) as well as cities and towns across South Dakota. This program exists today, and these rabbinical students sent by the Rebbe are at times the only connection local Jews have with their faith.

Under the Rebbe's leadership, Chabad-Lubavitch became the largest Jewish educational organization in the world. Today there are more than 3,500 Chabad-Lubavitch centers providing educational, religious and humanitarian services in 103 countries and in all 50 States. It is thanks to the Rebbe's vision that my home state has its first rabbi in

almost forty years, with the establishment of the Chabad Jewish Center of South Dakota.

For more than four decades, every U.S. president has proclaimed "Education and Sharing Day" in honor of the Rebbe's birthday and in recognition of the Rebbe's commitment to bettering the education of all people. He emphasized that education should not only impart knowledge and skills needed for a career, but that it must instill the moral and ethical values essential for living a meaningful life of character to contribute to the betterment of individuals and society at large.

The Rebbe's birthday is an appropriate time to honor him by applying his teachings with diligence and increasing our acts of charity, goodness and kindness for all humanity.

TRIBUTE TO RYAN PASBORG

Mr. BARRASSO. Madam President, I rise today in honor of Ryan Pasborg, Rock Springs, WY. Ryan will be recognized by the Carnegie Hero Fund Commission on April 27, 2024.

The Carnegie Hero Fund Commission was established April 15, 1904 by Andrew Carnegie. The Carnegie Medal Award is the highest civilian honor in North America. It is awarded to "those who risk death or serious physical injury to an extraordinary degree while saving or attempting to save the lives of others."

No one is more deserving of the Carnegie Medal than Ryan Pasborg. He truly embodies the Code of the West, living each day with courage. His courage made all the difference for the family he saved. Early on February 2, 2022, while headed to work, Ryan spotted a house engulfed in flames in James Town, a community near Green River, WY. When he saw no first responders, he drove up to the home where three children stood outside in the freezing morning air. Ryan learned their 4-year-old brother and mother were still inside. Without hesitation, he went in after them, saving both the young boy and mother from the smoke and flames. He put the children in his truck to keep them warm while he performed life-saving CPR on their mother. He then drove the family away from the fire to first responders. That was not the end of Ryan's kindness. Following the devastating fire, he spent hundreds of dollars purchasing clothing and other necessities he personally delivered to the family.

Ryan did for the Wadsworth family what he would have done for his own. He is a pillar of strength in his community and inspires compassion in those around him. Ryan's resolute commitment to saving the Wadsworth family highlights not only his courage and character but also his commitment to his community, all traits of the Code of the West. He is a perfect icon for the Code and deserves the Carnegie Medal Award. On that morning, Ryan was a stanger passing by but chose not to be a bystander. His selfless actions made all the difference to the Wadsworth family. Ryan continues to be an out-

standing member of his community, a devoted husband to his wife Lexi, and a loving father to his son Braxtyn and daughter RenLynn.

It is with great honor that I recognize the exemplary action of Ryan Pasborg. With selflessness and bravery, Ryan embodies the values of the Cowboy State. My sincerest thanks go to Ryan Pasborg for the brave actions that earned him the Carnegie Medal Award.

TRIBUTE TO JASMINE BROTHERS

Mr. BARRASSO. Madam President, I would like to take the opportunity to express my appreciation to Jasmine for her hard work as an intern in the Senate Republican Conference. I recognize her efforts and contributions to my office, as well as to the State of Wyoming.

Jasmine is a native of Virginia. She is currently a senior at the Madeira School in McLean, VA. She has demonstrated a strong work ethic, which has made her an invaluable asset to our office. The quality of her work is reflected in her great efforts over the last several months.

I want to thank Jasmine for the dedication she has shown while working for me and my staff. It is a pleasure to have her as part of our team. I know she will have continued success with all of her future endeavors. I wish her all my best on her journey.

TRIBUTE TO EVE HAWKINS

Mr. BARRASSO. Madam President, I would like to take the opportunity to express my appreciation to Eve for her hard work as an intern in the Senate Republican Conference. I recognize her efforts and contributions to my office, as well as to the State of Wyoming.

Eve is a native of Virginia. She is currently a junior at the Madeira School in McLean, VA. She has demonstrated a strong work ethic, which has made her an invaluable asset to our office. The quality of her work is reflected in her great efforts over the last several months.

I want to thank Eve for the dedication she has shown while working for me and my staff. It is a pleasure to have her as part of our team. I know she will have continued success with all of her future endeavors. I wish her all my best on her journey.

TRIBUTE TO KUSHI NETTYAM

Mr. BARRASSO. Madam President, I would like to take the opportunity to express my appreciation to Kushi for her hard work as an intern in my Washington, DC, office. I recognize her efforts and contributions to my office, as well as to the State of Wyoming.

Kushi is a native of Virginia. She is currently a junior at the Madeira School in McLean, VA. She has demonstrated a strong work ethic, which

has made her an invaluable asset to our office. The quality of her work is reflected in her great efforts over the last several months.

I want to thank Kushi for the dedication she has shown while working for me and my staff. It is a pleasure to have her as part of our team. I know she will have continued success with all of her future endeavors. I wish her all my best on her journey.

ADDITIONAL STATEMENTS

RECOGNIZING THE LANDMARK BISTRO

• Ms. ERNST. Madam 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 The Landmark Bistro of Grundy Center, IA, as the Senate Small Business of the Week.

In 2015, Jill Krausman founded The Landmark Bistro inside a former gas station in downtown Grundy Center after seeing the need for a quality restaurant in the area. The bistro serves a variety of salads, burgers, and sandwiches made in-house from locally sourced ingredients. Jill's menu has expanded over the years and even includes a special section called "Jill's Favorites," featuring items named after her six grandchildren. From wall art that incorporates the history of the town to local yearbooks that date back to the early 1900s, The Landmark Bistro has Grundy Center pride on full display.

The Landmark Bistro went above and beyond to serve their community during the COVID-19 pandemic by creating fully functional carry-out and delivery services to ensure customers could still access local food. In the years since the pandemic, The Landmark Bistro team has continued to provide carry-out options while also offering catering services for events.

The restaurant is well-recognized for its hard work. The Landmark Bistro was on the 99 Counties, 99 Restaurants list compiled by Travel Iowa, as well as the Iowa Pork Producers' Best Tenderloins list. In 2021, Jill was one of the 40 Women to Watch in the Hospitality Industry designated by the Iowa Restaurant Association. Her entrepreneurial spirit runs in the family; Jill's daughter, Katie Lewis, owns the 319 Decor & Design shop in Grundy Center. In November 2022, America's SBDC Iowa named The Landmark Bistro and 319 Decor & Design as their Business of the Month.

Jill and Katie are both supportive of the Grundy Center Chamber-Main Street. The Landmark Bistro has also supported other small businesses in the area through promotions, most notably, their program with the Grundy Center Theatre, where customers can

eat at the restaurant and earn "theatre bucks" for concession items. They are also actively involved in the Grundy Center Historical Society and the Grundy Center Kiwanis Club. Due to their hard work, The Landmark Bistro celebrated their ninth business anniversary in 2024.

The Landmark Bistro's commitment to providing a quality dining experience in Grundy Center is clear. I want to congratulate Jill Krausman, the Krausman family, and the entire team at The Landmark Bistro for their continued dedication to providing a high-quality restaurant experience for Iowans. I look forward to seeing their continued growth and success in Iowa.●

MEASURES REFERRED

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

H.R. 524. An act to amend the Coastal Barrier Resources Act to create an exemption for certain shoreline borrow sites; to the Committee on Environment and Public Works.

H.R. 6011. An act to direct the Secretary of the Interior and the Secretary of Agriculture to notify applicants of the completion status of right-of-way applications under section 501 of the Federal Land Policy and Management Act of 1976 and section 28 of the Mineral Leasing Act; to the Committee on Energy and Natural Resources.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 7888. An act to reform the Foreign Intelligence Surveillance Act of 1978.

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-4007. 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 "Conforming Amendment Regarding the Veterinary Medicine Mobility Act of 2014" ((RIN1117-AB82) (Docket No. DEA-1043)) received in the Office of the President of the Senate on March 19, 2024; to the Committee on the Judiciary.

EC-4008. A communication from the Agency Representative, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Electronic Submission of Notices of Appeal to the United States Court of Appeals for the Federal Circuit, Notices of Election, and Requests for Extension of Time for Seeking Judicial Review" (RIN0651-AD78) received during adjournment of the Senate in the Office of the President of the Senate on April 4, 2024; to the Committee on the Judiciary.

EC-4009. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, pursuant to law, the amendments to the Federal Rules of Appel-

late Procedure that have been adopted by the Supreme Court of the United States; to the Committee on the Judiciary.

EC-4010. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, pursuant to law, the amendments to the Federal Rules of Civil Procedure that have been adopted by the Supreme Court of the United States; to the Committee on the Judiciary.

EC-4011. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, pursuant to law, the amendments to the Federal Rules of Evidence that have been adopted by the Supreme Court of the United States; to the Committee on the Judiciary.

EC-4012. A communication from the Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled "Report to Congress on the Activities and Operations of the Public Integrity Section for 2022"; to the Committee on the Judiciary.

EC-4013. A communication from the Director, Administrative Office of the United States Courts, transmitting, pursuant to law, two reports entitled, "2023 Annual Report of the Director of the Administrative Office of the United States Courts" and "Judicial Business of the United States Courts"; to the Committee on the Judiciary.

EC-4014. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, pursuant to law, the amendments to the Federal Rules of Bankruptcy Procedure that have been adopted by the Supreme Court of the United States; to the Committee on the Judiciary.

EC-4015. A communication from the Branch Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Qualified Student Loan and Qualified Mortgage Bonds" (Notice 2024-32) received during adjournment of the Senate in the Office of the President of the Senate on April 4, 2024; to the Committee on Finance.

EC-4016. A communication from the Staff Attorney, International Trade Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Procedures and Rules for Article 10.12 of the United States-Mexico-Canada Agreement" (RIN0625-AB20) received in the Office of the President of the Senate on March 19, 2024; to the Committee on Finance.

EC-4017. A communication from the Director of the Regulations and Disclosure Law Division, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Harmonization of the Fees and Application Procedures for the Global Entry and SENTRI Programs and Other Changes" (RIN1651-AB34) received in the Office of the President of the Senate on April 4, 2024; to the Committee on Finance.

EC-4018. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Patient Protection and Affordable Care Act, HHS Notice of Benefit and Payment Parameters for 2025; Updating Section 1332 Waiver Public Notice Procedures; Medicaid; Consumer Operated and Oriented Plan (CO-OP) Program; and Basic Health Program" (RIN0938-AV22) received during adjournment of the Senate in the Office of the President of the Senate on April 4, 2024; to the Committee on Finance.

EC-4019. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of

Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Cell and Gene Therapy Access Model: Request for Applications from Applicable Manufacturers" received in the Office of the President of the Senate on March 19, 2024; to the Committee on Finance.

EC-4020. A communication from the Chairman of the United States International Trade Commission, transmitting, pursuant to law, the Commission's Annual Performance Report for fiscal year 2023 and Annual Performance Plan for fiscal year 2024-2025 received in the Office of the President pro tempore; to the Committee on Finance.

EC-4021. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicaid Program; Streamlining the Medicaid, Children's Health Insurance Program, and Basic Health Program Application, Eligibility, Determination, Enrollment, and Renewal Processes" (RIN0938-AU00) received during adjournment of the Senate in the Office of the President of the Senate on April 2, 2024; to the Committee on Finance.

EC-4022. A communication from the Senior Attorney, International Trade Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Regulations Improving and Strengthening the Enforcement of Trade Remedies Through the Administration of the Anti-dumping and Countervailing Duty Laws" (RIN0625-AB23) received during adjournment of the Senate in the Office of the President of the Senate on April 4, 2024; to the Committee on Finance.

EC-4023. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Section 911(d)(4)—2023 Update" (Rev. Proc. 2024-17) received during adjournment of the Senate in the Office of the President of the Senate on April 4, 2024; to the Committee on Finance.

EC-4024. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Changes to the Medicare Advantage and the Medicare Prescription Drug Benefit Program for Contract Year 2024—Remaining Provisions and Contract Year 2025 Policy and Technical Changes to the Medicare Advantage Program, Medicare Prescription Drug Benefit Program, Medicare Cost Plan Program, and Programs of All-Inclusive Care for the Elderly" ((RIN0938-AV24) (RIN0938-AU96)) received during adjournment of the Senate in the Office of the President of the Senate on April 4, 2024; to the Committee on Finance.

EC-4025. A communication from the Assistant General Counsel, General Law, Ethics, and Regulation, Department of the Treasury, transmitting, pursuant to law, a report relative to a vacancy in the Office of the Inspector General, Department of Treasury received in the Office of the President of the Senate on March 21, 2024; to the Committee on Finance.

EC-4026. A communication from the Assistant General Counsel, General Law, Ethics, and Regulation, Department of the Treasury, transmitting, pursuant to law, a report relative to a vacancy in the position of Assistant General Counsel (Treasury)/Chief Counsel, Department of Treasury received in the Office of the President of the Senate on March 21, 2024; to the Committee on Finance.

EC-4027. A communication from the Assistant General Counsel, General Law, Ethics, and Regulation, Department of the Treasury,

transmitting, pursuant to law, a report relative to a vacancy in the position of Assistant General Counsel (Treasury)/Chief Counsel, Department of Treasury received in the Office of the President of the Senate on March 21, 2024; to the Committee on Finance.

EC-4028. A communication from the Regulations Writer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Omitting Food From In-Kind Support and Maintenance Calculations" (RIN0960-AI60) received during adjournment of the Senate in the Office of the President of the Senate on April 4, 2024; to the Committee on Finance.

EC-4029. A communication from the Senior Legal Advisor for Regulatory Affairs, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Inflation Adjustment of Civil Monetary Penalties" received in the Office of the President of the Senate on February 28, 2024; to the Committee on Finance.

EC-4030. A communication from the Chair, Medicaid and CHIP Payment and Access Commission, transmitting, pursuant to law, a report entitled "March 2024 Report to Congress on Medicaid and CHIP"; to the Committee on Finance.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DURBIN (for himself and Mr. SCHATZ):

S. 4119. A bill to limit the use of solitary confinement and other forms of restrictive housing in immigration detention, and for other purposes; to the Committee on the Judiciary.

By Mr. CASEY (for himself, Mr. KAINE, Mr. BALDWIN, Mr. WYDEN, Mr. KING, Mrs. GILLIBRAND, Mr. FETTERMAN, Ms. DUCKWORTH, Mr. HEINRICH, Mr. WELCH, Mr. BLUMENTHAL, Ms. STABENOW, Ms. SMITH, Mr. VAN HOLLEN, Mrs. MURRAY, Mr. SANDERS, Ms. KLOBUCHAR, Mr. BROWN, Ms. BUTLER, Mr. MERKLEY, Mr. MARKEY, Mr. BOOKER, Mr. PETERS, Ms. WARREN, and Ms. CANTWELL):

S. 4120. A bill to support the direct care professional workforce, and for other purposes; to the Committee on Finance.

By Mr. DURBIN (for himself, Mr. COONS, and Mr. SCHATZ):

S. 4121. A bill to reform the use of solitary confinement and other forms of restrictive housing in the Bureau of Prisons and the United States Marshals Service, and for other purposes; to the Committee on the Judiciary.

By Mr. VANCE (for himself and Ms. HASSAN):

S. 4122. A bill to amend title XIX of the Social Security Act to develop national quality standards for continuous skilled nursing services provided through Medicaid, and for other purposes; to the Committee on Finance.

By Ms. BALDWIN (for herself, Mr. MANCHIN, Mr. BROWN, Mr. WHITEHOUSE, Mr. VAN HOLLEN, Mr. MARKEY, Ms. WARREN, Ms. KLOBUCHAR, Mr. SANDERS, Mr. REED, Mr. KAINE, Mr. WELCH, Mr. BOOKER, Ms. HIRONO, and Mr. SCHATZ):

S. 4123. A bill to amend the Internal Revenue Code of 1986 to provide for the proper tax treatment of personal service income earned in pass-thru entities; to the Committee on Finance.

By Ms. HASSAN (for herself and Mr. TILLIS):

S. 4124. A bill to authorize the Secretary of the Interior to conduct a study to assess the suitability and feasibility of designating the Canterbury Shaker Village Heritage Area, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. RUBIO (for himself, Mr. WARNOCK, Mrs. BLACKBURN, Mr. COONS, Mr. HICKENLOOPER, and Mr. SCOTT of Florida):

S. 4125. A bill to establish the Jackie Robinson Ballpark National Commemorative Site in the State of Florida, 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. YOUNG (for himself, Ms. HASSAN, Mrs. BLACKBURN, and Ms. CANTWELL):

S. Res. 640. A resolution commemorating and supporting the goals of "World Quantum Day"; considered and agreed to.

By Mr. SULLIVAN (for himself, Mr. PADILLA, Ms. LUMMIS, Mr. CRAMER, Mr. WARNOCK, Mr. RICKETTS, Mr. CARPER, and Mr. WHITEHOUSE):

S. Res. 641. A resolution designating the week of April 7 through April 13, 2024, as "National Water Week"; considered and agreed to.

ADDITIONAL COSPONSORS

S. 133

At the request of Ms. COLLINS, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 133, a bill to extend the National Alzheimer's Project.

S. 134

At the request of Ms. COLLINS, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 134, a bill to require an annual budget estimate for the initiatives of the National Institutes of Health pursuant to reports and recommendations made under the National Alzheimer's Project Act.

S. 138

At the request of Mr. MERKLEY, the names of the Senator from Idaho (Mr. RISCH) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 138, a bill to amend the Tibetan Policy Act of 2002 to modify certain provisions of that Act.

S. 502

At the request of Mr. GRASSLEY, the name of the Senator from Mississippi (Mrs. HYDE-SMITH) was added as a cosponsor of S. 502, a bill to amend the Animal Health Protection Act with respect to the importation of live dogs, and for other purposes.

S. 815

At the request of Mr. TESTER, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 815, a bill to award a Congressional Gold Medal to the female telephone operators of the Army Signal Corps, known as the "Hello Girls".

S. 895

At the request of Mr. BLUMENTHAL, the name of the Senator from Minnesota (Ms. KLOBUCHAR) 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. 1053

At the request of Mr. BRAUN, the name of the Senator from Tennessee (Mrs. BLACKBURN) was added as a cosponsor of S. 1053, a bill to amend title 5, United States Code, to limit the use of taxpayer funded union time for employees of the Internal Revenue Service, and for other purposes.

S. 1418

At the request of Mr. CASSIDY, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1418, a bill to amend the Children's Online Privacy Protection Act of 1998 to strengthen protections relating to the online collection, use, and disclosure of personal information of children and teens, and for other purposes.

S. 1573

At the request of Mr. BENNET, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1573, a bill to reauthorize the Prematurity Research Expansion and Education for Mothers who deliver Infants Early Act.

S. 2048

At the request of Mr. BLUMENTHAL, the name of the Senator from Colorado (Mr. HICKENLOOPER) was added as a cosponsor of S. 2048, a bill to repeal the Protection of Lawful Commerce in Arms Act, and provide for the discoverability and admissibility of gun trace information in civil proceedings.

S. 2085

At the request of Mr. CRAPO, the name of the Senator from Georgia (Mr. OSSOFF) was added as a cosponsor of S. 2085, a bill to amend title XVIII of the Social Security Act to provide for Medicare coverage of multi-cancer early detection screening tests.

S. 2278

At the request of Mr. LANKFORD, the names of the Senator from Georgia (Mr. OSSOFF) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of S. 2278, a bill to establish Image Adjudicator and Supervisory Image Adjudicator positions in the U.S. Customs and Border Protection Office of Field Operations.

S. 2477

At the request of Mr. THUNE, the names of the Senator from Vermont (Mr. WELCH) and the Senator from Oklahoma (Mr. LANKFORD) were added as cosponsors of S. 2477, a bill to amend title XVIII of the Social Security Act to provide pharmacy payment of certain services.

S. 2626

At the request of Mr. RUBIO, the name of the Senator from Colorado

(Mr. HICKENLOOPER) was added as a cosponsor of S. 2626, a bill to impose sanctions with respect to the Supreme Leader of Iran and the President of Iran and their respective offices for human rights abuses and support for terrorism.

S. 3197

At the request of Ms. ERNST, the names of the Senator from Iowa (Mr. GRASSLEY), the Senator from Missouri (Mr. HAWLEY) and the Senator from Texas (Mr. CRUZ) were added as cosponsors of S. 3197, a bill to establish and authorize funding for an Iranian Sanctions Enforcement Fund to enforce United States sanctions with respect to Iran and its proxies and pay off the United States public debt and to codify the Export Enforcement Coordination Center.

S. 3300

At the request of Mr. WYDEN, the name of the Senator from Georgia (Mr. OSSOFF) was added as a cosponsor of S. 3300, a bill to require a report on the competitiveness of United States exports of specialty crops.

S. 3356

At the request of Mr. DURBIN, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 3356, a bill to amend title 18, United States Code, to modify the role and duties of United States Postal Service police officers, and for other purposes.

S. 3376

At the request of Mr. BROWN, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 3376, a bill to provide for the liquidation or reliquidation of certain entries of steel and aluminum products retroactively approved for exclusion from certain duties during the COVID-19 pandemic.

S. 3426

At the request of Mr. MARKEY, the name of the Senator from Virginia (Mr. Kaine) was added as a cosponsor of S. 3426, a bill to reauthorize the YouthBuild program, and for other purposes.

S. 3452

At the request of Mr. TESTER, the name of the Senator from Nevada (Ms. CORTEZ MASTO) was added as a cosponsor of S. 3452, a bill to authorize the Secretary of Veterans Affairs to determine the eligibility or entitlement of a member or former member of the Armed Forces described in subsection (a) to a benefit under a law administered by the Secretary solely based on alternative sources of evidence when the military service records or medical treatment records of the member or former member are incomplete because of damage or loss of records after being in the possession of the Federal Government, and for other purposes.

S. 3531

At the request of Mr. LEE, the name of the Senator from North Dakota (Mr. CRAMER) was added as a cosponsor of S.

3531, a bill to prohibit actions to carry out the Department of Commerce's pause in the issuance of new export licenses for certain exports under the Commerce Control List.

S. 3560

At the request of Mr. KING, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 3560, a bill to amend title 38, United States Code, to authorize pre-enrollment of certain combat service members of the Armed Forces in the system of annual patient enrollment of the Department of Veterans Affairs.

S. 3770

At the request of Mr. MERKLEY, the name of the Senator from Maryland (Mr. VAN HOLLEN) was added as a cosponsor of S. 3770, a bill to amend the Public Health Service Act to authorize grants to support schools of nursing in increasing the number of nursing students and faculty and in program enhancement and infrastructure modernization, and for other purposes.

S. 3775

At the request of Ms. COLLINS, the names of the Senator from New Jersey (Mr. BOOKER) and the Senator from Oklahoma (Mr. LANKFORD) were added as cosponsors of S. 3775, a bill to amend the Public Health Service Act to reauthorize the BOLD Infrastructure for Alzheimer's Act, and for other purposes.

S. 3791

At the request of Mr. CARPER, the names of the Senator from South Carolina (Mr. GRAHAM) and the Senator from Michigan (Mr. PETERS) were added as cosponsors of S. 3791, a bill to reauthorize the America's Conservation Enhancement Act, and for other purposes.

S. 3812

At the request of Ms. ERNST, the name of the Senator from South Dakota (Mr. ROUNDS) was added as a cosponsor of S. 3812, a bill to provide firearm licenses an opportunity to correct statutory and regulatory violations, and for other purposes.

S. 3940

At the request of Mr. WHITEHOUSE, the name of the Senator from Maryland (Mr. VAN HOLLEN) was added as a cosponsor of S. 3940, a bill to amend the Internal Revenue Code of 1986 to provide for a first-time homebuyer credit, and for other purposes.

S. 3943

At the request of Mr. PADILLA, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 3943, a bill to require a plan to improve the cybersecurity and telecommunications of the U.S. Academic Research Fleet, and for other purposes.

S. 3984

At the request of Mr. CORNYN, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 3984, a bill to amend the State Justice Institute Act of 1984 to authorize the State Justice Institute to provide awards to certain organizations to

establish a State judicial threat intelligence and resource center.

S. 4004

At the request of Mr. CRAPO, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 4004, a bill to amend the Horse Protection Act to designate additional unlawful acts under the Act, strengthen penalties for violations of the Act, improve Department of Agriculture enforcement of the Act, and for other purposes.

S. 4046

At the request of Mr. BROWN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 4046, a bill to amend title 38, United States Code, to modify authorities relating to the collective bargaining of employees in the Veterans Health Administration, and for other purposes.

S. 4051

At the request of Mr. LEE, the name of the Senator from Wyoming (Ms. LUMMIS) was added as a cosponsor of S. 4051, a bill to prohibit transportation of any alien using certain methods of identification, and for other purposes.

S. RES. 628

At the request of Mr. SCHATZ, the names of the Senator from Massachusetts (Mr. MARKEY), the Senator from Oregon (Mr. MERKLEY), the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Hawaii (Ms. HIRONO), the Senator from Massachusetts (Ms. WARREN), the Senator from Oregon (Mr. WYDEN), the Senator from Connecticut (Mr. MURPHY) and the Senator from California (Ms. BUTLER) were added as cosponsors of S. Res. 628, a resolution supporting the goals and ideals of the Rise Up for LGBTQI+ Youth in Schools Initiative, a call to action to communities across the country to demand equal educational opportunity, basic civil rights protections, and freedom from erasure for all students, particularly LGBTQI+ young people, in K–12 schools.

S. RES. 638

At the request of Mrs. GILLIBRAND, her name was added as a cosponsor of S. Res. 638, a resolution calling for the immediate release of Ryan Corbett, a United States citizen who was wrongfully detained by the Taliban on August 10, 2022, and condemning the wrongful detention of Americans by the Taliban.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN (for himself and Mr. SCHATZ):

S. 4119. A bill to limit the use of solitary confinement and other forms of restrictive housing in immigration detention, and for other purposes; to the Committee on the Judiciary.

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

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

S. 4119

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Restricting Solitary Confinement in Immigration Detention Act of 2024”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Solitary confinement reforms.
- Sec. 4. Reassessment of detained noncitizens’ mental health.
- Sec. 5. Oversight responsibilities.
- Sec. 6. Private cause of action.
- Sec. 7. Rulemaking.
- Sec. 8. Authorization of appropriations.
- Sec. 9. Effective date.

SEC. 2. DEFINITIONS.

In this Act:

(1) APPROPRIATE LEVEL OF CARE.—The term “appropriate level of care” means the appropriate treatment setting for mental health care that a detained noncitizen with mental illness requires, which may include outpatient care, emergency or crisis services, day treatment, supported residential housing, infirmary care, or inpatient psychiatric hospitalization services.

(2) INTELLECTUAL DISABILITY.—The term “intellectual disability” means a significant mental impairment characterized by significant limitations in intellectual functioning and adaptive behavior.

(3) LONGER-TERM SEPARATION.—The term “longer-term separation” means a nonpunitive form of separation that removes a detained noncitizen from the general population of a detention center or other facility in which the noncitizen is being detained for—

(A) investigative, protective, or preventative reasons because of a substantial and immediate threat to the safety or security of the detained noncitizen, other detained noncitizens, staff, or the public; or

(B) temporary administrative reasons.

(4) MULTIDISCIPLINARY STAFF COMMITTEE.—The term “multidisciplinary staff committee” means a committee—

(A) composed of staff at the facility at which a detained noncitizen resides who are responsible for reviewing the initial placement of the noncitizen in longer-term separation and any extensions of time in longer-term separation; and

(B) that includes—

(i) not fewer than 2 licensed mental health professionals;

(ii) not fewer than 2 medical professionals; and

(iii) not fewer than 1 member of the leadership of the facility.

(5) NONCITIZEN.—The term “noncitizen” has the meaning given the term “alien” in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)).

(6) PROTECTION CASE.—The term “protection case” means a detained noncitizen who, by the request of the noncitizen or through a staff determination, requires protection.

(7) SECRETARY.—The term “Secretary” means the Secretary of Homeland Security.

(8) SERIOUS MENTAL ILLNESS.—The term “serious mental illness” means—

(A) a finding by a qualified mental health professional that the detained noncitizen is at serious risk of substantially deteriorating mentally or emotionally while confined in solitary confinement or longer-term separation, or already has so deteriorated while confined in solitary confinement or longer-term separation, such that diversion or removal is deemed to be clinically appropriate by a qualified mental health professional; or

(B) a current or recent diagnosis by a qualified mental health professional of 1 or more of the following disorders and any comparable disorders described in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders:

(i) Schizophrenia or another psychotic disorder.

(ii) Major depressive disorder.

(iii) Any type of bipolar disorder.

(iv) A neurodevelopmental disorder, dementia, or other cognitive disorder, including autism spectrum disorder.

(v) Any disorder commonly characterized by breaks with reality or perceptions of reality.

(vi) Any type of anxiety disorders.

(vii) Trauma or stressor related disorder.

(viii) Severe personality disorders.

(9) SOLITARY CONFINEMENT.—The term “solitary confinement” means confinement in a cell, other housing location, or other space that is not shared space conducive to meaningful group interaction, whether alone or with 1 or more other detained noncitizens.

(10) SUBSTANTIAL AND IMMEDIATE THREAT.—The term “substantial and immediate threat” means a set of circumstances that require immediate action in order to combat a significant threat to the safety of a detained noncitizen, other detained noncitizens, staff, or the public.

(11) U.S. CUSTOMS AND BORDER PROTECTION FACILITY.—The term “U.S. Customs and Border Protection facility” means—

(A) a detention facility owned and administered by U.S. Customs and Border Protection; or

(B) a Federal, State, local, or private facility that has contracted (directly or indirectly) with U.S. Customs and Border Protection to detain noncitizens in Federal custody, and regardless of any time limits that exist for the duration of the detention in such a facility.

(12) U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT FACILITY.—The term “U.S. Immigration and Customs Enforcement facility” means—

(A) a detention facility owned and administered by U.S. Immigration and Customs Enforcement; or

(B) a Federal, State, local, or private facility that has contracted (directly or indirectly) with U.S. Immigration and Customs Enforcement to detain noncitizens in Federal custody, including a facility of the United States Marshals Service that houses detained noncitizens, and regardless of any time limits that exist for the duration of the detention in such a facility.

SEC. 3. SOLITARY CONFINEMENT REFORMS.

(a) USE OF SOLITARY CONFINEMENT AND LONGER-TERM SEPARATION.—

(1) USE OF SOLITARY CONFINEMENT.—A detained noncitizen may not be placed in solitary confinement within a U.S. Immigration and Customs Enforcement or U.S. Customs and Border Protection facility unless such confinement—

(A) is necessary to address immediate circumstances that pose a substantial and immediate threat;

(B) is limited to the briefest term and the least restrictive conditions practicable, including—

(i) not more than 8 hours immediately following an incident precipitating placement in solitary confinement;

(ii) not more than 8 hours during any 24-hour period; and

(iii) not more than 16 hours during any 7-day period; and

(C) complies with the provisions of this section.

(2) USE OF LONGER-TERM SEPARATION.—A detained noncitizen may not be placed in

longer-term separation within a U.S. Immigration and Customs Enforcement or U.S. Customs and Border Protection facility unless such separation—

(A) is limited to the briefest term and the least restrictive conditions practicable, including not fewer than 10 hours of out-of-cell time every day;

(B) is consistent with the rationale for placement and with the progress achieved by the detained noncitizen;

(C) allows a detained noncitizen to have meaningful access to counsel and to participate in meaningful out-of-cell group programming opportunities in a classroom or equivalent setting, out-of-cell group recreation, and privileges that are similar to those available in the general population;

(D) allows the detained noncitizen to have as much meaningful interaction with others, such as other detained noncitizens, counsel, visitors, clergy, or licensed mental health professionals, as people in the general population;

(E) is for the purposes of longer-term separation as detailed in the provisions of this section;

(F) is determined to be necessary following the consideration of all alternatives by facility personnel, including release; and

(G) complies with the provisions under this section.

(3) SPECIFIC LIMITATIONS ON LONGER-TERM SEGREGATION.—The Secretary—

(A) shall limit longer-term separation in U.S. Immigration and Customs Enforcement and U.S. Customs and Border Protection facilities—

(i) to situations in which such separation is necessary to control a substantial and immediate threat that cannot be addressed through alternative housing; and

(ii) to a duration of not more than 7 consecutive days, and not more than 7 days in a 14-day period, unless the detained noncitizen—

(I) is a protection case and requests to remain in longer-term separation pursuant to paragraph (4)(B)(i);

(II) is provided with additional out-of-cell time, socialization, and programming opportunities; and

(III) is provided with not fewer than 10 hours of out-of-cell time each day; and

(B) may not permit the use of solitary confinement or longer-term separation as a form of discipline.

(4) PROTECTIVE CUSTODY.—The Secretary—

(A) shall establish policies to ensure that a noncitizen who is a protection case—

(i) upon the request of such noncitizen, is released with a care plan; or

(ii) if release is not practicable, is transferred to the least restrictive safer alternative available, such as—

(I) an alternative to detention;

(II) an alternative general population unit in the same U.S. Immigration and Customs Enforcement or U.S. Customs and Border Protection facility; or

(III) an alternative U.S. Immigration and Customs Enforcement or U.S. Customs and Border Protection facility; and

(B) may not place a detained noncitizen who is a protection case in solitary confinement or longer-term separation due to the status of the noncitizen as a protection case unless—

(i) the noncitizen requests to be placed in solitary confinement or longer-term separation, in which case—

(I) at the request of such noncitizen, the noncitizen shall be released with a care plan; or

(II) if release is not practicable, the noncitizen is transferred to the least restrictive safer alternative available, such as—

(aa) an alternative to detention;

(bb) an alternative general population unit in the same U.S. Immigration and Customs Enforcement or U.S. Customs and Border Protection facility; or

(cc) an alternative U.S. Immigration and Customs Enforcement or U.S. Border Protection facility;

(ii) such confinement is limited to—

(I) not more than 8 hours of solitary confinement and not more than 5 days of longer-term separation; and

(II) time to prepare the noncitizen for transfer to a safer alternative, such as any of the alternatives described in items (aa) through (cc) of clause (i)(II); and

(iii) the noncitizen has been verbally informed of any available alternatives; and

(C) not later than 90 days after the date of the enactment of this Act, shall—

(i) initiate a plan to ensure that each U.S. Immigration and Customs Enforcement or U.S. Customs and Border Protection facility includes alternative general population units in accordance with subparagraphs (A)(ii)(II) and (B)(i)(II)(bb); and

(ii) submit a report on the implementation of such plan to—

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

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

(III) the Committee on Homeland Security of the House of Representatives; and

(IV) the Committee on the Judiciary of the House of Representatives.

(5) VULNERABLE POPULATIONS.—

(A) IN GENERAL.—A U.S. Immigration and Customs Enforcement or U.S. Customs and Border Protection facility may not place a detained noncitizen in solitary confinement if—

(i) except as provided in subparagraph (B), the detained noncitizen—

(I) is younger than 25 years of age;

(II) has a serious mental illness or an intellectual disability;

(III) has a physical disability that a licensed medical professional determines is likely to be exacerbated by placement in solitary confinement or that solitary confinement is clinically contraindicated;

(IV) is pregnant or is in the first 8 weeks of the postpartum recovery period after giving birth; or

(V) has been determined by a licensed medical professional to be likely to be significantly adversely affected by placement in solitary confinement;

(ii) the detained noncitizen is lesbian, gay, bisexual, transgender, intersex, or gender nonconforming (as such terms are defined in section 115.5 of title 28, Code of Federal Regulations, or in any successor regulation), if such placement is based (in whole or in part) on such identification or status;

(iii) the detained noncitizen is HIV positive, if the placement is based (in whole or in part) on such HIV positive status;

(iv) the placement is based (in whole or in part) on the detained noncitizen's race, religion, or nationality; or

(v) if the noncitizen is not a protection case, the placement is based (in whole or in part) on—

(I) the detained noncitizen's report of an incident of abuse or misconduct;

(II) the detained noncitizen's decision to engage in a hunger strike; or

(III) any other form of retaliation against the detained noncitizen.

(B) EXCEPTIONS.—The limitation on solitary confinement described in subparagraph (A)(i) shall not apply if—

(i) such confinement is a temporary response to the behavior of the detained noncitizen, which poses a substantial and immediate threat;

(ii) all other options to de-escalate the situation have been exhausted, including less restrictive techniques such as—

(I) penalizing the detained noncitizen through loss of privileges;

(II) speaking with the detained noncitizen in an attempt to de-escalate the situation; and

(III) providing an appropriate level of care through a licensed mental health professional;

(iii) such confinement is limited to—

(I) 3 hours after the detained noncitizen is placed in solitary confinement, if the noncitizen poses a substantial and immediate threat to others; or

(II) 30 minutes after the detained noncitizen is placed in solitary confinement, if the noncitizen poses a substantial and immediate threat only to the noncitizen's self; and

(iv) if, after the applicable maximum period of confinement under subclause (I) or (II) of clause (iii) has expired, the detained noncitizen continues to pose a substantial and immediate threat described in the applicable subclause—

(I) the detained noncitizen is transferred to the least restrictive safer alternative available pursuant to paragraph (4)(B)(i)(II); or

(II) if a qualified mental health professional believes the level of crisis service needed is not currently available, a staff member of the facility initiates a referral to a location that can meet the needs of the detained noncitizen.

(6) ACCESS TO COUNSEL.—Noncitizens placed in solitary confinement and longer-term separation shall be—

(A) offered meaningful access to counsel to the same extent that detained noncitizens in the general population are offered access to counsel; and

(B) notified in writing of their right to access to counsel before being placed in solitary confinement or longer-term separation.

(7) RIGHT TO REVIEW PLACEMENT IN LONGER-TERM SEPARATION.—The Secretary shall ensure that each noncitizen placed in longer-term separation—

(A) not later than 4 hours after the beginning of such placement, has access to written and verbal notice, in a language the noncitizen understands, that thoroughly details the basis for placement in longer-term separation, including—

(i) thorough documentation explaining why such confinement is permissible and necessary; and

(ii) if an exception under paragraph (3)(A)(ii), (4)(B), or (5)(B) is used to justify placement in longer-term separation, thorough documentation explaining why such an exception applies;

(B) has access to a timely, thorough, and continuous review process that—

(i) occurs not fewer than 2 days after being placed in longer-term separation, and thereafter not less frequently than weekly, unless more frequent reviews are otherwise required under this section;

(ii) includes private, face-to-face interviews with a multidisciplinary staff committee; and

(iii) examines whether—

(I) placement in solitary confinement was and remains necessary;

(II) the conditions of confinement comply with the requirements under this section; and

(III) any exception under paragraph (3)(A)(ii), (4)(B), or (5)(B) used to justify placement in longer-term separation was and remains warranted;

(C) has access to a process to appeal the initial placement or continued placement of the detained noncitizen in longer-term separation;

(D) receives prompt and timely written notice of the appeal procedures; and

(E) receives copies of all documents, files, and records relating to the detained noncitizen's placement in longer-term separation, unless such documents contain contraband, classified information, or sensitive security-related information.

(b) **MENTAL HEALTH CARE FOR NONCITIZENS IN LONGER-TERM SEPARATION.**—

(1) **MENTAL HEALTH SCREENING.**—Not later than 6 hours after a detained noncitizen is placed in longer-term separation in a U.S. Immigration and Customs Enforcement or U.S. Customs and Border Protection facility, the noncitizen shall receive a comprehensive, face-to-face mental health evaluation by a licensed mental health professional in a confidential setting.

(2) **MENTAL HEALTH TREATMENT PROGRAM.**—A detained noncitizen diagnosed with a serious mental illness after an evaluation described in paragraph (1)—

(A) may not be placed in solitary confinement; and

(B) shall receive an appropriate level of care to address the detained noncitizen's mental health needs.

(3) **CONTINUING EVALUATIONS.**—After each 7-day period during which a detained noncitizen is held in continuous placement in longer-term separation—

(A) a licensed mental health professional shall conduct a comprehensive, face-to-face, out-of-cell mental health evaluation of the noncitizen in a confidential setting; and

(B) the Secretary shall adjust the placement of the noncitizen in accordance with this subsection.

(c) **TRAINING FOR DETENTION CENTER STAFF.**—

(1) **TRAINING.**—All employees of a U.S. Immigration and Customs Enforcement or U.S. Customs and Border Protection facility and any contracted personnel working at such facility who interact with noncitizens on a regular basis shall be required to complete training in—

(A) recognizing the symptoms of mental illness;

(B) the potential risks and side effects of psychiatric medications;

(C) the consequences of untreated mental illness;

(D) the long- and short-term psychological effects of solitary confinement;

(E) the harms faced by vulnerable populations in solitary confinement;

(F) the benefits of release from detention for vulnerable populations;

(G) de-escalation and communication techniques for safely managing individuals with mental illness; and

(H) de-escalation and communication techniques for diverting detained noncitizens from situations that may lead to the noncitizen being placed in solitary confinement or longer-term separation.

(2) **NOTIFICATION TO MEDICAL STAFF.**—An employee of a U.S. Immigration and Customs Enforcement or U.S. Customs and Border Protection facility shall immediately notify a member of such facility's medical or mental health staff if such employee—

(A) observes a detained noncitizen with signs of mental illness, unless such employee has knowledge that the noncitizen's signs of mental illness have previously been reported; or

(B) observes a detained noncitizen with signs of a mental health crisis;

(3) **SUPPLEMENTAL TRAINING.**—Not later than 90 days after the date of the enactment of this Act, all employees of U.S. Immigration and Customs Enforcement or U.S. Customs and Border Protection who regularly interact with detained noncitizens, supervise detention facility personnel, or review soli-

tary confinement or longer-term separation placements shall complete supplemental training in the policies governing the use of solitary confinement and longer-term separation required by this Act.

(d) **REPORTING REQUIREMENTS.**—

(1) **DAILY TRACKING OF SOLITARY CONFINEMENT.**—Each U.S. Immigration and Customs Enforcement or U.S. Customs and Border Protection facility shall submit a daily report to the Director of U.S. Immigration and Customs Enforcement, the Commissioner of U.S. Customs and Border Protection, and the Office of the Principal Legal Advisor of the Department of Homeland Security that identifies, with respect to the applicable day—

(A) any detained noncitizens who were placed in solitary confinement or longer-term separation, including—

(i) the rationale behind each such placement;

(ii) whether any exception listed in subsection (a) was used to justify placement in solitary confinement or increased restrictive conditions in solitary confinement was applied; and

(iii) any steps that were taken by facility personnel to seek alternatives to placing each individual noncitizen in solitary confinement or longer-term separation;

(B) the continued detention of any noncitizens in longer-term separation, including—

(i) the number of days such noncitizens have been detained in longer-term separation; and

(ii) an explanation of the application of any exception listed in subsection (a) that was used to justify an adjustment to the noncitizen's time or conditions in longer-term separation; and

(C) the release of any detained noncitizens from solitary confinement or longer-term separation.

(2) **PUBLICATION OF USE OF SOLITARY CONFINEMENT.**—The Secretary, without revealing personally identifiable information, shall publish online weekly updates regarding—

(A) the number of unique noncitizens placed or remaining in solitary confinement or longer-term separation at each U.S. Immigration and Customs Enforcement and U.S. Customs and Border Protection facility, disaggregated by race, age, gender identity, documented mental health status, documented disability, pregnancy or postpartum status, identification as lesbian, gay, bisexual, transgender, intersex, or gender nonconforming, length of time in solitary confinement, type of housing unit, and length of time in such housing unit; and

(B) any instances in which facility staff have placed a detained noncitizen—

(i) in solitary confinement for more than 8 hours; or

(ii) in longer-term separation for more than 7 days.

(3) **INTERNAL REVIEW OF DATA.**—

(A) **WEEKLY REVIEWS.**—The Director of the appropriate Enforcement and Removal Operations field office within U.S. Immigration and Customs Enforcement and the Director of the appropriate field office within U.S. Customs and Border Protection shall—

(i) on a weekly basis—

(I) review the daily reports from each U.S. Immigration and Customs Enforcement and U.S. Customs and Border Protection facility under the Director's jurisdiction; and

(II) certify, as appropriate, that each such facility is in compliance with this Act;

(ii) report any instances in which a U.S. Immigration and Customs Enforcement and U.S. Customs and Border Protection facility failed to comply, or is suspected of failing to comply, with this Act to the Office of Immigration Detention Ombudsman; and

(iii) direct any U.S. Immigration and Customs Enforcement and U.S. Customs and

Border Protection facility that failed to comply, or is suspected of failing to comply, with this Act to immediately address any such failures to comply, including by immediately removing a detained noncitizen from solitary confinement or longer-term separation if the noncitizen's placement or continued detention in solitary confinement or longer term separation was not in compliance with this Act.

(B) **MONTHLY REPORTS.**—The Office of Immigration Detention Oversight shall—

(i) promptly review any reports received pursuant to subparagraph (A)(ii);

(ii) submit monthly reports to the Director of U.S. Immigration and Customs Enforcement and the Commissioner of U.S. Customs and Border Protection that identify areas of concern regarding particular cases or facilities that warrant further examination; and

(iii) publish such monthly reports on a publicly accessible website.

SEC. 4. REASSESSMENT OF DETAINED NONCITIZENS' MENTAL HEALTH.

Not later than 180 days after the date of the enactment of this Act, the Secretary shall—

(1) assemble a team of licensed mental health professionals, which shall include licensed mental health professionals who are not employed by the Department of Homeland Security, to conduct a comprehensive mental health reevaluation for each noncitizen held in longer-term separation for more than 7 days (as of the date of enactment of this Act), including a confidential, face-to-face, out-of-cell interview by a licensed mental health professional; and

(2) adjust the placement of each noncitizen based on the results of such interview, in accordance with this Act.

SEC. 5. OVERSIGHT RESPONSIBILITIES.

(a) **IN GENERAL.**—Section 705 of the Homeland Security Act of 2002 (6 U.S.C. 345) is amended by adding at the end the following:

“(c) **IMMIGRATION DETENTION.**—

“(1) **DEFINED TERMS.**—In this subsection, the terms ‘U.S. Immigration and Customs Enforcement facility’ and ‘U.S. Customs and Border Protection facility’ have the meaning given such terms in section 2 of the Restricting Solitary Confinement in Immigration Detention Act of 2024.

“(2) **INTERNAL REPORTING.**—The Secretary shall ensure that each U.S. Immigration and Customs Enforcement and U.S. Customs and Border Protection facility provides multiple internal ways for noncitizens and others to promptly report violations of section 3 of the Restricting Solitary Confinement in Immigration Detention Act of 2024 to the Office of Immigration Detention Oversight and the Officer for Civil Rights and Civil Liberties, including not less than 2 procedures for noncitizens and others to report violations of section 3 of such Act to—

“(A) an entity or office that—

“(i) is not part of the facility;

“(ii) is able to receive and immediately forward reports to the Office of Immigration Detention Oversight and the Officer for Civil Rights and Civil Liberties, allowing the noncitizen to remain anonymous upon request; and

“(B) the Office of Immigration Detention Oversight and the Officer for Civil Rights and Civil Liberties in a confidential manner, allowing the noncitizen to remain anonymous upon request.

“(3) **NOTICE TO DETAINED INDIVIDUALS.**—The Secretary shall ensure that each U.S. Immigration and Customs Enforcement and U.S. Customs and Border Protection facility provides noncitizens with—

“(A) notice of how to report violations of section 4 of the Restricting Solitary Confinement in Immigration Detention Act of 2024 in accordance with paragraph (2), including—

“(i) notice prominently posted in the living and common areas of each such facility;

“(ii) individual notice to noncitizens at initial intake into a U.S. Immigration and Customs Enforcement and U.S. Customs and Border Protection facility, when transferred to a new facility, and when placed in solitary confinement and longer-term separation;

“(iii) notice to noncitizens with disabilities in accessible formats; and

“(iv) written or verbal notice in a language the noncitizen understands; and

“(B) notice of permissible practices related to solitary confinement in U.S. Immigration and Customs Enforcement and U.S. Customs and Border Protection facilities, including the requirements under section 3 of such Act.

“(4) NOTICE TO OVERSIGHT OFFICES.—Not later than 24 hours after the placement of a detained individual in solitary confinement or longer-term separation, the Secretary shall ensure that each U.S. Immigration and Customs Enforcement and U.S. Customs and Border Protection facility notifies the Office of the Immigration Detention Ombudsman and the Officer for Civil Rights and Civil Liberties of such placement.

“(5) ACCESS.—The Secretary shall ensure that the Officer for Civil Rights and Civil Liberties—

“(A) has unrestricted access to U.S. Immigration and Customs Enforcement or U.S. Customs and Border Protection facilities; and

“(B) is able to review documents, request and review information, and speak privately with noncitizens, contractors, volunteers, U.S. Immigration and Customs Enforcement facility staff, and U.S. Customs and Border Protection facility staff.

“(6) ASSESSMENT OF SOLITARY CONFINEMENT AND LONGER-TERM SEPARATION IN IMMIGRATION DETENTION.—

“(A) ANNUAL ASSESSMENT.—Not later than 90 days after the last day of each fiscal year, the Officer for Civil Rights and Civil Liberties and the Office of Immigration Detention Ombudsman shall—

“(i) analyze the use of solitary confinement and longer term separation in U.S. Immigration and Customs Enforcement and U.S. Customs and Border Protection facilities during such fiscal year;

“(ii) submit a joint assessment containing the results of such analysis to the Committee on the Judiciary of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on the Judiciary of the House of Representatives, and the Committee on Homeland Security of the House of Representatives; and

“(iii) publish such assessment on a publicly accessible website.

“(B) DATA.—Each assessment submitted pursuant to subparagraph (A)(ii) shall include aggregated and disaggregated data reported by U.S. Immigration and Customs Enforcement and U.S. Customs and Border Protection facilities, to be provided by U.S. Immigration and Customs Enforcement and U.S. Customs and Border Protection to the Officer for Civil Rights and Civil Liberties not later than 30 days after the last day of each fiscal year, including—

“(i) the policies and regulations of U.S. Immigration and Customs Enforcement and U.S. Customs and Border Protection, including—

“(I) any changes in policies and regulations, for determining which noncitizens are placed in solitary confinement or longer-term separation; and

“(II) a detailed description of the conditions and restrictions of solitary confinement and longer-term separation;

“(ii) the number of noncitizens in U.S. Immigration and Customs Enforcement and U.S. Customs and Border Protection facilities who were housed in solitary confinement or longer-term separation for any period;

“(iii) the percentage of all noncitizens who spent any time in solitary confinement or longer-term separation during the reporting period;

“(iv) the demographics of all noncitizens housed in solitary confinement or longer-term separation, including race, ethnicity, religion, age, and gender;

“(v) the policies and regulations of U.S. Immigration and Customs Enforcement and U.S. Customs and Border Protection facilities, including any updates in policies and regulations, for subsequent reviews or appeals of the placement of a detained noncitizen into or out of solitary confinement or longer-term separation;

“(vi) the number of reviews of and challenges to the placement of a detained noncitizen in solitary confinement or longer-term separation during the reporting period and the number of such reviews or appeals that directly resulted in a change of placement;

“(vii) a detailed description of the conditions and restrictions for solitary confinement and longer-term separation, including—

“(I) the number of hours spent in isolation; and

“(II) the percentage of time such conditions involved 2 noncitizens who were placed together in solitary confinement;

“(viii) the mean and median length of stay in solitary confinement or longer-term separation, based on all individuals released from solitary confinement or longer-term separation during the reporting period, and any maximum length of stay during the reporting period;

“(ix) the cost of each form of solitary confinement and longer-term separation described in subparagraph (A) in use during the reporting period, including a comparison with the average daily cost of housing a detained noncitizen in the general population;

“(x) the policies for mental health screening, mental health treatment, and subsequent mental health reviews for all detained noncitizens, including—

“(I) any update to such policies; and

“(II) any additional screening, treatment, and monitoring for detained noncitizens in solitary confinement or longer-term separation;

“(xi) a statement of the types of mental health staff that conducted mental health assessments for U.S. Immigration and Customs Enforcement and U.S. Customs and Border Protection facilities during the reporting period;

“(xii) a description of the different positions in the mental health staff of U.S. Immigration and Customs Enforcement and U.S. Customs and Border Protection facilities;

“(xiii) the number of part- and full-time psychologists and psychiatrists employed by U.S. Immigration and Customs Enforcement and U.S. Customs and Border Protection facilities during the reporting period;

“(xiv) data on mental health and medical indicators for all detained noncitizens in solitary confinement or longer-term separation including—

“(I) the number of noncitizens requiring medication for mental health conditions;

“(II) the number diagnosed with an intellectual disability;

“(III) the number diagnosed with serious mental illness;

“(IV) the number of suicides;

“(V) the number of deaths;

“(VI) the number of attempted suicides by unique noncitizens and the number of unique noncitizens placed on suicide watch;

“(VII) the number of instances of self-harm committed by unique noncitizens;

“(VIII) the number of noncitizens with physical disabilities, including blind, deaf, and mobility-impaired noncitizens; and

“(IX) the number of instances of forced feeding of noncitizens;

“(xv) any instances in which the Director of an Enforcement and Removal Operations field office reported that a U.S. Immigration and Customs Enforcement facility in their jurisdiction failed to comply with, or was suspected of failing to comply with, any provision of the Restricting Solitary Confinement in Immigration Detention Act of 2024 or a Director of an Office of Field Operations reported that a U.S. Customs and Border Protection facility in their jurisdiction failed to comply with, or was suspected of failing to comply with, the Restricting Solitary Confinement in Immigration Detention Act of 2024; and

“(xvi) any other relevant data.

“(C) CONTENT.—Each assessment submitted pursuant to subparagraph (A)(ii) shall include—

“(i) an analysis of the data described in subparagraph (B);

“(ii) recommendations for reform offered to the Director of U.S. Immigration and Customs Enforcement, the Commissioner of U.S. Customs and Border Protection, and the Secretary pursuant to paragraph (6); and

“(iii) the response from U.S. Immigration and Customs Enforcement, U.S. Customs and Border Protection, and the Department to such recommendations for reform.

“(D) AUTHORITY ON FINAL REPORT.—Each assessment submitted pursuant to subparagraph (A)(ii) may be reviewed by U.S. Immigration and Customs Enforcement, U.S. Customs and Border Protection, and the Secretary before submission, but the Officer for Civil Rights and Civil Liberties and the Office of Immigration Detention Ombudsman has final authority with respect to the text and the release of such assessment.

“(7) REGULAR MEETINGS WITH THE SECRETARY, THE DIRECTOR OF U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, AND THE COMMISSIONER OF U.S. CUSTOMS AND BORDER PROTECTION.—The Officer for Civil Rights and Civil Liberties and the Office of Immigration Detention Ombudsman shall meet regularly with the Secretary and the Director of U.S. Immigration and Customs Enforcement and the Commissioner of U.S. Customs and Border Protection—

“(A) to identify problems with the solitary confinement and longer-term separation policies and practices in U.S. Immigration and Customs Enforcement and U.S. Customs and Border Protection facilities, including the overuse of solitary confinement and longer-term separation; and

“(B) to present recommendations for such administrative action as may be appropriate to resolve problems relating to solitary confinement and longer-term separation policies and practices in U.S. Immigration and Customs Enforcement and U.S. Customs and Border Protection facilities.”

(b) ANNUAL REPORT.—Not later than December 31 of each year, the Inspector General of the Department of Homeland Security shall post a report on a publicly accessible website that analyzes—

(1) the use of solitary confinement and longer-term separation in U.S. Immigration and Customs Enforcement and U.S. Customs and Border Protection facilities; and

(2) the Department’s compliance with this Act and the amendments made by this Act.

SEC. 6. PRIVATE CAUSE OF ACTION.

(a) CIVIL ACTION FOR INJURY.—Any person who is injured by a violation of section 3 may bring a civil action in the appropriate United States district court against any person, entity, or other relevant party who violated such section for—

(1) declaratory and injunctive relief, including directing the closure of the facility, building, or unit where the violation took place if such facility, building, or unit is in repeated and systemic noncompliance with such section; and

(2) such money damages as the court determines appropriate, including damages for emotional pain and suffering.

(b) ADDITIONAL AWARDS.—In a civil action brought pursuant to subsection (a), the court, in addition to any other relief awarded under such subsection, may award reasonable attorney's fees and costs of the action to the prevailing plaintiff.

(c) CIVIL ACTION FOR CONSTITUTIONAL VIOLATION.—

(1) IN GENERAL.—Any person who is injured by any action by a Federal official or a person contracting with a Federal agency in a Federal facility, in violation of the Constitution of the United States, may bring a civil action in the appropriate United States district court against such official, person, or agency for—

(A) declaratory and injunctive relief, including directing the closure of the facility, building, or unit where the violation took place; and

(B) such money damages as the court determines appropriate, including damages for emotional pain and suffering.

(2) ADDITIONAL AWARDS.—In an action filed pursuant to paragraph (1), the court, in addition to any other relief awarded under such paragraph, may award reasonable attorney's fees and costs of the action to the prevailing plaintiff.

SEC. 7. RULEMAKING.

The Secretary, the Director of U.S. Immigration and Customs Enforcement, and the Commissioner of U.S. Customs and Border Protection shall prescribe rules, in accordance with section 553 of title 5, United States Code, to carry out this Act and the amendments made by this Act.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

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

SEC. 9. EFFECTIVE DATE.

Except as otherwise provided, this Act and the amendments made by this Act shall take effect on the date that is 18 months after the date of the enactment of this Act.

By Mr. DURBIN (for himself, Mr. COONS, and Mr. SCHATZ):

S. 4121. A bill to reform the use of solitary confinement and other forms of restrictive housing in the Bureau of Prisons and the United States Marshals Service, and for other purposes; to the Committee on the Judiciary.

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

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

S. 4121

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Solitary Confinement Reform Act".

SEC. 2. SOLITARY CONFINEMENT REFORMS.

(a) AMENDMENT.—Chapter 303 of title 18, United States Code, is amended by adding at the end the following:

"§ 4052. Solitary confinement

"(a) DEFINITIONS.—In this section:

"(1) ADMINISTRATIVE MAXIMUM FACILITY.—The term 'administrative maximum facility' means a maximum-security facility, including the United States Penitentiary Administrative Maximum facility in Florence, Colorado, designed to house inmates who present an ongoing significant and serious threat to other inmates, staff, and the public.

"(2) ADMINISTRATIVE SEGREGATION.—The term 'administrative segregation' means a nonpunitive form of separation of an inmate from the general population of a correctional facility for—

"(A) investigative, protective, or preventative reasons resulting from a substantial and immediate threat; or

"(B) transitional reasons, including a pending transfer, pending classification, or other temporary administrative matter.

"(3) APPROPRIATE LEVEL OF CARE.—The term 'appropriate level of care' means the appropriate treatment setting for mental health care that an inmate with mental illness requires, which may include outpatient care, emergency or crisis services, day treatment, supported residential housing, infirmary care, or inpatient psychiatric hospitalization services.

"(4) COVERED FACILITY.—The term 'covered facility' means—

"(A) with respect to the Bureau of Prisons, a facility under the administration of the Bureau of Prisons, or a facility under contract with the Bureau of Prisons to provide housing for inmates in Federal custody; or

"(B) a facility under contract with the United States Marshals Service to provide housing for inmates in Federal custody.

"(5) DISCIPLINARY HEARING OFFICER.—The term 'disciplinary hearing officer' means an individual who—

"(A) in the case of—

"(i) the Bureau of Prisons or the United States Marshals Service, is an employee who is a supervisory or administrative officer who is employed in the office of the regional director, central office, or district office; or

"(ii) a facility that contracts with the Bureau of Prisons or the United States Marshals Service, is the designee of the Director of the Bureau of Prisons or the Director of the United States Marshals Service; and

"(B) is responsible for conducting disciplinary hearings for which solitary confinement may be a sanction, as described in section 541.8 of title 28, Code of Federal Regulations, or any successor thereto.

"(6) DISCIPLINARY SEGREGATION.—The term 'disciplinary segregation' means a form of separation from the general population of a facility imposed only by a disciplinary hearing officer as a response to an inmate committing a significant and serious disciplinary infraction.

"(7) INTELLECTUAL DISABILITY.—The term 'intellectual disability' means a mental impairment characterized by significant limitations in both intellectual functioning and adaptive behavior.

"(8) MENTAL ILLNESS.—The term 'mental illness' means a diagnosable mental, behavioral, or emotional disorder that—

"(A) is of sufficient duration to meet diagnostic criteria within the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association; and

"(B) has resulted in functional impairment that substantially interferes with or limits 1 or more major life activities.

"(9) MULTIDISCIPLINARY STAFF COMMITTEE.—The term 'multidisciplinary staff committee' means a committee—

"(A) comprised of staff at the facility where an inmate resides who are responsible for reviewing the initial placement of the inmate in solitary confinement and any extensions of time in solitary confinement; and

"(B) which shall include—

"(i) not less than 1 licensed mental health professional;

"(ii) not less than 1 medical professional; and

"(iii) not less than 1 member of the leadership of the facility.

"(10) OMBUDSMAN.—The term 'Ombudsman' means the Ombudsman for the Civil Rights of Incarcerated People established in subsection (e).

"(11) ONGOING SIGNIFICANT AND SERIOUS THREAT.—The term 'ongoing significant and serious threat' means an ongoing set of circumstances that requires the highest level of security and staff supervision for an inmate who—

"(A) has engaged in assaultive, predacious, or riotous behavior, or seriously attempted escape; and

"(B) poses a specific risk of physical injury to other inmates, staff, or the public.

"(12) PROTECTION CASE.—The term 'protection case' means an inmate who, by the request of the inmate or through a staff determination, requires protection, as described by section 541.23(c)(3) of title 28, Code of Federal Regulations, or any successor thereto.

"(13) SERIOUS MENTAL ILLNESS.—The term 'serious mental illness' means a substantial disorder of thought or mood that significantly impairs judgment, behavior, capacity to recognize reality, or ability to cope with the ordinary demands of life.

"(14) SIGNIFICANT AND SERIOUS DISCIPLINARY INFRACTION.—The term 'significant and serious disciplinary infraction' means—

"(A) an act of violence that either—

"(i) resulted in or was likely to result in serious injury or death to another; or

"(ii) occurred in connection with any act of nonconsensual sex;

"(B) an escape, attempted escape, or conspiracy to escape from within a security perimeter or custody, or both;

"(C) possession of weapons; or

"(D) possession of illegal narcotics with intent to distribute.

"(15) SOLITARY CONFINEMENT.—The term 'solitary confinement' means confinement characterized by substantial isolation in a cell, alone or with other inmates, including administrative segregation, disciplinary segregation, and confinement in any facility designated by the Bureau of Prisons or the United States Marshals Service as a special housing unit, a special management unit, an administrative maximum facility, or any other housing area that is separate from or in any way more restrictive than the general population of the facility in terms of hours out of cell, programming, services, congregate engagement with other people, visits, communications, items, or any other aspect of daily living.

"(16) SPECIAL ADMINISTRATIVE MEASURES.—The term 'special administrative measures' means measures used to—

"(A) prevent disclosure of classified information upon written certification to the Attorney General by the head of an element of the intelligence community (as defined under section 3 of the National Security Act of 1947 (50 U.S.C. 3003)) that the unauthorized disclosure of such information would pose a threat to national security and that there is a danger that the inmate will disclose such information, as described by section 501.2 of title 28, Code of Federal Regulations, or any successor thereto; or

“(B) protect persons against the risk of death or serious bodily injury, upon written notification to the Director of the Bureau of Prisons by the Attorney General or, at the Attorney General’s direction, by the head of a Federal law enforcement agency, or the head of an element of the intelligence community (as defined under section 3 of the National Security Act of 1947 (50 U.S.C. 3003)), that there is a substantial risk that the communications of an inmate or contacts by the inmate with other persons could result in death or serious bodily injury to persons, or substantial damage to property that would entail the risk of death or serious bodily injury to persons, as described by section 501.3 of title 28, Code of Federal Regulations, or any successor thereto.

“(17) SPECIAL HOUSING UNIT.—The term ‘special housing unit’ means a housing unit in a covered facility, in which inmates are securely separated from the general inmate population for disciplinary or administrative reasons, as described in section 541.21 of title 28, Code of Federal Regulations, or any successor thereto.

“(18) SPECIAL MANAGEMENT UNIT.—The term ‘special management unit’ means a nonpunitive housing program with multiple, step-down phases for inmates whose history, behavior, or situation requires enhanced management approaches in order to ensure the safety of other inmates, the staff, and the public.

“(19) SUBSTANTIAL AND IMMEDIATE THREAT.—The term ‘substantial and immediate threat’ means any set of temporary and unforeseen circumstances that require immediate action in order to combat a threat to the physical safety of an inmate, other inmates, staff, or the public.

“(b) USE OF SOLITARY CONFINEMENT.—

“(1) IN GENERAL.—The placement of a Federal inmate in solitary confinement within a covered facility shall be limited to situations in which such confinement—

“(A) is limited to the briefest term and the least restrictive conditions practicable, including not less than 4 hours of out-of-cell time every day, which may include work assignments, staff-led programs, peer-led programs, volunteer programs, time in a day room or recreation area with at least several other people, meals, or other similar congregate activities with at least several other people in a group setting conducive to meaningful human interaction, unless the inmate poses a substantial and immediate threat;

“(B) is consistent with the rationale for placement and with the progress achieved by the inmate;

“(C) allows the inmate to participate in meaningful work assignments and programming opportunities and privileges as consistent with those available in the general population as practicable, either individually or in a congregate setting;

“(D) allows the inmate to have as much meaningful interaction with others, such as other inmates, visitors, clergy, licensed mental and physical health professionals, or through social and legal telephone calls, as practicable;

“(E) allows the inmate access to all routine and emergency medical services; and

“(F) complies with the provisions of this section.

“(2) TRANSITIONAL PROCESS FOR INMATES IN SOLITARY CONFINEMENT.—

“(A) INMATES WITH UPCOMING RELEASE DATES.—The Director of the Bureau of Prisons shall establish—

“(i) policies to ensure that an inmate with an anticipated release date of 180 days or less is not housed in solitary confinement, unless—

“(I) such confinement is limited to not more than 5 days of administrative segrega-

tion relating to the upcoming release of the inmate; or

“(II) the inmate poses a substantial and immediate threat; and

“(i) a transitional process for each inmate with an anticipated release date of 180 days or less who is held in solitary confinement under clause (i)(II), which shall include—

“(I) substantial re-socialization programming in a group setting;

“(II) regular mental health counseling to assist with the transition; and

“(III) re-entry planning services offered to inmates in a general population setting.

“(B) INMATES IN LONG-TERM SOLITARY CONFINEMENT.—The Director of the Bureau of Prisons and the Director of the United States Marshals Service shall each establish a transitional process for each inmate who has been held in solitary confinement for more than 30 days and who will transition into a general population unit, which shall include—

“(i) substantial re-socialization programming in a group setting; and

“(ii) regular mental health counseling to assist with the transition.

“(3) PROTECTIVE CUSTODY UNITS.—The Director of the Bureau of Prisons and the Director of the United States Marshals Service—

“(A) shall establish within the Federal prison system additional general population protective custody units that provide sheltered general population housing to protect inmates from harm that they may otherwise be exposed to in a typical general population housing unit;

“(B) shall establish policies to ensure that an inmate who is considered a protection case shall, upon request of the inmate, be placed in a general population protective custody unit;

“(C) shall create an adequate number of general population protective custody units to—

“(i) accommodate the requests of inmates who are considered to be protection cases; and

“(ii) ensure that inmates who are considered to be protection cases are placed in facilities as close to their homes as practicable;

“(D) may not place an inmate who is considered to be a protection case in solitary confinement due to the status of the inmate as a protection case unless—

“(i) the inmate requests to be placed in solitary confinement, in which case, at the request of the inmate, the inmate shall be transferred to a general population protective custody unit or, if appropriate, a different general population unit; or

“(ii) such confinement is limited to—

“(I) not more than 5 days of administrative segregation; and

“(II) is necessary to protect the inmate during preparation for transfer to a general population protective custody unit or a different general population unit; and

“(E) shall provide any inmate in protective custody access to all of the equivalent programs, services, amenities, including access to communication, and conditions as people in the general population of the facility.

“(4) VULNERABLE POPULATIONS.—A covered facility may not place an inmate in solitary confinement if—

“(A) the inmate is 21 years of age or younger, is 60 years of age or older, has a serious mental illness or disability (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)), has been determined by a licensed mental health professional to likely be significantly adversely affected by placement in solitary confinement, is pregnant or in the first 8 weeks of the postpartum recovery period after giving

birth, or is caring for a child in a facility program, unless—

“(i) the inmate poses a substantial and immediate threat;

“(ii) all other options to de-escalate the situation have been exhausted, including less restrictive techniques such as—

“(I) penalizing the inmate through loss of privileges;

“(II) speaking with the inmate in an attempt to de-escalate the situation; and

“(III) a licensed mental health professional providing an appropriate level of care;

“(iii) such confinement is limited to the briefest term and the least restrictive conditions practicable, including access to medical and mental health treatment;

“(iv) such confinement is reviewed by a multidisciplinary staff committee for appropriateness every 24 hours; and

“(v) as soon as practicable, but not later than 5 days after such confinement begins, the inmate is diverted, upon release from solitary confinement, to—

“(I) a general population unit;

“(II) a protective custody unit described in paragraph (3); or

“(III) a mental health treatment program as described in subsection (c)(2);

“(B) the inmate is lesbian, gay, bisexual, transgender (as defined in section 115.5 of title 28, Code of Federal Regulations, or any successor thereto), intersex (as defined in section 115.5 of title 28, Code of Federal Regulations, or any successor thereto), or gender nonconforming (as defined in section 115.5 of title 28, Code of Federal Regulations, or any successor thereto), if the placement is solely on the basis of such identification or status; or

“(C) the inmate is HIV positive, if the placement is solely on the basis of the HIV positive status of the inmate.

“(5) LIMITATIONS ON THE USE OF RESTRAINTS AND OTHER REQUIREMENTS.—The Director of the Bureau of Prisons and the Director of the United States Marshals Service, or any facility that contracts with the Bureau of Prisons or the United States Marshals Service, shall ensure that—

“(A) no inmate, including individuals in solitary confinement, shall be placed in restraints during out-of-cell time, unless—

“(i) determined to be necessary for safety, security, or mitigation of flight risk during the transportation of an inmate;

“(ii) an individualized determination is made at the time that restraints are necessary to prevent a specific, significant, and unreasonable risk of imminent serious physical injury to other inmates or staff based on concrete and reasonable evidence of such risk; and

“(iii) the least restrictive form of restraints shall be used for no longer than necessary to abate such imminent harm, provided that—

“(I) restraints may not be used for more than 2 hours unless a determination is made that there is an ongoing significant and serious threat of imminent serious physical injury to other inmates or staff, at which time the regional director shall be notified about the continued use of restraints;

“(II) any continued use of restraints shall be meaningfully reviewed at least every 12 hours and discontinued once restraints are no longer necessary to prevent an ongoing significant and serious threat of imminent serious physical injury to other inmates or staff and at each 12-hour interval, the regional director shall be notified about the continued use of restraints; and

“(III) restraints shall not be used for more than 3 days, unless the Director of the Bureau of Prisons or the Director of the United States Marshals Service, as applicable, or a designee—

“(aa) provides prior approval for the use of restraints for more than 3 days;

“(bb) makes a written finding that the continued use of restraints is necessary to prevent an ongoing significant and serious risk of imminent serious physical injury to other inmates or staff; and

“(cc) if restraints continue to be used for more than 5 days, at least every 3 days, reviews and approves the continued use of restraints; and

“(B) no limitation on access to services, treatment, visiting, or basic needs, such as provision of clothing, food, and bedding, shall be imposed as a form of punishment or for any other reason except where there is an ongoing significant and serious threat to the physical safety of the inmate, other inmates, or staff;

“(C) no restricted diet or any other change in diet shall be imposed as a form of punishment; and

“(D) an inmate shall—

“(i) always have access to any authorized personal property belonging to the inmate; and

“(ii) regardless of the unit the inmate is housed in or the status the inmate has been assigned, always have access to the commissary and to contact visitation with visitors, except where there is a specific significant risk to the physical safety of the inmate, other inmates, staff, or the public.

“(6) SPECIAL HOUSING UNITS.—The Director of the Bureau of Prisons, the Director of the United States Marshals Service, and any facility that contracts with the Bureau of Prisons or the United States Marshals Service shall—

“(A) limit administrative segregation—

“(i) to situations in which such segregation is necessary to—

“(I) control a substantial and immediate threat that cannot be addressed through alternative housing; or

“(II) temporarily house an inmate pending transfer, pending classification, or pending resolution of another temporary administrative matter; and

“(ii) to a duration of not more than 15 consecutive days, and not more than 20 days in a 60-day period, unless—

“(I) the inmate requests to remain in administrative segregation under paragraph (3)(D)(i); or

“(II) in order to address the continued existence of a substantial and immediate threat, a multidisciplinary staff committee approves a temporary extension, which—

“(aa) may not be longer than 15 days; and

“(bb) shall be reviewed by the multidisciplinary staff committee every 3 days during the period of the extension, in order to confirm the continued existence of the substantial and immediate threat;

“(B) limit disciplinary segregation—

“(i) to situations in which such segregation is necessary to address an inmate who has been found to have committed a significant and serious disciplinary infraction by a disciplinary hearing officer and poses an ongoing significant and serious threat, and alternative sanctions would not adequately regulate the behavior of the inmate;

“(ii) in the case of a prohibited act categorized as a 400-level prohibited act under section 541.3 of title 28, Code of Federal Regulations, or any successor thereto, by prohibiting the use of disciplinary segregation;

“(iii) in the case of a prohibited act categorized as a 300-level prohibited act under section 541.3 of title 28, Code of Federal Regulations, or any successor thereto, by—

“(I) prohibiting the use of disciplinary segregation for the first such prohibited act; and

“(II) limiting disciplinary segregation to a duration of not more than 15 days, for a second or subsequent such prohibited act;

“(iv) in the case of a prohibited act categorized as a 200-level prohibited act under section 541.3 of title 28, Code of Federal Regulations, or any successor thereto, by—

“(I) limiting disciplinary segregation to a duration of not more than 30 days, for the first such prohibited act; and

“(II) limiting disciplinary segregation to a duration of not more than 60 days, for a second or subsequent such prohibited act;

“(v) in the case of a prohibited act categorized as a 100-level prohibited act under section 541.3 of title 28, Code of Federal Regulations, or any successor thereto, by—

“(I) limiting disciplinary segregation to a duration of not more than 60 days, for the first such prohibited act; and

“(II) limiting disciplinary segregation to a duration of not more than 90 days, for a second or subsequent such prohibited act; and

“(vi) in addition to any other limitation under this subparagraph, limiting disciplinary segregation to a duration of not more than 30 consecutive days, and not more than 40 days in any 60-day period, unless a multidisciplinary staff committee, in consultation with the disciplinary hearing officer who presided over the disciplinary hearing for the inmate, determines that the significant and serious disciplinary infraction which the inmate was found to have committed is of such an egregious and violent nature that a longer sanction is appropriate and approves a longer sanction;

“(C) ensure that any time spent in administrative segregation during an investigation into an alleged offense is for as short a duration as possible, is not longer than 15 consecutive days, and is credited as time served for a disciplinary segregation sentence;

“(D) ensure that concurrent sentences are imposed for disciplinary violations arising from the same episode; and

“(E) ensure that an inmate may be released from disciplinary segregation for good behavior before completing the term of the inmate, unless the inmate poses a substantial and immediate threat to the safety of other inmates, staff, or the public.

“(7) SPECIAL MANAGEMENT UNITS.—The Director of the Bureau of Prisons shall eliminate the use of special management units.

“(8) ADMINISTRATIVE MAXIMUM FACILITIES.—The Director of the Bureau of Prisons shall—

“(A) limit segregation in an administrative maximum facility to situations in which such segregation is necessary to—

“(i) implement special administrative measures, as directed by the Attorney General; or

“(ii) house an inmate who has been found to have committed a significant and serious disciplinary infraction by a disciplinary hearing officer and who poses an ongoing significant and serious threat to the safety of other inmates, staff, or the public that cannot be addressed through alternative housing; and

“(B) issue final approval of referral of any inmate who poses an ongoing significant and serious threat for placement in an administrative maximum facility.

“(9) RIGHT TO REVIEW PLACEMENT IN SOLITARY CONFINEMENT.—The Director of the Bureau of Prisons, the Director of the United States Marshals Service, or any facility that contracts with the Bureau of Prisons or the United States Marshals Service, shall ensure that no inmate shall be placed in solitary confinement without—

“(A) written notice provided to the inmate thoroughly detailing the basis for placement or continued placement in solitary confinement not later than 6 hours after the beginning of such placement, including—

“(i) thorough documentation explaining why such confinement is permissible and necessary;

“(ii) thorough documentation explaining the reason an exception applied if—

“(I) an exception under paragraph (2)(A), (3)(D), (4)(A), (6)(A), or (6)(B) is used to justify placement or continued placement in solitary confinement; or

“(II) an exception under paragraph (1) is used to justify increased restrictive conditions in solitary confinement; and

“(iii) thorough documentation explaining a clear plan for returning the individual to less restrictive conditions as promptly as possible;

“(B) a timely, thorough, and continuous review process that—

“(i) occurs not less than 7 days after placement in solitary confinement, and thereafter at least—

“(I) on a weekly basis for an inmate in a special housing unit; and

“(II) on a monthly basis for an inmate at an administrative maximum facility;

“(ii) includes private, face-to-face interviews with a multidisciplinary staff committee;

“(iii) examines whether—

“(I) placement in solitary confinement was and remains necessary;

“(II) the conditions of confinement comply with this section; and

“(III) whether any exception under paragraph (2)(A), (3)(D), (4)(A), (6)(A), or (6)(B) used to justify placement or continued placement in solitary confinement or any exception under paragraph (1) used to justify increased restrictive conditions in solitary confinement was and remains warranted; and

“(iv) includes written findings on the decision for placement in solitary confinement or continued placement in solitary confinement, consistent with paragraph (9)(A), that are electronically retained in the personnel file of the inmate for not less than 3 years from the date of placement;

“(C) a process to appeal the initial placement or continued placement of the inmate in solitary confinement;

“(D) prompt and timely written notice of the appeal procedures; and

“(E) copies of all documents, files, and records relating to the placement of the inmate in solitary confinement, unless such documents contain contraband, classified information, or sensitive security-related information, maintained in a central electronic database for not less than 3 years.

“(c) MENTAL HEALTH CARE FOR INMATES IN SOLITARY CONFINEMENT.—

“(1) MENTAL HEALTH SCREENING.—Not later than 6 hours after an inmate in the custody of a covered facility is placed in solitary confinement, the inmate shall receive a comprehensive, face-to-face mental health evaluation by a licensed mental health professional in a confidential setting.

“(2) MENTAL HEALTH TREATMENT PROGRAM.—An inmate diagnosed with a serious mental illness after an evaluation required under paragraph (1)—

“(A) shall not be placed in solitary confinement except as provided in subsection (b)(4); and

“(B) shall be diverted to a mental health treatment program within the covered facility that provides an appropriate level of care to address the mental health needs of the inmate.

“(3) CONTINUING EVALUATIONS.—After each 10-calendar-day period an inmate is held in continuous placement in solitary confinement—

“(A) a licensed mental health professional shall conduct a comprehensive, face-to-face, out-of-cell mental health evaluation of the inmate in a confidential setting; and

“(B) the Director of the Bureau of Prisons, the Director of the United States Marshals Service, or any facility that contracts with the Bureau of Prisons or the United States Marshals Service, as applicable, shall adjust the placement of the inmate in accordance with this subsection.

“(4) REQUIREMENT.—The Director of the Bureau of Prisons, the Director of the United States Marshals Service, and any facility that contracts with the Bureau of Prisons or the United States Marshals Service shall operate mental health treatment programs in order to ensure that inmates of all security levels with serious mental illness have access to an appropriate level of care.

“(d) TRAINING FOR COVERED FACILITY STAFF.—

“(1) TRAINING.—All employees of a covered facility who interact with inmates on a regular basis shall be required to complete training in—

“(A) the recognition of symptoms of mental illness;

“(B) the potential risks and side effects of psychiatric medications;

“(C) de-escalation techniques for safely managing individuals with mental illness;

“(D) consequences of untreated mental illness;

“(E) the long- and short-term psychological effects of solitary confinement; and

“(F) de-escalation and communication techniques to divert inmates from situations that may lead to the inmate being placed in solitary confinement.

“(2) NOTIFICATION TO MEDICAL STAFF.—An employee of a covered facility shall immediately notify a member of the medical or mental health staff if the employee—

“(A) observes an inmate with signs of mental illness, unless such employee has knowledge that the inmate’s signs of mental illness have previously been reported; or

“(B) observes an inmate with signs of a mental health crisis.

“(e) OMBUDSMAN FOR THE CIVIL RIGHTS OF INCARCERATED PEOPLE.—

“(1) IN GENERAL.—Within the Department of Justice, there shall be a position of the Ombudsman for the Civil Rights of Incarcerated People and an Office of the Ombudsman for the Civil Rights of Incarcerated People.

“(2) APPOINTMENT.—

“(A) IN GENERAL.—The Ombudsman shall be appointed by the Attorney General and shall report directly to the Director of the Bureau of Prisons and the Director of the United States Marshals Service.

“(B) QUALIFICATIONS.—The Ombudsman shall have a background in corrections and civil rights and shall have expertise on the effects of prolonged solitary confinement and restrictive housing.

“(3) REPORTING.—The Director of the Bureau of Prisons and the Director of the United States Marshals Service shall ensure that each covered facility provides multiple internal ways for inmates and others to promptly report civil rights violations and violations of this section to the Ombudsman, including—

“(A) not less than 4 procedures, including written mail correspondence, email correspondence, telephone calls, and in-person interviews, for inmates and others to report civil rights violations and violations of this section to an entity or office that is not part of the facility, and that is able to receive and immediately forward inmate reports to the Ombudsman, allowing the inmate to communicate confidentially and to remain anonymous upon request; and

“(B) not less than 4 procedures, including written mail correspondence, email correspondence, telephone calls, and in-person interviews, for inmates and others to report civil rights abuses and violations of this sec-

tion to the Ombudsman in a confidential manner, allowing the inmate to remain anonymous upon request.

“(4) NOTICE.—

“(A) BUREAU OF PRISONS.—The Director of the Bureau of Prisons shall ensure that each Bureau of Prisons facility and any facility that contracts with the Bureau of Prisons provides inmates with the notice described in subparagraph (C).

“(B) MARSHALS SERVICE.—The Director of the United States Marshals Service shall ensure that each facility that contracts with the United States Marshals Service provides inmates with the notice described in subparagraph (C).

“(C) CONTENTS.—A notice described in this subparagraph shall provide inmates with—

“(1) notice of how to report civil rights violations and violations of this section in accordance with paragraph (3), including—

“(I) notice prominently posted in the living and common areas of each such facility;

“(II) individual notice to inmates at initial intake into the Bureau of Prisons or the United States Marshals Service, when transferred to a new facility, and when placed in solitary confinement;

“(III) notice to inmates with disabilities in accessible formats; and

“(IV) written or verbal notice in a language the inmate understands; and

“(ii) notice of permissible practices related to solitary confinement in the Bureau of Prisons or the United States Marshals Service, including the requirements of this section.

“(5) FUNCTIONS.—The Ombudsman shall—

“(A) review all complaints the Ombudsman receives;

“(B) investigate all complaints that allege a civil rights violation or violation of this section;

“(C) refer all possible violations of law to the Criminal Division or the Inspector General of the Department of Justice;

“(D) refer to the Director of the Bureau of Prisons or the United States Marshals Service allegations of misconduct involving staff of the Bureau of Prisons or the United States Marshals Service, respectively;

“(E) identify areas in which the Bureau of Prisons or the United States Marshals Service can improve the policies and practices of the Bureau to ensure that the civil rights of inmates are protected;

“(F) identify areas in which the Bureau of Prisons or the United States Marshals Service can improve solitary confinement policies and practices and reduce the use of solitary confinement; and

“(G) propose changes to the policies and practices of the Bureau of Prisons and the United States Marshals Service to mitigate problems and address issues the Ombudsman identifies.

“(6) ACCESS.—The Ombudsman—

“(A) shall have unrestricted access to every area of any covered facility;

“(B) shall be able to speak privately and confidentially with inmates and staff; and

“(C) may make unannounced visits to any covered facility.

“(7) ANNUAL REPORTS.—

“(A) IN GENERAL.—Not later than December 31 of each year, the Ombudsman shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the activities of the Office of the Ombudsman for the fiscal year ending in such calendar year and make the report publicly available on a website.

“(B) CONTENTS.—Each report submitted under subparagraph (A) shall—

“(i) contain full and substantive analysis, in addition to statistical information;

“(ii) identify the recommendations the Office of the Ombudsman has made on addressing reported civil rights violations and violations of this section and reducing the use and improving the practices of solitary confinement in covered facilities;

“(iii) contain a summary of problems relating to reported civil rights violations and violations of this section, including a detailed description of the nature of such problems and a breakdown of where the problems occur among covered facilities;

“(iv) contain an inventory of the items described in clauses (ii) and (iii) for which action has been taken and the result of such action;

“(v) contain an inventory of the items described in clauses (ii) and (iii) for which action remains to be completed and the period during which each item has remained on such inventory;

“(vi) contain an inventory of the items described in clauses (ii) and (iii) for which no action has been taken, the period during which each item has remained on such inventory, the reasons for the inaction, and shall identify any official of the Bureau of Prisons or the United States Marshals Service who is responsible for such inaction;

“(vii) contain recommendations for such legislative or administrative action as may be appropriate to resolve problems identified in clause (iii); and

“(viii) include such other information as the Ombudsman determines necessary.

“(C) SUBMISSION OF REPORTS.—Each report required under this paragraph shall be provided directly to the Committees described in subparagraph (A) without any prior review, comment, or amendment from the Director of the Bureau of Prisons, the Director of the United States Marshals Service, or any other officer or employee of the Department of Justice, the Bureau of Prisons, or the United States Marshals Service.

“(8) REGULAR MEETINGS WITH THE DIRECTOR.—The Ombudsman shall meet regularly with the Director of the Bureau of Prisons and the Director of the United States Marshals Service to identify problems with reported civil rights violations and the solitary confinement policies and practices of the Bureau of Prisons and the United States Marshals Service, including overuse of solitary confinement, and to present recommendations for such administrative action as may be appropriate to resolve problems relating to reported civil rights violations and the solitary confinement policies and practices of the Bureau of Prisons and the United States Marshals Service.

“(9) RESPONSIBILITIES OF THE BUREAU OF PRISONS AND UNITED STATES MARSHALS SERVICE.—The Director of the Bureau of Prisons and the Director of the United States Marshals Service shall establish procedures requiring that, not later than 90 days after the date on which a recommendation is submitted to the Director of the Bureau of Prisons or the Director of the United States Marshals Service by the Ombudsman, the Director of the Bureau of Prisons or the Director of the United States Marshals Service, as applicable, or another appropriate employee of the agency, issue a formal response to the recommendation and take remedial action to comply with the recommendation.

“(10) NON-APPLICATION OF THE PRISON LITIGATION REFORM ACT.—Inmate reports sent to the Ombudsman may not be considered an administrative remedy under section 7(a) of the Civil Rights of Institutionalized Persons Act (42 U.S.C. 1997e(a)).”

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 303 of title 18, United States Code, is amended by

inserting after the item relating to section 4051 the following:

“4052. Solitary confinement.”.

SEC. 3. REASSESSMENT OF INMATE MENTAL HEALTH.

Not later than 180 days after the date of enactment of this Act, the Director of the Bureau of Prisons and the Director of the United States Marshals Service shall—

(1) assemble a team of licensed mental health professionals, which may include licensed mental health professionals who are not employed by the Bureau of Prisons or the United States Marshals Service, to conduct a comprehensive mental health reevaluation for each inmate held in solitary confinement at a covered facility for more than 30 days as of the date of enactment of this Act, including a confidential, face-to-face, out-of-cell interview by a licensed mental health professional; and

(2) adjust the placement of each inmate in accordance with section 4052(c) of title 18, United States Code, as added by section 2.

SEC. 4. DIRECTOR OF THE BUREAU OF PRISONS.

Section 4041 of title 18, United States Code, is amended—

(1) by inserting “(a) IN GENERAL.—” before the “The Bureau of Prisons shall be”; and

(2) by adding at the end the following:

“(b) OMBUDSMAN.—The Director of the Bureau of Prisons shall—

“(1) meet regularly with the Ombudsman for the Civil Rights of Incarcerated People appointed under section 4052(e) to identify how the Bureau of Prisons can address reported civil rights violations and reduce the use of solitary confinement and correct problems in the solitary confinement policies and practices of the Bureau;

“(2) conduct a prompt and thorough investigation of each referral from the Ombudsman, through the designees of the Ombudsman, under section 4052(e)(5)(D), and after each such investigation take appropriate disciplinary action against any Bureau of Prisons employee who is found to have engaged in misconduct or to have violated Bureau of Prisons policy, and notify the Ombudsman of the outcome of each such investigation; and

“(3) establish procedures requiring a formal response by the Bureau of Prisons to any recommendation of the Ombudsman in the annual report submitted under section 4052(e)(7) not later than 90 days after the date on which the report is submitted to Congress.”.

SEC. 5. DIRECTOR OF THE UNITED STATES MARSHALS SERVICE.

Section 561 of title 28, United States Code, is amended by adding at the end the following:

“(j) OMBUDSMAN.—The Director of the United States Marshals Service shall—

“(1) meet regularly with the Ombudsman for the Civil Rights of Incarcerated People appointed under section 4052(e) to identify how the United States Marshals Service can address reported civil rights violations and reduce the use of solitary confinement and correct problems in the solitary confinement policies and practices of the United States Marshals Service;

“(2) conduct a prompt and thorough investigation of each referral from the Ombudsman, through the designees of the Ombudsman, under section 4052(e)(5)(D), and after each such investigation take appropriate disciplinary action against any United States Marshals Service employee who is found to have engaged in misconduct or to have violated United States Marshals Service policy, and notify the Ombudsman of the outcome of each such investigation; and

“(3) establish procedures requiring a formal response by the United States Marshals Service to any recommendation of the Om-

budsman in the annual report submitted under section 4052(e)(7) not later than 90 days after the date on which the report is submitted to Congress.”.

SEC. 6. DATA TRACKING OF USE OF SOLITARY CONFINEMENT.

Section 4047 of title 18, United States Code, is amended by adding at the end the following:

“(d) PRISON SOLITARY CONFINEMENT ASSESSMENTS.—

“(1) IN GENERAL.—Not later than March 31 and September 30 of each year, the Director of the Bureau of Prisons and the Director of the United States Marshals Service shall each prepare and transmit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a semi-annual assessment of the use of solitary confinement (as defined in section 4052(a)) in covered facilities and shall make the respective assessment publicly available on the website of the Bureau of Prisons or the United States Marshals Service, as applicable.

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

“(A) the policies and regulations of the Bureau of Prisons, including any changes in policies and regulations, and the United States Marshals Service for determining which inmates are placed in each form of solitary confinement, or housing in which an inmate is separated from the general population during the reporting period, and a detailed description of each form of solitary confinement in use, including all maximum and high security facilities, all special housing units, all special management units, all administrative maximum facilities (as defined in section 4052(a)), and all communication management units;

“(B) the total number of inmates and percentage of individuals in the custody of the Bureau of Prisons and the United States Marshals Service, listed separately, who are housed in each type of solitary confinement described in subparagraph (A) at the time of the report, and the total number and the percentage of all inmates who have spent at least some time in each form of solitary confinement during the reporting period;

“(C) the reason for placement, including disciplinary segregation, protective custody, administrative segregation, or other segregation and the length of time in restrictive housing;

“(D) the demographics of all inmates housed in each type of solitary confinement described in subparagraph (A), including race, ethnicity, religion, age, gender identity, mental health care level, pregnancy or post-partum status, or identification as lesbian, gay, bisexual, transgender, intersex, or gender non-conforming;

“(E) the policies and regulations of the Bureau of Prisons and the United States Marshals Service, including any updates in policies and regulations, for subsequent reviews or appeals of the placement of an inmate into or out of solitary confinement;

“(F) the number of reviews of and appeals for each type of solitary confinement placement described in subparagraph (A) that occurred during the reporting period and the number of reviews or appeals that directly resulted in a change of placement;

“(G) a description of the general conditions and restrictions for each type of solitary confinement described in subparagraph (A), including the number of hours spent in confinement in a cell separated from the general population or in restraints, and the percentage of time these conditions involve housing a single inmate in a cell;

“(H) the mean and median length of stay in each form of solitary confinement described in subparagraph (A), based on all in-

dividuals released from solitary confinement during the reporting period, including maximum and high security facilities, special housing units, special management units, administrative maximum facilities, communication management units, and any maximum length of stay during the reporting period;

“(I) the number of inmates who, after a stay of 5 or more days in solitary confinement, were released directly from solitary confinement to the public during the reporting period;

“(J) the individual daily fixed cost for each form of solitary confinement described in subparagraph (A) in use during the reporting period, including as compared with the average daily fixed cost of housing an inmate in the general population;

“(K) statistics for inmate assaults on correctional officers and staff of the Bureau of Prisons or the United States Marshals Service, inmate-on-inmate assaults, and staff-on-inmate use of force incidents in the various forms of solitary confinement described in subparagraph (A) and statistics for such assaults in the general population;

“(L) the policies for mental health screening, mental health treatment, and subsequent mental health reviews for all inmates, including any update to the policies, and any additional screening, treatment, and monitoring for inmates in solitary confinement;

“(M) a statement of the types of mental health staff that conducted mental health assessments for the Bureau of Prisons and the United States Marshals Service during the reporting period, a description of the different positions in the mental health staff of the Bureau of Prisons and the United States Marshals Service, and the number of part- and full-time psychologists and psychiatrists employed by the Bureau of Prisons and the United States Marshals Service during the reporting period;

“(N) data on mental health and medical indicators for all inmates in solitary confinement, including—

“(i) the number of inmates requiring medication for mental health conditions;

“(ii) the number of inmates diagnosed with an intellectual disability;

“(iii) the number of inmates diagnosed with a serious mental illness;

“(iv) the number of suicides;

“(v) the number of attempted suicides and number of inmates placed on suicide watch;

“(vi) the number of instances of self-harm committed by inmates;

“(vii) the number of inmates with physical disabilities, including blind, deaf, and mobility-impaired inmates; and

“(viii) the number of instances of force-feeding of inmates;

“(O) the type and number of hours of programming received by inmates in restrictive housing; and

“(P) any other relevant data.”.

SEC. 7. NATIONAL COORDINATING CENTER ON SOLITARY CONFINEMENT REDUCTION AND REFORM.

(a) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term “eligible entity” means an entity, or a partnership of entities, that has demonstrated expertise in the fields of—

(1) solitary confinement, including the reduction and reform of its use; and

(2) providing technical assistance to corrections agencies on how to reduce and reform solitary confinement.

(b) REQUIREMENTS.—Not later than 180 days after the date of enactment of this Act, the Bureau of Justice Assistance shall enter into a cooperative agreement, on a competitive basis, with an eligible entity for the purpose of establishing a coordinating center for

State, local, and Federal corrections systems, which shall conduct activities such as—

(1) providing on-site technical assistance and consultation to Federal, State, and local corrections agencies to safely reduce the use of solitary confinement;

(2) acting as a clearinghouse for research, data, and information on the safe reduction of solitary confinement in prisons and other custodial settings, including facilitating the exchange of information between Federal, State, and local practitioners, national experts, and researchers;

(3) creating a minimum of 10 learning sites in Federal, State, and local jurisdictions that have already reduced their use of solitary confinement and that will coordinate with other Federal, State, and local agencies to participate in training, consultation, and other forms of assistance and partnership with these learning sites;

(4) conducting evaluations of jurisdictions that have decreased their use of solitary confinement to determine best practices;

(5) conducting research on the effectiveness of alternatives to solitary confinement, such as step-down or transitional programs, strategies to reintegrate inmates into the general population in a facility, the role of officers and staff culture in reform efforts, and other research relevant to the safe reduction of solitary confinement;

(6) developing and disseminating a toolkit for systems to reduce the excessive use of solitary confinement;

(7) developing and disseminating an online self-assessment tool for State and local jurisdictions to assess their own use of solitary confinement and identify strategies to reduce the use of solitary confinement; and

(8) conducting public webinars to highlight new and promising practices.

(c) ADMINISTRATION.—The program under this section shall be administered by the Bureau of Justice Assistance.

(d) REPORT.—On an annual basis, the coordinating center shall report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on its activities and any changes in solitary confinement policy at the Federal, State, or local level that have resulted from the activities of the coordinating center.

(e) DURATION.—The Bureau of Justice Assistance shall enter into a cooperative agreement under this section for 5 years.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated—

(1) to the Director of the Bureau of Prisons such sums as may be necessary to carry out sections 2, 3, 4, and 6, and the amendments made by such sections;

(2) to the Director of the United States Marshals Service such sums as may be necessary to carry out sections 2, 3, 5, and 6, and the amendments made by such sections; and

(3) to the Bureau of Justice Assistance such sums as may be necessary to carry out section 7.

SEC. 9. REGULATIONS.

The Director of the Bureau of Prisons and the Director of the United States Marshals Service shall prescribe rules, in accordance with section 553 of title 5, United States Code, to carry out this Act and the amendments made by this Act.

SEC. 10. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided, this Act and the amendments made by this Act shall take effect 18 months after the date of enactment of this Act.

(b) CONTRACTORS.—For facilities that contract with the Bureau of Prisons or the United States Marshals Services, this Act and the amendments made by this Act shall

apply to contracts finalized and entered into after the effective date of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 640—COMMEMORATING AND SUPPORTING THE GOALS OF “WORLD QUANTUM DAY”

Mr. YOUNG (for himself, Ms. HASSAN, Mrs. BLACKBURN, and Ms. CANTWELL) submitted the following resolution; which was considered and agreed to:

S. RES. 640

Whereas quantum physics describes nature at the scale of atoms and subatomic particles;

Whereas “World Quantum Day” is celebrated by scientists in more than 70 countries to promote public understanding of quantum science and technology around the world;

Whereas the United States has recognized quantum information science, engineering, and technology as a key technology area for economic competition;

Whereas quantum physics helps us to understand and develop technologies critical to everyday life, such as GPS, semiconductors, and lasers;

Whereas quantum information science is a multidisciplinary field, bridging science, technology, engineering, and mathematics (referred to in this preamble as “STEM”);

Whereas STEM is a critical part of education for children, and aptitude in STEM is essential for a knowledge-based society and for economic competition;

Whereas the United States needs to reinforce STEM education for all students in order to better prepare children for future careers in emerging technologies, including quantum, to succeed in a 21st-century economy;

Whereas STEM can be a fun and interesting part of education for children, and learning about quantum principles of superposition and entanglement can be an engaging way to teach children and attract the children to study STEM;

Whereas the Planck constant is a fundamental constant governing quantum physics, which is used to define universal measurements such as the kilogram; and

Whereas the rounded first significant digits of the Planck constant are 4.14, and thus April 14 of each year is internationally recognized as “World Quantum Day”: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals of “World Quantum Day” to recognize and celebrate the role that quantum physics plays in our daily lives; and

(2) encourages schools and educators to observe the day with appropriate activities that teach students about quantum physics and engage students in the study of science, technology, engineering, and mathematics.

SENATE RESOLUTION 641—DESIGNATING THE WEEK OF APRIL 7 THROUGH APRIL 13, 2024, AS “NATIONAL WATER WEEK”

Mr. SULLIVAN (for himself, Mr. PADILLA, Ms. LUMMIS, Mr. CRAMER, Mr. WARNOCK, Mr. RICKETTS, Mr. CARPER, and Mr. WHITEHOUSE) submitted the following resolution; which was considered and agreed to:

S. RES. 641

Whereas each community in the United States, both large and small, and urban, rural, and Tribal, deserves to have access to affordable, safe, and clean drinking water, sanitation, and other critical water infrastructure;

Whereas more than 2,000,000 people in the United States lack access to running water, indoor plumbing, or wastewater services;

Whereas small, rural, and disadvantaged community water systems struggle to make needed investments while keeping rates affordable;

Whereas Federal investment in core drinking water, wastewater, stormwater capture, sustainable desalination, and water recycling programs allow local utilities and the customers of those local utilities to have the resources to affordably improve in water reliability and meet Federal regulatory obligations;

Whereas source control is a critical first step to reducing emerging contaminants from entering water systems and the environment, along with advancing the state of the science on the risks of those contaminants, which is essential to protect public health;

Whereas water infrastructure projects often rely on specific products and technologies, and substitutions may not be readily available, so it is critical to consider the realities unique to the water sector, and the near-term challenges that water infrastructure projects face;

Whereas countless disadvantaged communities in the United States struggle to make needed investments in critical water infrastructure while simultaneously keeping rates affordable;

Whereas water research helps solve some of the most pressing challenges for the water sector, such as—

- (1) aging infrastructure;
- (2) emerging contaminants;
- (3) resiliency to extreme weather;
- (4) drought and water scarcity; and
- (5) significant shifts in population;

Whereas research and development aimed at finding cost-effective solutions to the most pressing challenges for the water sector—

- (1) create more resilient and effective water systems;
- (2) create new jobs and support thriving communities nationwide; and
- (3) result in improved public health and safety and promote equitable solutions throughout the United States; and

Whereas Congress and the executive branch should assist water utilities to ensure that those communities can continue to fulfill their core mission of protecting public health and the environment while supporting local economic growth by addressing challenges related to—

- (1) managing aging water infrastructure, and escalating operation and maintenance costs, supply chain disruptions, and workforce shortages;
- (2) addressing growing water quality impairments and regulations from emerging contaminants and nutrients; and
- (3) ensuring proper climate adaptation, system resiliency, and security measures are in place: Now, therefore, be it

Resolved, That Congress hereby designates the week of April 7 through April 13, 2024, as “National Water Week”.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1819. Mr. SCHUMER (for Mr. COONS) proposed an amendment to the resolution S.

Res. 174, condemning the human rights record of the Government of the Kingdom of Eswatini and the brutal killing of Eswatini activist Thulani Maseko on January 21, 2023.

TEXT OF AMENDMENTS

SA 1819. Mr. SCHUMER (for Mr. COONS) proposed an amendment to the resolution S. Res. 174, condemning the human rights record of the Government of the Kingdom of Eswatini and the brutal killing of Eswatini activist Thulani Maseko on January 21, 2023; as follows:

On page 13, line 24, insert “and” after “Eswatini”;

On page 14, lines 12 and 13, strike “reform; and” and insert “reform.”;

On page 14, strike lines 14 through 19.

PROHIBITING THE USE OF FUNDS TO IMPLEMENT, ADMINISTER, OR ENFORCE CERTAIN RULES OF THE ENVIRONMENTAL PROTECTION AGENCY—MOTION TO PROCEED

Mr. SCHUMER. Madam President, I move to proceed to Calendar No. 350, S. 4072.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 350, S. 4072, a bill to prohibit the use of funds to implement, administer, or enforce certain rules of the Environmental Protection Agency.

There being no objection, the Senate proceeded to consider the bill.

MEASURE PLACED ON THE CALENDAR—H.R. 7888

Mr. SCHUMER. Madam President, I understand that there is a bill at the desk that is due for a second reading.

The ACTING PRESIDENT pro tempore. The leader is correct.

The clerk will read the title of the bill for the second time.

The senior assistant legislative clerk read as follows:

A bill (H.R. 7888) to reform the Foreign Intelligence Surveillance Act of 1978.

Mr. SCHUMER. In order to place the bill on the calendar under the provisions of rule XIV, I would object to further proceeding.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bill will be placed on the calendar.

LEGACY MINE CLEANUP ACT OF 2024

Mr. SCHUMER. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 344, S. 3858.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 3858) to establish within the Office of Land and Emergency Management of

the Environmental Protection Agency the Office of Mountains, Deserts, and Plains, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Environment and Public Works, with amendments, as follows:

(The parts of the bill intended to be stricken are in boldfaced brackets and the parts of the bill intended to be inserted are in italic.)

S. 3858

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Legacy Mine Cleanup Act of 2024”.

SEC. 2. OFFICE OF MOUNTAINS, DESERTS, AND PLAINS.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

(A) the Committee on Appropriations of the Senate;

(B) the Committee on Energy and Natural Resources of the Senate;

(C) the Committee on Environment and Public Works of the Senate;

(D) the Committee on Health, Education, Labor, and Pensions of the Senate;

(E) the Committee on Indian Affairs of the Senate;

(F) the Committee on Appropriations of the House of Representatives;

(G) the Committee on Energy and Commerce of the House of Representatives;

(H) the Committee on Transportation and Infrastructure of the House of Representatives;

(I) the Committee on Natural Resources of the House of Representatives; and

(J) the Committee on Oversight and Accountability of the House of Representatives.

(3) COVERED MINE SITE.—The term “covered mine site” means the land, water, and surrounding watersheds where extraction, beneficiation, or processing of hardrock ores or minerals occurred, but has been discontinued, including discontinued temporarily.

(4) INDIAN COUNTRY.—The term “Indian country” has the meaning given the term in section 1151 of title 18, United States Code.

(5) NAVAJO NATION ABANDONED URANIUM MINE SITE.—The term “Navajo Nation abandoned uranium mine site” means an abandoned uranium covered mine site on land of the Navajo Nation.

(6) OFFICE.—The term “Office” means the Office of Mountains, Deserts, and Plains established by subsection (b)(1).

(7) REGIONAL OFFICE.—The term “Regional Office” means a Regional Office of the Environmental Protection Agency.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—There is established within the Office of Land and Emergency Management of the Environmental Protection Agency the Office of Mountains, Deserts, and Plains.

(2) DIRECTOR.—The Office shall be headed by a Director, to be appointed by the Administrator (or a designee).

(c) PURPOSES.—The purposes of the Office shall be—

(1) to coordinate with the headquarters of the Environmental Protection Agency, Regional Offices, and stakeholders response actions of the Environmental Protection Agency at a covered mine site, including a cov-

ered mine site in Indian country (as defined in section 1151 of title 18, United States Code), in accordance with Federal law;

(2) to establish and disseminate best practices for covered mine site response actions, including identifying—

(A) innovative technologies and reuse approaches that support and make progress toward those response actions; and

(B) waste storage and disposal solutions;

(3) to coordinate with the headquarters of the Environmental Protection Agency, Regional Offices, Federal land management agencies, States, and voluntary nongovernmental organizations, watershed groups, nonliable entities and mining companies, and other entities voluntary response actions at covered mine sites, where applicable, including timely issuance of administrative guidance for nonliable parties;

(4) to coordinate with the headquarters of the Environmental Protection Agency and other Federal Government entities, pursuant to existing authorities under section 3303 of title 41, United States Code, hiring practices to support small business concerns to carry out response actions at covered mine sites;

(5) to coordinate with the Secretary of the Interior, the Secretary of Energy, the Secretary of Health and Human Services, the Nuclear Regulatory Commission, and other Federal agencies, as the Administrator determines to be appropriate, to ensure interagency coordination of covered mine site response actions, with priority given to coordinating response actions at covered mine sites for which there is no potentially responsible party; and

(6) to coordinate other actions as the Administrator determines to be appropriate, pursuant to existing authorities of the Administrator—

(A) to support efforts to investigate, characterize, or clean up a discharge, release, or threat of release of a hazardous substance, pollutant, or contaminant into the environment at or from a covered mine site; or

(B) to establish best practices to protect and improve human health and the environment and implement appropriate reuse options, including through the use of innovative technologies to recover valuable resources from covered mine site features or areas, as applicable.

(d) DUTIES.—The Administrator shall carry out through the Office, at a minimum, the following duties:

(1) PRIORITY MINE LIST.—

(A) IN GENERAL.—Annually, the Administrator shall identify covered mine sites that are prioritized for response actions, which may include covered mine sites that are or are not included on the National Priorities List developed by the President in accordance with section 105(a)(8)(B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605(a)(8)(B)).

(B) CREATION OF LIST; REPORTS.—The Administrator shall annually—

(i) create a list of covered mine sites identified under subparagraph (A); and

(ii) submit to the appropriate committees of Congress a report describing—

(I) the methodology used to identify those covered mine sites under that subparagraph; and

(II) the status of response actions carried out at covered mine sites on the list.

(C) COORDINATION.—The Administrator shall—

(i) regularly coordinate with Regional Offices, Federal agencies, States, Indian Tribes, *Alaska Native Corporations*, and stakeholders to update the list of covered mine sites identified under subparagraph (A); and

(ii) regularly coordinate with Regional Offices on response actions and share best practices with respect to each covered mine site identified under subparagraph (A).

(2) PROCESS IMPROVEMENT.—

(A) IN GENERAL.—The Administrator shall, pursuant to existing authorities of the Administrator—

(i) identify best practices for developing, reviewing, and approving site assessments, remedial investigations, and feasibility studies for covered mine sites;

(ii) coordinate research relating to technologies and remedial and removal approaches that are the most successful in limiting the acute and chronic risks posed to human health and the environment by covered mine sites; and

(iii) support—

(I) government-to-government consultations with Indian Tribes with respect to a covered mine site located within Indian country; and

(II) efforts to provide regular updates to the Tribal governments involved in response actions for a covered mine site located on Tribal land under the jurisdiction of the Indian Tribe.

(B) TRIBAL CONSULTATION.—In supporting consultations with Indian Tribes under subparagraph (A)(iii)(I), [and where a response action occurs within Indian country,] the Administrator, in addition to existing applicable law and guidance, shall—

(i) as appropriate, invite potentially responsible parties, including Federal agencies, to participate in government-to-government consultations with Indian [Tribes;] Tribes;

(ii) as appropriate, consult with Alaska Native Corporations in accordance with section 161 of division H of the Consolidated Appropriations Act, 2004 (25 U.S.C. 5301 note; Public Law 108-199); and

[(ii)](iii) as appropriate, ensure consultations with Tribal allottees occur pursuant to section 2 of the Act of February 5, 1948 (62 Stat. 18, chapter 45; 25 U.S.C. 324).

(3) INTERAGENCY PLANS FOR URANIUM CONTAMINATION ON THE NAVAJO NATION; REPORTS.—

(A) IN GENERAL.—Not later than September 30, 2027, and not less frequently than once every 10 years thereafter, the Administrator, in cooperation with other relevant Federal agencies, including, at a minimum, the Department of Energy, the Nuclear Energy Regulatory Commission, the Department of the Interior, the Indian Health Service, and the Agency for Toxic Substances and Disease Registry, and in consultation with affected Tribal governments, shall develop a 10-year interagency plan for the coordination of the Federal Government with States and Tribal governments to carry out response actions at Navajo Nation abandoned uranium mine sites, including—

(i) goals for the assessment of, and response actions at, Navajo Nation abandoned uranium mine sites;

(ii) target dates by which goals described in clause (i) are anticipated to be achieved, subject to appropriations;

(iii) the projected appropriations necessary to achieve goals described in clause (i) by the target dates described in clause (ii); and

(iv) the activities to be carried out by each Federal agency under the plan.

(B) REPORTS.—Not later than 90 days after the date on which a plan is developed under subparagraph (A), the Administrator shall submit to the appropriate committees of Congress a report describing the applicable plan.

(4) ADMINISTRATIVE AND TECHNICAL ASSISTANCE.—The Administrator shall, pursuant to existing authorities of the Administrator, provide to States, units of local government,

Indian Tribes, and other entities technical assistance with respect to response actions on covered mine sites.

(e) NO NEW REGULATORY AUTHORITY.—Nothing in this section provides the Administrator with new regulatory authority not already established in law.

Mr. SCHUMER. I further ask unanimous consent that the committee-reported amendments be agreed to.

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

The committee-reported amendments were agreed to.

Mr. SCHUMER. I ask unanimous consent that the bill be considered read a third time.

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

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

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

The ACTING PRESIDENT pro tempore. Is there further debate?

The bill having been read the third time, the question is, Shall the bill pass?

The bill (S. 3858), as amended, was passed, as follows:

S. 3858

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Legacy Mine Cleanup Act of 2024”.

SEC. 2. OFFICE OF MOUNTAINS, DESERTS, AND PLAINS.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

(A) the Committee on Appropriations of the Senate;

(B) the Committee on Energy and Natural Resources of the Senate;

(C) the Committee on Environment and Public Works of the Senate;

(D) the Committee on Health, Education, Labor, and Pensions of the Senate;

(E) the Committee on Indian Affairs of the Senate;

(F) the Committee on Appropriations of the House of Representatives;

(G) the Committee on Energy and Commerce of the House of Representatives;

(H) the Committee on Transportation and Infrastructure of the House of Representatives;

(I) the Committee on Natural Resources of the House of Representatives; and

(J) the Committee on Oversight and Accountability of the House of Representatives.

(3) COVERED MINE SITE.—The term “covered mine site” means the land, water, and surrounding watersheds where extraction, beneficiation, or processing of hardrock ores or minerals occurred, but has been discontinued, including discontinued temporarily.

(4) INDIAN COUNTRY.—The term “Indian country” has the meaning given the term in section 1151 of title 18, United States Code.

(5) NAVAJO NATION ABANDONED URANIUM MINE SITE.—The term “Navajo Nation abandoned uranium mine site” means an abandoned uranium covered mine site on land of the Navajo Nation.

(6) OFFICE.—The term “Office” means the Office of Mountains, Deserts, and Plains established by subsection (b)(1).

(7) REGIONAL OFFICE.—The term “Regional Office” means a Regional Office of the Environmental Protection Agency.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—There is established within the Office of Land and Emergency Management of the Environmental Protection Agency the Office of Mountains, Deserts, and Plains.

(2) DIRECTOR.—The Office shall be headed by a Director, to be appointed by the Administrator (or a designee).

(c) PURPOSES.—The purposes of the Office shall be—

(1) to coordinate with the headquarters of the Environmental Protection Agency, Regional Offices, and stakeholders response actions of the Environmental Protection Agency at a covered mine site, including a covered mine site in Indian country (as defined in section 1151 of title 18, United States Code), in accordance with Federal law;

(2) to establish and disseminate best practices for covered mine site response actions, including identifying—

(A) innovative technologies and reuse approaches that support and make progress toward those response actions; and

(B) waste storage and disposal solutions;

(3) to coordinate with the headquarters of the Environmental Protection Agency, Regional Offices, Federal land management agencies, States, and voluntary nongovernmental organizations, watershed groups, nonliable entities and mining companies, and other entities voluntary response actions at covered mine sites, where applicable, including timely issuance of administrative guidance for nonliable parties;

(4) to coordinate with the headquarters of the Environmental Protection Agency and other Federal Government entities, pursuant to existing authorities under section 3303 of title 41, United States Code, hiring practices to support small business concerns to carry out response actions at covered mine sites;

(5) to coordinate with the Secretary of the Interior, the Secretary of Energy, the Secretary of Health and Human Services, the Nuclear Regulatory Commission, and other Federal agencies, as the Administrator determines to be appropriate, to ensure interagency coordination of covered mine site response actions, with priority given to coordinating response actions at covered mine sites for which there is no potentially responsible party; and

(6) to coordinate other actions as the Administrator determines to be appropriate, pursuant to existing authorities of the Administrator—

(A) to support efforts to investigate, characterize, or clean up a discharge, release, or threat of release of a hazardous substance, pollutant, or contaminant into the environment at or from a covered mine site; or

(B) to establish best practices to protect and improve human health and the environment and implement appropriate reuse options, including through the use of innovative technologies to recover valuable resources from covered mine site features or areas, as applicable.

(d) DUTIES.—The Administrator shall carry out through the Office, at a minimum, the following duties:

(1) PRIORITY MINE LIST.—

(A) IN GENERAL.—Annually, the Administrator shall identify covered mine sites that are prioritized for response actions, which may include covered mine sites that are or are not included on the National Priorities

List developed by the President in accordance with section 105(a)(8)(B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605(a)(8)(B)).

(B) CREATION OF LIST; REPORTS.—The Administrator shall annually—

(i) create a list of covered mine sites identified under subparagraph (A); and

(ii) submit to the appropriate committees of Congress a report describing—

(I) the methodology used to identify those covered mine sites under that subparagraph; and

(II) the status of response actions carried out at covered mine sites on the list.

(C) COORDINATION.—The Administrator shall—

(i) regularly coordinate with Regional Offices, Federal agencies, States, Indian Tribes, Alaska Native Corporations, and stakeholders to update the list of covered mine sites identified under subparagraph (A); and

(ii) regularly coordinate with Regional Offices on response actions and share best practices with respect to each covered mine site identified under subparagraph (A).

(2) PROCESS IMPROVEMENT.—

(A) IN GENERAL.—The Administrator shall, pursuant to existing authorities of the Administrator—

(i) identify best practices for developing, reviewing, and approving site assessments, remedial investigations, and feasibility studies for covered mine sites;

(ii) coordinate research relating to technologies and remedial and removal approaches that are the most successful in limiting the acute and chronic risks posed to human health and the environment by covered mine sites; and

(iii) support—

(I) government-to-government consultations with Indian Tribes with respect to a covered mine site located within Indian country; and

(II) efforts to provide regular updates to the Tribal governments involved in response actions for a covered mine site located on Tribal land under the jurisdiction of the Indian Tribe.

(B) TRIBAL CONSULTATION.—In supporting consultations with Indian Tribes under subparagraph (A)(iii)(I), the Administrator, in addition to existing applicable law and guidance, shall—

(i) as appropriate, invite potentially responsible parties, including Federal agencies, to participate in government-to-government consultations with Indian Tribes;

(ii) as appropriate, consult with Alaska Native Corporations in accordance with section 161 of division H of the Consolidated Appropriations Act, 2004 (25 U.S.C. 5301 note; Public Law 108-199); and

(iii) as appropriate, ensure consultations with Tribal allottees occur pursuant to section 2 of the Act of February 5, 1948 (62 Stat. 18, chapter 45; 25 U.S.C. 324).

(3) INTERAGENCY PLANS FOR URANIUM CONTAMINATION ON THE NAVAJO NATION; REPORTS.—

(A) IN GENERAL.—Not later than September 30, 2027, and not less frequently than once every 10 years thereafter, the Administrator, in cooperation with other relevant Federal agencies, including, at a minimum, the Department of Energy, the Nuclear Energy Regulatory Commission, the Department of the Interior, the Indian Health Service, and the Agency for Toxic Substances and Disease Registry, and in consultation with affected Tribal governments, shall develop a 10-year interagency plan for the coordination of the Federal Government with States and Tribal governments to carry out response actions

at Navajo Nation abandoned uranium mine sites, including—

(i) goals for the assessment of, and response actions at, Navajo Nation abandoned uranium mine sites;

(ii) target dates by which goals described in clause (i) are anticipated to be achieved, subject to appropriations;

(iii) the projected appropriations necessary to achieve goals described in clause (i) by the target dates described in clause (ii); and

(iv) the activities to be carried out by each Federal agency under the plan.

(B) REPORTS.—Not later than 90 days after the date on which a plan is developed under subparagraph (A), the Administrator shall submit to the appropriate committees of Congress a report describing the applicable plan.

(4) ADMINISTRATIVE AND TECHNICAL ASSISTANCE.—The Administrator shall, pursuant to existing authorities of the Administrator, provide to States, units of local government, Indian Tribes, and other entities technical assistance with respect to response actions on covered mine sites.

(e) NO NEW REGULATORY AUTHORITY.—Nothing in this section provides the Administrator with new regulatory authority not already established in law.

Mr. SCHUMER. I ask unanimous consent that the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

CONDEMNING THE HUMAN RIGHTS RECORD OF THE GOVERNMENT OF THE KINGDOM OF ESWATINI AND THE BRUTAL KILLING OF ESWATINI ACTIVIST THULANI MASEKO ON JANUARY 21, 2023

Mr. SCHUMER. Madam President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 92, S. Res. 174.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 174) condemning the human rights record of the Government of the Kingdom of Eswatini and the brutal killing of Eswatini activist Thulani Maseko on January 21, 2023.

There being no objection, the Senate proceeded to consider the resolution, which had been reported from the Committee on Foreign Relations, with an amendment to strike all after the resolving clause and insert the part printed in italic and with an amendment to the preamble to strike the preamble and insert the part printed in italic, as follows:

S. RES. 174

Whereas Eswatini, one of the world's last absolute monarchies, is ruled by King Mswati III, who has been in power for more than 36 years, and exercises ultimate authority over all branches of the national government and effectively controls local and national governance through his influence over traditional chiefs and the selection of House of Assembly candidates and control over the national electoral system;

Whereas human rights and democracy advocates in Eswatini have faced repression and per-

secution, including arbitrary arrests, detention, and torture, and have faced on political gatherings and restrictions on their civil liberties, including with respect to expression, assembly, and freedom of the press;

Whereas the Government of the Kingdom of Eswatini has used laws such as the Suppression of Terrorism Act of 2008, and the Sedition and Subversive Activities Act of 1938, to suppress free speech and stifle criticism of the monarch;

Whereas, from June to October 2021, the country witnessed nationwide demonstrations against security sector abuses, with protests evolving into demands for democratic reforms;

Whereas King Mswati III's government employed excessive force and arbitrary arrests and detention, as well as internet shutdowns, to repress pro-democracy protests and related advocacy activities, restrict the activities of human rights advocates, and impose blanket bans on peaceful protests;

Whereas official sources note security forces in Eswatini responded with violence against protestors, reportedly killing more than 46 people, injuring more than 245, and detaining or arresting hundreds of others, although the international community suggests the true death toll is higher;

Whereas the Government of the Kingdom of Eswatini detained two members of parliament on spurious charges for more than 18 months under the Suppression of Terrorism Act, and charged them with terrorism and murder for allegedly encouraging pro-democracy protests and calling for a democratically elected prime minister and other reforms;

Whereas regional human rights organizations continue to receive reports of lawyers and judges being harassed, threatened, and intimidated for their actual, alleged, or suspected support of the ongoing pro-democracy movement, in contravention of their constitutional rights;

Whereas, following a visit to Eswatini by Southern African Development Community (SADC) delegates in November 2021, King Mswati III agreed to provide for a national dialogue to address the civil unrest structured in the format of a sibaya, a royally-convened and -controlled traditional civic consultative forum, but since then has ignored widespread demands of the pleas of citizens, opposition politicians, civil society, and the regional and international community for a genuine consultative forum inclusive of diverse political views, while continuing the government's crackdown on dissenting voices;

Whereas, in October 2021, United Nations Secretary-General Antonio Guterres called on the Eswatini authorities to ensure that the people of Eswatini are able to exercise their civil and political rights peacefully;

Whereas reports indicate that the Government of the Kingdom of Eswatini has contracted with international security companies to train government security forces to respond to violence in the country, resulting in increased intimidation against dissenting voices;

Whereas Thulani Maseko, a prominent human rights lawyer, Chairman of the Multi-Stakeholder Forum, an organization comprised of various civil society groups calling for constitutional reforms in Eswatini, and a champion of social justice, routinely criticized King Mswati III for undermining judicial independence and called for a more democratic legal system in Eswatini;

Whereas, in 2014, Thulani Maseko and fellow human rights advocate Bheki Makhubu were charged and sentenced to two years in prison for writing and publishing an article that criticized the country's Chief Justice and drew attention to the lack of independence of Eswatini's judicial system;

Whereas, on June 30, 2015, Thulani Maseko and Bheki Makhubu were acquitted and released after Eswatini's supreme court found that they had been wrongly convicted;

Whereas Thulani Maseko made an immense contribution to the advancement of justice and human rights in Eswatini and, more broadly, throughout southern Africa, including through fact-finding missions, including to Zimbabwe, Mozambique, and Malawi, where he reported on the deterioration of civic space;

Whereas, on January 21, 2023, Thulani Maseko was shot and killed by an unknown gunman at his home in Luyengo, Mbabane, in front of his wife and children;

Whereas the assassination of Thulani Maseko occurred amid a rise in Swazi government intimidation of King Mswati III's critics, many of whom have called for political reforms in Eswatini, and an overall escalation of violence in the country, including the killings of members of the security forces and attacks on traditional leaders, as well as state security force element attacks on and legal harassment of pro-democracy advocates;

Whereas the United States Department of State, multilateral organizations such as the SADC, the African Union, and the European Union, as well as the human rights community, including Amnesty International and Human Rights Watch, have called for a full and transparent investigation into Mr. Maseko's murder;

Whereas, on January 25, 2023, the Department of State delivered a statement underscoring United States condemnation and broader global condemnation of Mr. Maseko's murder, the need for an impartial and transparent investigation and accountability for those responsible for his killing, nonviolence on all sides, and tangible movement on a credible, inclusive national dialogue;

Whereas the Government of the Kingdom of Eswatini has failed to announce progress on an independent investigation to identify and bring to justice those responsible for Thulani Maseko's murder; and

Whereas a failure to investigate the unlawful killing of Thulani Maseko and to bring the perpetrators to justice would be a violation of Eswatini's obligations as a State Party to the International Covenant on Civil and Political Rights: Now, therefore, be it

Now, therefore, be it

Resolved,

That the Senate—

(1) condemns the brutal murder of Thulani Maseko and the worsening cycle of political violence and instability in Eswatini;

(2) expresses deep concern about reports of continued human rights violations against the people of Eswatini, and the harassment of advocates for human rights and democratic practice and constitutionalism in Eswatini;

(3) calls on the Government of the Kingdom of Eswatini to—

(A) undertake a full, transparent, and impartial criminal investigation into the assassination of Thulani Maseko and hold perpetrators accountable;

(B) cease surveilling and intimidating human rights activists fighting to protect fundamental freedoms;

(C) uphold freedoms of peaceful assembly and expression, as well as corresponding rights in the Eswatini constitution;

(D) expeditiously initiate pre-dialogue preparations and announce a firm date by which a credible, inclusive dialogue on constitutional and political reform will begin starting prior to scheduled September 2023 elections;

(E) engage in good faith in a credible, inclusive national dialogue to address longstanding demands for democratic reforms; and

(F) fully staff and empower a full complement of Commission of Human Rights and Public Accountability (CHRNA) human rights investigation staff, install an appointed Commissioner, make CHRNA fully independent from the Ministry of Justice and other government interference in line with commitments to treaty conventions and the Paris Principle, and take action to address CHRNA's recommendations;

(4) calls on the Office of the United Nations High Commissioner for Human Rights to conduct an independent investigation into Mr. Maseko's assassination and human rights violations in Eswatini;

(5) encourages the Secretary of State and the Administrator of the United States Agency for International Development to—

(A) maintain and expand support for journalists, human rights advocates, and the rule of law and media freedoms in Eswatini; and

(B) encourage the SADC to take action to address the political and human rights crisis in Eswatini, including by working to convene a credible consultative forum inclusive of diverse political views and civil society to address issues related to political space and democratic reform; and

(6) encourages the Secretary of State and the Secretary of the Treasury to consider targeted sanctions under the Global Magnitsky Human Rights Accountability Act (subtitle F of title XII of Public Law 114-328; 22 U.S.C. 2656 note) in the context of Eswatini.

Mr. SCHUMER. I ask unanimous consent that the Coons amendment at the desk to the committee-reported substitute amendment be agreed to; that the committee-reported substitute amendment to the resolution, as amended, be agreed to; that the resolution, as amended, be agreed to; that the committee-reported substitute amendment to the preamble be agreed to; that the preamble, as amended, be agreed to; and that the motions to reconsider be considered made and laid upon the table.

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

The amendment (No. 1819) was agreed to as follows:

(Purpose: To remove sanctions language)

On Page 13, line 24, insert "and" after "Eswatini";

On page 14, lines 12 and 13, strike "reform; and" and insert "reform.".

On page 14, strike lines 14 through 19.

The committee-reported amendment in the nature of a substitute, as amended, was agreed to.

The resolution (S. Res. 174), as amended, was agreed to.

The committee-reported amendment in the nature of a substitute to the preamble was agreed to.

The preamble, as amended, was agreed to.

The resolution, as amended, with its preamble, as amended, reads as follows:

S. RES. 174

Whereas Eswatini, one of the world's last absolute monarchies, is ruled by King Mswati III, who has been in power for more than 36 years, and exercises ultimate authority over all branches of the national government and effectively controls local and national governance through his influence over traditional chiefs and the selection of House of Assembly candidates and control over the national electoral system;

Whereas human rights and democracy advocates in Eswatini have faced repression and persecution, including arbitrary arrests, detention, and torture, and have faced on political gatherings and restrictions on their civil liberties, including with respect to expression, assembly, and freedom of the press;

Whereas the Government of the Kingdom of Eswatini has used laws such as the Suppression of Terrorism Act of 2008, and the Sedition and Subversive Activities Act of 1938,

to suppress free speech and stifle criticism of the monarch;

Whereas, from June to October 2021, the country witnessed nationwide demonstrations against security sector abuses, with protests evolving into demands for democratic reforms;

Whereas King Mswati III's government employed excessive force and arbitrary arrests and detention, as well as internet shutdowns, to repress pro-democracy protests and related advocacy activities, restrict the activities of human rights advocates, and impose blanket bans on peaceful protests;

Whereas official sources note security forces in Eswatini responded with violence against protestors, reportedly killing more than 46 people, injuring more than 245, and detaining or arresting hundreds of others, although the international community suggests the true death toll is higher;

Whereas the Government of the Kingdom of Eswatini detained two members of parliament on spurious charges for more than 18 months under the Suppression of Terrorism Act, and charged them with terrorism and murder for allegedly encouraging pro-democracy protests and calling for a democratically elected prime minister and other reforms;

Whereas regional human rights organizations continue to receive reports of lawyers and judges being harassed, threatened, and intimidated for their actual, alleged, or suspected support of the ongoing pro-democracy movement, in contravention of their constitutional rights;

Whereas, following a visit to Eswatini by Southern African Development Community (SADC) delegates in November 2021, King Mswati III agreed to provide for a national dialogue to address the civil unrest structured in the format of a sibaya, a royally-convened and -controlled traditional civic consultative forum, but since then has ignored widespread demands of the pleas of citizens, opposition politicians, civil society, and the regional and international community for a genuine consultative forum inclusive of diverse political views, while continuing the government's crackdown on dissenting voices;

Whereas, in October 2021, United Nations Secretary-General Antonio Guterres called on the Eswatini authorities to ensure that the people of Eswatini are able to exercise their civil and political rights peacefully;

Whereas reports indicate that the Government of the Kingdom of Eswatini has contracted with international security companies to train government security forces to respond to violence in the country, resulting in increased intimidation against dissenting voices;

Whereas Thulani Maseko, a prominent human rights lawyer, Chairman of the Multi-Stakeholder Forum, an organization comprised of various civil society groups calling for constitutional reforms in Eswatini, and a champion of social justice, routinely criticized King Mswati III for undermining judicial independence and called for a more democratic legal system in Eswatini;

Whereas, in 2014, Thulani Maseko and fellow human rights advocate Bheki Makhubu were charged and sentenced to two years in prison for writing and publishing an article that criticized the country's Chief Justice and drew attention to the lack of independence of Eswatini's judicial system;

Whereas, on June 30, 2015, Thulani Maseko and Bheki Makhubu were acquitted and released after Eswatini's supreme court found that they had been wrongly convicted;

Whereas Thulani Maseko made an immense contribution to the advancement of justice and human rights in Eswatini and, more broadly, throughout southern Africa,

including through fact-finding missions, including to Zimbabwe, Mozambique, and Malawi, where he reported on the deterioration of civic space;

Whereas, on January 21, 2023, Thulani Maseko was shot and killed by an unknown gunman at his home in Luyengo, Mbabane, in front of his wife and children;

Whereas the assassination of Thulani Maseko occurred amid a rise in Swazi government intimidation of King Mswati III's critics, many of whom have called for political reforms in Eswatini, and an overall escalation of violence in the country, including the killings of members of the security forces and attacks on traditional leaders, as well as state security force element attacks on and legal harassment of pro-democracy advocates;

Whereas the United States Department of State, multilateral organizations such as the SADC, the African Union, and the European Union, as well as the human rights community, including Amnesty International and Human Rights Watch, have called for a full and transparent investigation into Mr. Maseko's murder;

Whereas, on January 25, 2023, the Department of State delivered a statement underscoring United States condemnation and broader global condemnation of Mr. Maseko's murder, the need for an impartial and transparent investigation and accountability for those responsible for his killing, nonviolence on all sides, and tangible movement on a credible, inclusive national dialogue;

Whereas the Government of the Kingdom of Eswatini has failed to announce progress on an independent investigation to identify and bring to justice those responsible for Thulani Maseko's murder; and

Whereas a failure to investigate the unlawful killing of Thulani Maseko and to bring the perpetrators to justice would be a violation of Eswatini's obligations as a State Party to the International Covenant on Civil and Political Rights: Now, therefore, be it

Now, therefore, be it
Resolved, That the Senate—

(1) condemns the brutal murder of Thulani Maseko and the worsening cycle of political violence and instability in Eswatini;

(2) expresses deep concern about reports of continued human rights violations against the people of Eswatini, and the harassment of advocates for human rights and democratic practice and constitutionalism in Eswatini;

(3) calls on the Government of the Kingdom of Eswatini to—

(A) undertake a full, transparent, and impartial criminal investigation into the assassination of Thulani Maseko and hold perpetrators accountable;

(B) cease surveilling and intimidating human rights activists fighting to protect fundamental freedoms;

(C) uphold freedoms of peaceful assembly and expression, as well as corresponding rights in the Eswatini constitution;

(D) expeditiously initiate pre-dialogue preparations and announce a firm date by which a credible, inclusive dialogue on constitutional and political reform will begin starting prior to scheduled September 2023 elections;

(E) engage in good faith in a credible, inclusive national dialogue to address longstanding demands for democratic reforms; and

(F) fully staff and empower a full complement of Commission of Human Rights and Public Accountability (CHRP) human rights investigation staff, install an appointed Commissioner, make CHRP fully independent from the Ministry of Justice and other government interference in line with commitments to treaty conventions and the Paris Principle, and take action to address CHRP's recommendations;

(4) calls on the Office of the United Nations High Commissioner for Human Rights to conduct an independent investigation into Mr. Maseko's assassination and human rights violations in Eswatini; and

(5) encourages the Secretary of State and the Administrator of the United States Agency for International Development to—

(A) maintain and expand support for journalists, human rights advocates, and the rule of law and media freedoms in Eswatini; and

(B) encourage the SADC to take action to address the political and human rights crisis in Eswatini, including by working to convene a credible consultative forum inclusive of diverse political views and civil society to address issues related to political space and democratic reform.

COMMEMORATING AND SUPPORTING THE GOALS OF WORLD QUANTUM DAY

Mr. SCHUMER. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 640, which is at the desk.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 640) commemorating and supporting the goals of "World Quantum Day".

There being no objection, the Senate proceeded to consider the resolution.

Mr. SCHUMER. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and that the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 640) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

NATIONAL WATER WEEK

Mr. SCHUMER. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 641, which is at the desk.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 641) designating the week of April 7 through April 13, 2024, as "National Water Week".

There being no objection, the Senate proceeded to consider the resolution.

Mr. SCHUMER. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and that the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 641) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

ORDERS FOR TUESDAY, APRIL 16, 2024

Mr. SCHUMER. Finally, Madam President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m. on Tuesday, April 16; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; that upon the conclusion of morning business, the Senate proceed to executive session to resume consideration of the Manglona nomination, postcloture.

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

Mr. SCHUMER. For the information of Senators, Senators should expect two rollcall votes at approximately 11:30 a.m.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. SCHUMER. Madam President, if there is no further business to come before the Senate, I move that it stand adjourned under the previous order.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion.

The motion was agreed to.

Thereupon, the Senate, at 9:10 p.m., adjourned until Tuesday, April 16, 2024, at 10 a.m.