United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 118th CONGRESS, SECOND SESSION

Vol. 170 WASHINGTON, THURSDAY, APRIL 18, 2024 *No. 68*

Senate

The Senate met and was called to order by the Honorable LAPHONZA R. BUTLER, a Senator from the State of California.

PRAYER

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

Let us pray.

Eternal God, we find our refuge in You. You have been our help in ages past. You have been our shelter from life's storms, filling our hearts with Your divine peace as You provide us with an inheritance for eternity. You are our hope for the years to come.

Today, use our Senators for Your glory. May they remember that You weigh their motives, direct their steps, and make even their enemies be at peace with them. Lord, permit Your power to work in them to accomplish Your purposes on Earth.

And Lord, as we approach the Passover season, we praise You for Your redemptive power in our world.

We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

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

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 18, 2024.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable LAPHONZA R. BUTLER, a Senator from the State of California, to perform the duties of the Chair.

PATTY MURRAY,
President pro tempore.

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

RESERVATION OF LEADER TIME

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

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning Business is closed.

LEGISLATIVE SESSION

REFORMING INTELLIGENCE AND SECURING AMERICA ACT—MOTION TO PROCEED—Resumed

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to H.R. 7888, which the clerk will report.

The senior assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 365, H.R. 7888, a bill to reform the Foreign Intelligence Surveillance Act of 1978.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

MAYORKAS IMPEACHMENT

Mr. SCHUMER. Madam President, yesterday, the Senate set a very important precedent that impeachment should be reserved only for high crimes and misdemeanors and not for settling policy disagreements.

That is what is the impeachment against Alejandro Mayorkas was from the start: a policy dispute, frankly, to help Donald Trump on the campaign trail. It did not meet the high standard required by the Constitution to remove someone from office. I am very glad the Senate worked its will to set these charges aside. The prudence and cool judgment the Senate showed yesterday is what the Framers would have wanted. They didn't want impeachment to be used for every policy dispute—when you don't agree with a Cabinet minister or Cabinet secretary, you impeach them. That would have created chaos in the executive branch and here in the Senate, because the House could just throw over impeachment after impeachment; and if you have to have a whole big trial on every one of them, the Senate could be ground to a halt.

So let me repeat what I said yesterday. We felt it was very important to set a precedent that impeachment should never—never be used to settle policy disagreements. We are supposed to have debates on the issues, not impeachments on the issues.

Let me repeat that; it is such an important concept, and I am so glad we stood firm yesterday: We are supposed to have debates on the issues, not impeachments on the issues. We are not supposed to say that whenever you disagree with someone on policy, that that is a high crime and misdemeanor. Can you imagine the kind of chaos and damage that would create? As I said, the House could paralyze the Senate with frivolous trials, particularly when one party had the House and the other had the Senate. It would degrade Government, and it, frankly, degrades impeachment which is reserved—rarely—for high crimes and misdemeanors.

To show how unprecedented what the House did was, no Cabinet Secretary has been impeached for over—since—I think it was 1867. And even in that case, he resigned before the trial. It was never intended to happen. But, unfortunately, the hard, radical right in the House is just so intent on paralyzing government, creating chaos in government, even destroying government, that they don't care. But we in

the Senate on our side of the aisle did care. My guess is a lot of my colleagues on the other side of the aisle cared too.

If my colleagues on the other side want to talk about immigration, Democrats welcome that debate—welcome it. We should debate border bills, like the ones Republicans blocked here on the floor. That is how you fix the border—with bipartisan legislation. Impeachment would have accomplished nothing.

H.R. 7888

Now, Madam President, on FISA, today, the Senate will vote on cloture on the motion to proceed to the FISA reauthorization bill sent by the House earlier this week. This is a very important procedural vote. I urge my colleagues on both sides to show strong support for moving forward on this bill.

Now, we obviously don't have a lot of time left before FISA authorities expire—in fact, less than 2 days—but we will try as hard as we can to get FISA reauthorization done today. If not, Members should expect we will have votes tomorrow.

NATIONAL SECURITY SUPPLEMENTAL FUNDING

Madam President, on the supplemental and on Ukraine, today, the House will keep working on national security supplemental funding. Yesterday, the House released legislative text, and I will continue to monitor closely what our House colleagues do in the coming days. I hope that President Biden will soon have on his desk long-awaited funding to support our friends in Ukraine and Israel and the Indo-Pacific and aid for innocent civilians in need of humanitarian aid in Gaza and around the world.

Senator BOOKER has told us stories about the starvation in Darfur and how much worse it would become if we don't get the aid. So the time for House inaction has long been over.

This afternoon, it will be my honor to meet with Ukrainian Prime Minister Denys Shmyhal, who is here to push for more funding for Ukraine. I will tell the Prime Minister the same thing I told President Zelenskyy when I was in Ukraine about a month ago: America will not abandon you. Your cause is our cause, and we are working day and night to finally deliver to you the aid you need to defeat Vladimir Putin's evil forces.

The one word to describe what the House needs right now is urgency—urgency. I remember, during my visit to Ukraine, standing in front of the cemetery in Lviv dedicated to the war dead. Not long before our visit, that grave site was a parking lot in the middle of Lviv, but it was converted to a cemetery after the city ran out of space to bury casualties. And even as we stood there—even as we observed a moment of silence—a few yards away, I could see workers digging even more holes in the ground to prepare for more casualties they knew would come. Worst of all, many of these brave soldiers died because they didn't have the supplies and ammunition they needed.

I wish I could say the Ukraine war effort has not suffered due to American inaction, but that would not be true. As the Wall Street Journal noted yesterday, ''Ukraine's Chances of Pushing Russia Out Look Increasingly Grim.'' And why did they say that? Well, it is because the House has continued to drag its feet in sending funding for ammo and air defenses and other basic supplies. I hope that changes, at last, in the coming days.

MICRON

Now, Madam President, on the good news front—my front—today is the dawn of a new day in Syracuse and in all of Upstate New York. I am proud to announce that Micron is expected to receive $6.1 billion from my Chips and Science law to support its chip megafab project in Central New York and its expansion in Idaho.

This multibillion-dollar award is one of the largest single, direct Federal investments in Upstate New York's history. It is a landmark announcement for Syracuse and all of Upstate New York and for the Nation. It will create 50,000 new, good-paying jobs in New York alone and propel Micron to reach its goal of investing over $100 billion to make advanced memory chips here in the United States.

We have had other chip fab announcements—they are all good; I welcome all of them—but this one is the first for memory chips, and memory chips are becoming more and more important because they are the basic chip used in AI, and AI is expanding all over the place.

So I am glad about this announcement. We are rebuilding Upstate New York with good-paying middle-class jobs one microchip at a time.

Micron is the leading manufacturer of memory chips, which are critical to everything from cell phones to cars to AI. And this major chips investment is making possible the largest and one of the most advanced memory chip projects in the United States and even in the world, and it is critical to our national security and competitiveness. With this investment and the hundreds of billions of other transformational chips investments by Intel, TSMC, Samsung, GlobalFoundries, and more, we are bringing manufacturing back to America. We are shoring up our supply chains to prevent shortages and high prices, and we are strengthening our national security.

I worked really hard to write and pass the Chips and Science Act into law, with the goal of bringing advanced manufacturing to the United States as my guiding light—and not just communities in New York but communities everywhere: Arizona, Idaho, Texas, Ohio. These are the places where the story of American innovation will be written this century.

And speaking about my own home State—and I am wearing my orange tie today for Syracuse—I had communities like Syracuse and other Upstate New York communities in mind when I wrote Chips and Science, and I made sure they would be the ones celebrating these types of investments, not far off places in countries like China. We want these chips made in Syracuse, not in Shanghai.

I am proud that this $6 billion investment delivers on my promise to Micron and makes the promise of the Chips and Science Act a reality. It is not just a once-in-a-generation investment; it is a once-in-a-lifetime investment. It was a long, hard-fought battle to get Chips and Science done. It took us 4 years, as we had to persuade the House of Representatives how important it was, but this announcement proves that the hard work and persistence is paying off. We still have a long way to go, but we are one step closer to securing America's future as a leader in the global semiconductor industry.

I yield the floor.

I suggest the absence of a quorum.

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

The senior assistant legislative clerk proceeded to call the roll.

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

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

RECOGNITION OF THE MINORITY LEADER

The Republican leader is recognized.

NATIONAL SECURITY SUPPLEMENTAL FUNDING

Mr. MCCONNELL. Madam President, I would like to begin by addressing the urgent national security supplemental that is still pending over in the House of Representatives.

Opponents of this urgent investment in American strength have taken to clothing their objections in the false mantle of realism, and, at first glance, this would appear to be a rhetorically savvy move. After all, who would admit to being unrealistic? Who would willingly say that their policies and their world view don't reflect the world as it is? But, as our Nation faces the most dangerous moment in a generation, it is worth examining this claim in a bit more detail.

The concept of realism has an academic meaning that refers to a specific set of assumptions about how states interact. The realist school of thought, at its core, contends that states act alone in a perpetual competition, constantly assessing the balance of power with their adversaries and seeking to maximize their own security and relative influence.

As the ancient Athenians put it, ''the strong do what they can, and the weak suffer what they must.''

In a sense, as some of the most vocal opponents of the supplemental like to point out, realists don't have time for morality tales or sappy appeals to universal values. The world is an uncaring place, and so-called realists are concerned with cold, hard national interests. Well, as luck would have it, so am I.

None of the tenets of academic realism actually preclude our colleagues

from vigorously supporting the supplemental—quite the opposite. Consider the investments we are talking about making: rebuilding American hard power and growing our domestic industrial capacity to sustain it; in the process, helping to decimate the hard power of a major adversary at almost no risk to U.S. forces; deterring further challenges to a balance of power favorable to American interests; preserving and expanding our relative influence with other states; helping our friends and hurting our enemies; and successfully rallying these friends and allies to share the burden of balancing against competitors who seek to undermine the United States and the West.

Academic realism doesn't conflict with our efforts in the supplemental, and neither does simple reality. Being realistic and rejecting fanciful idealism means recognizing that we are facing the greatest, most coordinated security challenges since the Cold War.

In Europe, a neo-Soviet imperialist is threatening the stability of some of America's closest allies. Europe is the largest consumer of American products and the largest foreign direct investor in America. Instability in Europe is bad for business.

In the Middle East, backward theocrats are orchestrating terrorist attacks on Americans as well as our friends and racing to produce a nuclear weapon. Their vassals are disrupting the freedom of navigation—the lifeblood of our economy—with near impunity.

And in the Pacific, the People's Republic of China is pulling every lever to undermine America's power and dominate its hemisphere and beyond, from massive military expansion and predatory economic coercion to psychological manipulation, intellectual property theft, and the supply chain that pumps lethal poison across our borders.

So it would be utterly unrealistic to pretend that America can afford to delay an urgent, comprehensive investment in the hard power required to meet all these threats. The mushy moralism here is pretending to care more about brave Ukrainian war dead than the Ukrainian people do themselves.

The naive ideology is thinking that Russian revanchism is somehow connected to Christian values, in spite of clear evidence that Putin has corrupted the Russian Orthodox Church and is actively repressing Christians both at home and in conquered territories. The plain fantasy is saying that the challenges we face abroad will wait patiently while we attend to our own domestic affairs.

Here is the diplomatic reality: Putin has said publicly there is no sense negotiating with an opponent who is running out of ammunition.

Anyone who wants a negotiated end to this conflict should also want Ukraine to have as much negotiating leverage as possible.

Here is the political reality: If you think the fall of Afghanistan was bad, the fall of a European capital like Kyiv to Russian troops will be unimaginably worse. And if stalled American assistance makes that outcome possible, there is no question where the blame will land—on us.

Neglecting threats doesn't make them go away; it just guarantees unpreparedness when they strike.

I am reminded of the late Republican from Michigan, Arthur Vandenberg, a staunch anti-interventionist in the years leading up to the Second World War. As Senator Vandenberg wrote in his diary after the attack on Pearl Harbor, ''That day ended isolationism for any realist.''

Needless to say, it shouldn't take an attack on the homeland for American leaders to uphold their responsibilities and provide for the common defense. The clear and present danger is just that: It is clear; it is present; and it will grow if we do not act.

For those of us who see the world clearly, this isn't a question of realism versus idealism. Right now, what America should do also happens to be what we can do. We can grow a defense industrial base capable of sustaining both U.S. forces and our allies and partners. We can help degrade one adversary while strengthening deterrence against others. We can start investing seriously in rebuilding the hard power that a secure and prosperous nation requires—not only can we; we must.

ANTI-SEMITISM

Madam President, now on another matter, the past 6 months have shown an uncomfortably bright light on the moral rot festering on America's university and campuses.

Just yesterday, the president of Columbia hedged when asked whether chants of ''from the river to the sea'' and ''long live the intifada'' are properly considered anti-Semitism. This comes after numerous incidents on her campus, including a student club president issuing an email that read:

> White Jewish people . . . today and always have been the oppressors of all brown people. [And] when I say the Holocaust wasn't special, I mean that.

Of course, the light of truth doesn't discriminate, and it has uncovered much more than an alarming taste for the world's oldest form of hate.

Last month, a Federal judge found that an assistant professor at Harvard Medical School had committed plagiarism in a report submitted on behalf of plaintiffs in a class action lawsuit.

If this weren't enough, Harvard's office for Equity, Diversity, Inclusion, and Belonging recently announced they will host racially segregated ''affinity celebrations'' during their 2024 commencement.

These are the institutions that President Biden wants working Americans to underwrite? These are the degrees that President Biden wants taxpayers to subsidize?

Last summer, the Supreme Court ruled that the President's initial attempt at student loan socialism was unconstitutional. Nevertheless, Washington Democrats continue to double down.

Earlier this week, the Biden administration proposed yet another nearly $150 billion round of student loan transfers. That is on top of more than $150 billion they have already rolled out. At a most basic level, the proposal betrays a staggering disdain for working Americans—both those who have paid off their debt and those who opted not to take on the debt in the first place. It will transfer the loans of the highest earning members of Washington Democrats' base to working taxpayers. And it has already driven up tuition costs for future students.

But the Biden administration has made it pretty clear that they don't care about future students. Just look at the way they are handling the current round of FAFSA applications. Last week, the Education Department admitted that its own data and processing errors had compromised up to 30 percent of the Federal financial aid applications.

Just as prospective students and their families are facing enrollment deadlines, Washington Democrats apparently couldn't care less whether prospective students make informed decisions. Apparently, hefty tuition costs don't matter much if taxpayers will be the ones ultimately footing the bill. Well, I expect that working Americans across the country will have something to say about this in the fall.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT AGREEMENT

Mr. WARNER. Madam President, I ask unanimous consent that the mandatory quorum call with respect to the cloture motion on the motion to proceed to H.R. 7888 be waived.

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

H.R. 7888

Mr. WARNER. Madam President, I have come back to the floor today to reprise some of the things I said yesterday but, hopefully, to add some more color on an issue that has literally popped up in the last few days.

I start with the premise that we have a big, big question in front of us this afternoon and tomorrow: whether we are going to go ahead and continue maintaining the intelligence community and its most powerful tool, section 702. So I rise in support of the Reforming Intelligence and Securing America Act, H.R. 7888, which we will be voting for cloture on in a few short moments.

As I shared with my colleagues yesterday, no other law is more important

to the work of the intelligence community than section 702 of the Foreign Intelligence Surveillance Act. Section 702—I enumerated all of the ways it has been used, whether that is thwarting terrorist attacks, dealing with weapons of proliferation, stopping foreign cyberattacks, dealing with fentanyl trafficking; but the key point to remember is that 60 percent of the intelligence that is provided in the President's daily brief—not only under this President but former Presidents as well—comes from products of 702.

It is hard to overstate either the importance of this law or, frankly, the gravity of allowing it to sunset. Yet we are 36 hours away from that happening.

Now, I understand that some of my colleagues would like to amend the House-passed bill and continue the process of debate and negotiation. Listen, there are things I would like to change in the House bill as well, but the reality is that we are out of time. The choice before us—and as we think about amendments, this is the case—is pass this bill or allow 702 to sunset.

I have to tell you, as we follow all of the ups and downs of the House, if anyone thinks that amending this bill and returning it to the House will somehow yield a better agreement that has eluded us, literally, for the last 5 or 6 years on this very contentious issue, I don't think that is a realistic assumption. But what it will do if we send it back to a House that is entwined with leadership issues and the whole question of whether the national security provisions will be voted on and dealt with this weekend—what it will do if we were to amend and send it back to the House: It will invite a sunset, an unspeakable outcome that the President's own Intelligence Advisory Board has said will be remembered as one of the worst intelligence failures of our time.

We all know, as we assemble here today, Israel is at war with Hamas, we potentially have not only a regional but, potentially, a global conflict with Iran, our allies in Ukraine endure repeated Russian military bombardments. I just came from a broadly bipartisan biotech roundtable where expert after expert pointed out what China was doing and how much we have got to do to keep up and catch up. The idea that we would, in effect, almost go out of the intelligence business at this moment in time is extraordinarily dangerous.

So I know we will have the overall bill discussions and we will have discussions about why something that sounds, on its surface—a warrant provision, which I have said yesterday and I will repeat for colleagues—over half the times an American is queried in the 702 database, they are a victim of a crime—not someone that you would show probable cause has done something wrong but, oftentimes, the victim of a cyber crime.

Or if not, the question I raised yesterday, we arrest a terrorist in Paris, we have got a different Presiding Officer, and that terrorist has a 213 area code number in their pocket—we don't know whether that is a real phone number. We don't know if it goes to an American, goes to a foreign person. But the warrant requirement would require, before you could even query—and I get my friend the Senator from Illinois, DICK DURBIN. He has a slightly different variation on this—you would be allowed to query that phone number. Remember, this comes off of a known terrorist. But you wouldn't be able to look at the results unless you could show probable cause.

They will say that we can have an expediency requirement, but the idea that we would potentially put this into a FISA proceeding that could take days or weeks, I think, is very dangerous.

But I would like, again, to use the remainder of my time to discuss one provision of the bill—a technical amendment that was added in the House to the definition of an ''electronic communication service provider''—that has drawn considerable scrutiny and has been the focus of many of my colleagues' appropriate questions. It is important that the Members have a complete understanding of this provision that is grounded in fact and not distorted by, frankly—with some of the outside groups—what are, frankly, absurd distortions being raised by some of its opponents.

The amendment does not, as some have suggested, allow the government to spy on Americans at coffee shops or bars or restaurants or residences or hotels, libraries, recreational facilities, and a whole litany of other similar establishments. It would absolutely not, as some critics have maintained, allow the U.S. Government to somehow compel, for example, a janitor working in an office building in northern Virginia to spy for the intelligence community or for your housekeeper to somehow access your laptop at home. Nor would it ever allow, as some have absurdly claimed, States to use 702 to target women in terms of their healthcare choices.

If Members have questions about this amendment, I urge them to take time to go through some of the classified information down in Senate Security. And the Department of Justice will be on hand later today to walk folks through why this technical amendment was added.

But let me talk about—my business for 25 years was in the telecom sector. I know a little bit about what is trying to be accomplished here. The law that was set up in 2008 was one world of telecommunications and telecommunications networks. The world we live in today, in 2024, is dramatically different. I said yesterday, in 2008, a cloud was something you had to worry about that might rain, not a network of computer operations. As technology has evolved, so must we.

The truth is, this amendment does not change the scope of 702; it simply accounts for new technological advances since the law was first written in 2008. It is not the first time we have had to amend certain laws to account for new technologies, nor will it be the last.

As a reminder one more time, section 702 authorizes the intelligence community to collect critical foreign intelligence about foreign targets located outside the United States. Some of the ways we do that is with compelled assistance of United States—American—electronic communications service providers, or ECSPs.

Now, why has this suddenly now become such an issue? Well, one of these communication providers—remember I talked about clouds, data centers, how these networks come together and how network traffic is intertangled at these data centers? One of these entities that controlled one of those new enterprises that didn't exist in 2008 said: Well, hold it. You can't compel us to work with the American Government because we don't technically fit the definition of an electronic communication service provider. And the fact was, the company that raised that claim won in court. So what happened was, the FISA Court said to Congress: You guys need to close this loophole; you need to close this and change this definition. So that is where a lot of this debate has come from.

Yesterday, as White House National Security Advisor Jake Sullivan explained in a statement he released, the amendment is ''directly responsive to encouragement from a federal appellate court to update the definition of the private-sector companies with which the U.S. Government can work, under supervision of federal judges and with extensive oversight by four congressional committees, to obtain the communications of non-Americans abroad.''

The National Security Advisor urged Members to ''reject mischaracterizations'' of the amendment. He also reiterated that ''nothing in this amendment changes the fundamentals of Section 702, which can be used to target for collection only the communications of non-Americans located outside the United States.''

Now, one, I think the amendment could have been drafted better.

I have a letter here from the Attorney General which shares the view and memorializing DOJ's narrow interpretation of this amendment.

Madam President, I ask unanimous consent that this letter be printed in the RECORD.

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

OFFICE OF THE ATTORNEY GENERAL,
Washington, DC, April 18, 2024.

Hon. CHARLES E. SCHUMER,
Majority Leader, U.S. Senate,
Washington, DC.

Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate,
Washington, DC.

DEAR LEADER SCHUMER AND LEADER MCCONNELL: As I testified yesterday, I urge

the Senate to reauthorize Section 702 of the Foreign Intelligence Surveillance Act (FISA) before it expires on Friday. Section 702 is indispensable to our work to protect the American people from cyber, nation state, terrorist, and other threats.

Section 25 of H.R. 7888 includes language modifying the definition of ''electronic communication service provider'' (ECSP). As I testified yesterday, this is a technical amendment to address the changes in internet technology in the 15 years since Section 702 was passed. It is narrowly tailored and is in response to the Foreign Intelligence Surveillance Court's identification of a need for a legislative fix.

The attached April 17, 2024, letter from Assistant Attorney General Carlos Felipe Uriarte, including the Department of Justice's representations regarding the ECSP provision, reflects my views and my strong support for the passage of H.R. 7888.

Sincerely,

MERRICK B. GARLAND,
Attorney General.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC.

Hon. MARK WARNER,
Chairman, Select Committee on Intelligence, U.S. Senate, Washington, DC.

DEAR CHAIRMAN WARNER: We are grateful that the Senate is continuing to work on a bipartisan basis to extend Title VII of the Foreign Intelligence Surveillance Act (FISA), including Section 702, for an additional two years. Section 702 provides critical and unique foreign intelligence at a speed and reliability that the Intelligence Community cannot replicate with any other authority. The Intelligence Community relies on Section 702 in almost every aspect of its work, and the authority is essential to our national security.

We urge the Senate to pass H.R. 7888 by Friday, April 19. Doing so will prevent the lapse of this critical national security tool and will impose the most comprehensive set of reforms in the history of the Section 702 program.

As you are aware, Section 25 of H.R. 7888 includes technical language modifying the definition of ''electronic communication service provider'' (ECSP) to address unforeseen changes in electronic communications technology. As Attorney General Merrick Garland testified, this change ''is a technical change. It's a consequence of internet technology changing in the 15 years since FISA 702 was passed. It's narrowly tailored. It is actually a response to a suggestion from the FISA court to make—to seek this kind of legislative fix. It does not in any way change who can be a target of Section 702.'' This definition has not been updated since 2008 when Congress first enacted Section 702. The technical modification is intended to fill a critical intelligence gap—which was the subject of litigation before the Foreign Intelligence Surveillance Court (FISC)—regarding the types of communications services used by non-U.S. persons outside the United States.

To address concerns some have raised about this amendment to the ECSP definition, the Department of Justice (Department) provides the following representations:

1. This technical change to the definition of ECSP does not affect the overall structure of Section 702 or the protections imposed on all aspects of the 702 program, including the court-imposed legal procedures. The targeting procedures under Section 702 strictly prohibit targeting persons or entities inside the United States or Americans anywhere in the world. The procedures further prohibit ''reverse targeting,'' which is collecting on foreigners outside the United States for the purpose of obtaining the communications of a person inside the United States or of a U.S. person. Accordingly, it would be unlawful under Section 702 to use the modified definition of ECSP to target any entity inside the United States including, for example, any business, home, or place of worship. It would also be unlawful to compel any service provider to target the communications of any person inside the United States, regardless of whether such a person is in contact with a non-U.S. person outside the United States. Some critics have falsely suggested that the amended definition of ECSP could be used to conduct surveillance at churches or media companies in the United States—this activity would be legally barred under the rules governing targeting under Section 702 and the prohibition against targeting anyone inside the United States.

2. Further, the Department commits to applying this definition of ECSP exclusively to cover the type of service provider at issue in the litigation before the FISC—that is, technology companies that provide the service the FISC concluded fell outside the current definition. The number of technology companies providing this service is extremely small, and we will identify these technology companies to Congress in a classified appendix. To protect sensitive sources and methods, the ECSP provision in H.R. 7888 was drafted to avoid unnecessarily alerting foreign adversaries to sensitive collection techniques.

3. As you are aware, the government provides Congress with a copy of all Section 702 directives issued to U.S. electronic communication service providers. To facilitate appropriate oversight and transparency of the government's commitment to apply any updated definition of ECSP only for the limited purposes described above, the Department will also report to Congress every six months regarding any applications of the updated definition. This additional reporting will allow Congress to ensure the government adheres to our commitment regarding the narrow application of this definition.

Congress plays a critical role in the ongoing oversight of the government's use of Section 702. We look forward to continuing to work with Congress to reauthorize this critical national security tool to protect our national security while safeguarding privacy and civil liberties.

Sincerely,

CARLOS FELIPE URIATE,
Assistant Attorney General.

Mr. WARNER. In that letter, the Attorney General said:

[I]t would be unlawful under Section 702 to use the modified definition of ECSP to target any entity inside the United States including, for example, any business, home, or place of worship.

Continuing:

It would also be unlawful to compel any service provider to target the communications of any person inside the United States—

And here we even go because 702 can't even be used to target foreigners inside the United States. So, clearly, this provision would not allow any communication provider to target a person inside the United States, whether or not that person is in contact with a non-U.S. person outside the United States.

Any of these tools are used to target foreigners outside the boundaries of the United States. Let me be clear. The Department of Justice has documented, in writing, that it would be unlawful to use the ECSP definition to target any business, home, or place of worship or to compel any provider to target communications of U.S. persons inside the United States.

The letter goes on to state:

[T]he Department commits to applying this definition of ECSP exclusively to cover the type of service provider at issue in the litigation before the FISC—

That is the court that reviews these proceedings—

that is, technology companies that provide the service the FISC concluded fell outside the current definition.

I also continue to quote from the Attorney General. This was needed:

To facilitate appropriate oversight and transparency of the government's commitment to apply any updated definition of ECSP only for the limited purposes described above, the Department will also report to Congress every six months regarding any applications of the updated definition.

So, despite arguments that you may have heard, Congress is going to continue to have complete oversight of any use of this provision, and any interpretation of the revised definition of ECSP must still be approved by the FISA Court, an article III court comprised of independent Federal judges. And the opinions of that court will be available to Congress.

In addition, the legislation we are considering today reauthorizes—again, we have to remember, what we are dealing with today in reauthorizing section 702 is only for a mere 2 years. If Members have a concern with how this law is implemented by the DOJ or interpreted by the court, we will have the opportunity in just 24 months to address it further.

I will also make clear that I am committed to working with any of my colleagues who still have a concern with this provision to see if we can improve the definition of the ECSP before the next sunset, including through any legislative vehicle between now and then.

One thing we cannot do, however, is blind ourselves to the many national security threats facing our country now. I think we will blind ourselves if we amend this bill and send it back to the House, expecting us not to go dark by Friday night, not knowing what the House may even look like after the furious debate about the supplemental is concluded.

So I urge my colleagues to join me in voting to pass H.R. 7888 without amendment and ensure that these vital authorities are reauthorized.

SIGNING AUTHORITY

Mr. WARNER. Mr. President, I ask unanimous consent that the junior Senator from Washington be authorized to sign duly enrolled bills or joint resolutions from April 18, 2024, through April 19, 2024.

The PRESIDING OFFICER (Mr. KING). Without objection, it is so ordered.

REFORMING INTELLIGENCE AND SECURING AMERICA ACT—Motion to Proceed—Continued

ORDER OF BUSINESS

Mr. WARNER. Mr. President, for the information of the Senate, following the cloture vote on the motion to proceed to the FISA bill, we expect to execute the order with respect to the Crapo tailpipes emissions bill, S. 4072, and vote on passage of the bill at 2:30 today.

The PRESIDING OFFICER. Duly noted.

Mr. WARNER. With that, I yield the floor.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant executive clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 365, H.R. 7888, a bill to reform the Foreign Intelligence Surveillance Act of 1978.

Charles E. Schumer, Mark Kelly, Tammy Duckworth, Catherine Cortez Masto, Robert P. Casey, Jr., Jack Reed, Debbie Stabenow, Sheldon Whitehouse, Mazie K. Hirono, Benjamin L. Cardin, Angus S. King, Jr., Margaret Wood Hassan, Michael F. Bennet, Mark R. Warner, Richard Blumenthal, Gary C. Peters, Jeanne Shaheen.

The PRESIDING OFFICER. By unanimous consent, the question is, Is it the sense of the Senate that debate on the motion to proceed to H.R. 7888, a bill to reform the Foreign Intelligence Surveillance Act of 1978, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior executive clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Oklahoma (Mr. MULLIN).

The result was announced—yeas 67, nays 32, as follows:

[Rollcall Vote No. 141 Leg.]

YEAS—67

Bennet	Cramer	Klobuchar
Blumenthal	Crapo	Lankford
Booker	Duckworth	Luján
Boozman	Durbin	Manchin
Britt	Ernst	McConnell
Budd	Fetterman	Moran
Butler	Fischer	Murkowski
Capito	Gillibrand	Murphy
Cardin	Graham	Murray
Carper	Grassley	Ossoff
Casey	Hassan	Peters
Cassidy	Hickenlooper	Reed
Collins	Hoeven	Ricketts
Coons	Hyde-Smith	Risch
Cornyn	Kaine	Romney
Cortez Masto	Kelly	Rosen
Cotton	King	Rounds
Rubio	Stabenow	Welch
Schatz	Sullivan	Whitehouse
Schumer	Thune	Wicker
Shaheen	Tillis	Young
Sinema	Warner	
Smith	Warnock	

NAYS—32

Baldwin	Hirono	Sanders
Barrasso	Johnson	Schmitt
Blackburn	Kennedy	Scott (FL)
Braun	Lee	Scott (SC)
Brown	Lummis	Tester
Cantwell	Markey	Tuberville
Cruz	Marshall	Van Hollen
Daines	Menendez	Vance
Hagerty	Merkley	Warren
Hawley	Padilla	Wyden
Heinrich	Paul	

NOT VOTING—1

Mullin

The ACTING PRESIDENT pro tempore. On this vote the yeas are 67, the nays are 32.

Three-fifths of Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The motion was agreed to.

The ACTING PRESIDENT pro tempore. The majority leader.

UNANIMOUS CONSENT AGREEMENTS—S. 4072 AND H.R. 7888

Mr. SCHUMER. Madam President, I ask the chair to execute the order of March 22, 2024, with respect to S. 4072, and I ask unanimous consent that the time count postcloture on the motion to proceed to H.R. 7888.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

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

The ACTING PRESIDENT pro tempore. Pursuant to the order of March 22, 2024, the Senate will now proceed to the consideration of Calendar No. 350, S. 4072, which the clerk will report.

The senior assistant executive clerk read as follows:

A bill (S. 4072) to prohibit the use of funds to implement, administer, or enforce certain rules of the Environmental Protection Agency.

ORDER OF BUSINESS

Mr. SCHUMER. For the information of Senators, we expect to yield back time and vote on passage of the bill at about 2:30 p.m.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

S. 4072

Mr. MARKEY. Madam President, I am here today to defend the Environmental Protection Agency's vehicle emissions standards—standards that will cut air pollution to tackle the climate crisis, protect public health, and save drivers money at the pump. These standards for passenger vehicles, cars, SUVs and light trucks will help us accelerate toward our climate targets and put the brakes on our dependence on fossil fuels.

Last year, we imported 8.5 million barrels of oil every single day, of petroleum products, including gasoline, while simultaneously exporting more than 10 million barrels a day.

But do you want to hear something? Do you know who we were importing oil from? Saudi Arabia, Iraq, Oman. And what does this proposal do that the Republicans want to propound here? It is to say: No, we are not going to move to an electric vehicle future. No, we don't want to, in any way, send a signal that we are a technological giant, as the United States, and we are going to back out that imported oil so that we are not contributing those petrodollars to those nations which are ultimately intent on undermining stability.

So this dependence on fossil fuels, traded on the global market and imported into our country, puts drivers at the whim of OPEC. It puts them at the whim of those who are driven by profiteering. It allows Big Oil CEOs to turn drivers upside down at the pump and shake money out of their pockets.

Why do we continue this? We are technological giants. We have an all-electric vehicle future, a hybrid future for our Nation and for the world. Are we going to lead on that or retreat, because that is what is being proposed here?

Gas guzzling cars aren't just bad for drivers; they are bad for all of us. According to the EPA, the transportation sector accounts for 29 percent of U.S. greenhouse gas emissions, contributing to global warming—actually, the largest single source of climate warming emissions in the United States. And the EPA has a legal, statutory responsibility to set strong clean power standards to help us put this crisis in the rearview mirror.

The final clean car rules are estimated to avoid more than 7 billion metric tons of carbon pollution, equivalent to four times the emissions from the entire transportation sector. This is the single most significant rule we have ever seen in our fight to tackle the climate crisis—more than any other rule in the history of the United States. That is a big deal. That is something to be proud of, and that is something that is worth protecting from political attacks.

In addition to building a livable future, this rule will also save lives right now, providing $13 billion in annual health benefits as a result of reduced air pollution. The clean cars rule isn't banning gas cars, but it is expected to help supercharge our already booming sales of hybrid and all-electric vehicles. These final rules are technically feasible, economically achievable, and technologically neutral, increasing vehicle choice for Americans. This means that families and individuals will still be able to choose from a wide range of vehicle options, including more than 100 different plug-in hybrid and battery electric vehicles here in the United States.

Automakers are innovating and driving us closer toward a clean energy future. That is why Big Oil hates these

vehicle emissions standards. The oil industry is scared to death that $46 billion in reduced annual fuel costs will stay stranded in drivers' pockets instead of in the padded company profits of Big Oil companies.

If you follow the money, it becomes pretty clear why Big Oil would want to attack these standards. All the Republicans have to do is wait outside and drive the getaway car.

That is why I am urging my colleagues to vote no on Senator CRAPO's legislation, S. 4072, which would block the EPA from carrying out the final clean cars rule. This bill is irresponsible because it undoes and it undermines future regulations that would protect public health.

The clean cars rule will reduce particulate matter by 95 percent compared to current standards, prevent 2,500 premature deaths, and reduce heart attacks and respiratory and cardiovascular illnesses.

This bill coming up for a vote would, instead, prevent working families from saving money on gas and maintenance repairs. Over the lifetime of the standards, drivers will save $62 billion in fuel and repair costs or $6,000 over the lifetime of a model year 2032 car.

Rolling back these clean car standards is not an option. We have to protect this rule. We have to protect drivers' budgets. We have to protect public health. We have to protect our economy.

That is why a ''no'' vote on this is so important, and I want to thank everyone who is in this fight. I see Chairman CARPER and Senator WHITEHOUSE here. This is an absolutely critical rule.

I will say this. Every day, Donald Trump and Big Oil say: Drill, baby, drill.

But the younger generation says: Plug in, baby, plug in.

We are moving to the future. We are moving to an all-electric future, and that is what this vote is all about today. I urge a ''no'' vote on the floor of the Senate.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mr. PADILLA. Madam President, I am inspired by Senator MARKEY's remarks, and I am pleased to join him in this debate in opposition to the measure.

We are speaking today because the American people deserve to know what is at stake during today's vote. And, no, it is not the latest fabricated Republican electric vehicle horror story. No one is coming to slap a Biden bumper sticker on your car and take your gas-powered car off the road.

Americans are smarter than that. Americans want reliable cars that can get them to work, to school, wherever they need to go, powered by fuel that doesn't break the bank. Americans also want a future where their kids, our kids, and our grandkids can breathe clean air. And we all want a planet that is not burning to the ground.

Unfortunately, too many of our Republican colleagues will tell you that we can't have both, that we have to choose. It can be either the economy or the environment.

So for everyone who is watching, everybody who is listening, please know that that is a false choice.

Yes, the EPA rule will improve public health and protect our planet. It will also help create good jobs and strengthen the auto industry.

It sets ambitious goals for reducing emissions while giving automakers the flexibility that they need and they have asked for to actually meet those goals through whatever combination of new electric, hydrogen fuel cell, or hybrid vehicles that they are best prepared to make and offer.

So, to my Republican colleagues, I also have a question. How many times have we heard you say: Well, let's make it in America.

Well, here is your chance. Would you welcome more good-paying jobs in Idaho or West Virginia? We do in California, because we would rather have it here and not overseas.

I also hear some people argue: Well, our domestic supply chain and our targeted infrastructure isn't quite ready for this electric vehicle transition.

Well, this rule actually reduces the risks for domestic manufacturers and gives them more certainty to make necessary long-term investments in domestic manufacturing and charging infrastructure that we all want to see.

So, colleagues, we have a tremendous economic opportunity before us.

I ask you all to just take a look at our home State of California, where we have proven that it is not an either-or between the economy and the environment. California has led the Nation not just with bold targets for clean and renewable sources of electricity but for transitioning to a zero-emission transportation sector. As a result, clean car sales are far outpacing even our expectations.

In 2023, zero-emission vehicles made up a quarter of all light-duty sales in our State—the most popular State in the nation. If California was its own country, it would be fourth in the world in electric vehicle sales. So, not only can it happen, it is happening, and it is because of that type of economic potential that automakers across the country are fully committed to this electric vehicle transition. They know that this EPA final rule is ambitious, but it is also achievable.

And labor unions, including but not limited to the UAW, are all in because they, too, reject the fearmongering that says tackling the climate crisis is going to come at the cost of so many union jobs. Environmental and community advocates are all in on this because this is what the climate crisis demands of us.

But we are still hearing from Republicans that Americans are losing their ability to buy the vehicle of their choice.

That is wrong. For all the fearmongering, for all the bad-faith arguments, let's be clear: Under the EPA's rule, not a single American will be forced to buy a car that they don't want, and not a single manufacturer will be given a quota for a specific type of vehicle to make.

With all that said, I will acknowledge that Republicans are correct about one thing: These are big goals for our country. Colleagues, a century ago, it was American innovation and manufacturing that led to the automobile revolution, and you would be wrong to think that the American people can't do it again. So I urge my colleagues to stand with us in setting ambitious goals for our future to give the American people a choice to grow our economy, and we can do it by voting no.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Delaware.

Mr. CARPER. Madam President, I want to associate myself with the gentleman from California, and I thank him for his comments.

I rise today in strong opposition to the measure before us. If enacted, this measure would block Federal funding for the EPA's new plan to limit tailpipe emissions from light- and medium-duty vehicles, such as cars and pickup trucks.

Nearly every day, we see signs of a planet in crisis—wildfires ravaging our lands, polluted air filling our lungs, extreme heat gripping our communities, and much, much more. Scientists have repeatedly sounded the alarm. We are running out of time to reduce greenhouse gas emissions and slow climate change for the health of our planet—and there is no planet B. Instead of coming together to tackle this challenge head on and create jobs at the same time, some of our colleagues want to stop a rule to limit greenhouse gas emissions, which we know to have a substantial warming effect on our planet.

So why is it important to tackle emissions from the transportation sector?

To explain that, let's start with the age-old story about a guy named Willie Sutton—a notorious bank robber during the Great Depression. At his trial—he got arrested, and they dragged him before the court. At his trial, the judge famously asked him: Mr. Sutton, why do you rob banks? And he replied famously: Your Honor, that is where the money is.

Colleagues, we need to continue reining in emissions from the transportation sector because that happens to be where the single largest source of greenhouse gas emissions in the U.S. economy is—at 28 percent. Let me say that again. The cars, trucks, and vans we drive each day make up the single largest source of greenhouse gas emissions in our country. After that, 25 percent of greenhouse gas emissions in the United States comes from our powerplants, and another 23 percent comes from our manufacturing operations—think asphalt plants, think steel mills and so forth.

Combating the climate crisis requires us to use every tool in our toolbox. It is simply not possible to meet the climate goals we set without addressing emissions from the transportation sector, and this rule helps us do just that. In fact, this rule is expected to avoid over 7 billion tons of CO_2 emissions. That is the equivalent of taking every coal plant in America offline for over 6 years.

In addition to planet-warming CO_2, vehicle emissions also contain what is known as particulate matter. What is that? Well, particulate matter is commonly known as soot. We know this type of pollution is greatly threatening to human health. In fact, according to the EPA, this rule alone will provide $13 billion—billion with a B—in annual health benefits by preventing heart attacks, respiratory and cardiovascular illnesses, decreased lung function, and premature deaths. It will help 400,000 people with asthma to breathe easier. That is almost half the people in Delaware.

So let's be clear: This rule not only helps us drive down greenhouse gas emissions and slow climate change, it also helps us clean up the air we breathe and protect public health.

I also want to take a moment to address the myth that this rule is an EV mandate being thrust upon American consumers.

This rule would actually bolster—bolster—consumer choices when it comes to purchasing new vehicles. By giving manufacturers the flexibility to use a mixture of technologies, this rule ensures that consumers will have a wider range of vehicle choices—from advanced gasoline vehicles to hybrids, plug-in hybrid electric vehicles, and a whole range of battery-powered vehicles.

For years, I drove a 2001 Chrysler Town & Country minivan all over Delaware and around the country. It was lovingly known by a lot of folks in Delaware as the ''silver bullet.'' After 600,000 miles, we parted ways and I fell in love with my new vehicle, which happens to be an electric vehicle. Not only is it environmentally friendly, it is a hoot to drive. I was reminded of that just this morning on my drive in to the train station in Wilmington, DE. In fact, I have saved a lot on maintenance as well and fuel costs by switching to an EV.

Unlike what some may want you to believe, this rule doesn't force anyone to make the same purchasing decisions that I did. Instead, it gives consumers a wider range of vehicle options that are cleaner, more affordable, and, hopefully, a whole lot of fun to drive.

Let me close with this: A remarkably wide range of groups, including General Motors, Stellantis, Ford, United Auto Workers, the League of Conservation Voters, the Natural Resources Defense Council, and many more, support this rule. They support this rule. It is not every day that we see this kind of coalition formed. In fact, it is rare. When we do, though, we need to pay attention to it and learn from it.

I am going to close by saying, supporting this bill and blocking the EPA's rule would be harmful to human health, to our planet, the economy, and consumers. That is why I oppose this measure, and I urge our colleagues to join me and others in opposing it as well.

I yield to the Senator from Michigan.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Ms. STABENOW. Madam President, I will be brief.

I represent the Motor City—Detroit. I represent the men and women who put America on wheels; and we are very, very proud of that, and we continue to do that and to innovate. They are not asking for the repeal of this rule. Our American automobile companies are not asking for and do not support it. The United Auto Workers—the men and women who are out there doing the innovations and building the vehicles of today and tomorrow—are not asking for this. They do not want this.

Do you know what they want? They want certainty, economic certainty. They want stability. They have worked with the administration to craft an approach that is rigorous but that works for them to get to the next level.

So I am not sure who this is for and what this is all about, but it is certainly not for the automobile industry and the millions of men and women who work for that industry who have created the middle class of this country.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, I am delighted to join my colleagues here to support the EPA's new tailpipe emissions standards. Rhode Island has long ridden along with California on its emissions standards, and we are delighted to see the EPA following along with strong anti-pollution emissions standards.

Among the many benefits of this is that we will start to head off the climate dangers that we are facing. There are enumerable reports about the economic threats that America faces as a result of unconstrained climate change.

I ask unanimous consent that both articles from the recent ''The Economist'' magazine that open with a lead, sort of editorial-type article, and then have the solid full article, be printed in the RECORD at the end of my remarks.

In talking about climate change—to use the article's words—it is shaking the foundations of the world's biggest asset class, and it is looking at, potentially, 25 trillion dollars' worth of global economic damage as homes become uninsurable because climate change makes them uninsurable.

But the real thing is that this will come home for American consumers. The quicker we can get off fossil fuel, the safer Americans will be in their pocketbooks as well.

This is the way gasoline prices have looked back since 1978. They have bounced all over the place. Why do they go all over the place? They go all over the place because the prices are not set by a market. The prices are set by an individual cartel—a cartel of international entities, most of whom are not friends of the United States—that can simply decide to stop production and juice prices, and you can see over and over again where prices have juiced. The last time was immediately after Putin went into Ukraine. On cue, the fossil fuel industry raised prices dramatically. American companies that were not directly affected rode along with the price increase. They just took the international price, and they made the biggest profits, I think, any company has ever seen. So consumers get gouged by an international cartel that manipulates our gasoline prices.

We can get off of that with American-made renewable energy—from the Sun, from the wind, from batteries, from geothermal, from nuclear—you name it. We get off of the international cartel's fossil fuel roller coaster, which we do not control. We will never ever ever, as a country, have energy independence while our prices for a product depend on how an international cartel behaves. So this is a really, really important step.

As Senator STABENOW said representing Michigan: The car companies support this; labor unions support this; consumers support this. It is expected to provide $99 billion in net benefits to consumers through 2025, and that includes $46 billion in reduced annual fuel costs. So, if you want to know who this benefits and who is on the other side, it is the people who are going to lose $46 billion in polluting dirty fossil fuel because people have gone to clean, efficient electric vehicles as a matter of their own choice.

Last of all, it helps people who breathe. It is estimated to save $13 billion per year in public health benefits. It is hard to put a dollar number on a public health benefit; it is kind of an awkward way to talk about a public health benefit. But when a kid can go to school instead of having to stay home because their asthma has been fired up by the atmospheric ozone or when a mom doesn't have to call in to work and say: I can't make it today because I can't get my baby to daycare because asthma has kicked in because of the pollution-driven atmospheric ozone—the $13 billion, that is just the price of the care. The price in people's hearts and in people's harms is far, far worse.

So the benefits of this wildly outsee any cost. This is a great rule that the EPA has done, and I support it fully.

On the national security front, I also ask unanimous consent that an article that I wrote with Senator GRAHAM in pointing out the danger to the world of

the petrostates and how badly behaved they are and how they are propped up with fossil fuel dollars so they can go out and do things like wage war against Israel, invade Ukraine, and saw up correspondence that they don't like be printed in the RECORD.

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

[From the Economist, April 13, 2024.

THE NEXT HOUSING DISASTER

Think about the places vulnerable to climate change, and you might picture rice paddies in Bangladesh or low-lying islands in the Pacific. But another, more surprising answer ought to be your own house. About a tenth of the world's residential property by value is under threat from global warming—including many houses that are nowhere near the coast. From tornadoes battering midwestern American suburbs to tennis-ball-size hailstones smashing the roofs of Italian villas, the severe weather brought about by greenhouse-gas emissions is shaking the foundations of the world's most important asset class.

The potential costs stem from policies designed to reduce the emissions of houses as well as from climate-related damage. They are enormous. By one estimate, climate change and the fight against it could wipe out 9% of the value of the world's housing by 2050—which amounts to $25trn, not much less than America's annual GDP. It is a huge bill hanging over people's lives and the global financial system. And it looks destined to trigger an almighty fight over who should pay up.

Homeowners are one candidate. But if you look at property markets today, they do not seem to be bearing the costs. House prices show little sign of adjusting to climate risk. In Miami, the subject of much worrying about rising sea levels, they have increased by four-fifths this decade, much more than the American average. Moreover, because the impact of climate change is still uncertain, many owners may not have known how much of a risk they were taking when they bought their homes.

Yet if taxpayers cough up instead, they will bail out well-heeled owners and blunt helpful incentives to adapt to the looming threat. Apportioning the costs will be hard for governments, not least because they know voters care so much about the value of their homes. The bill has three parts: paying for repairs, investing in protection and modifying houses to limit climate change.

Insurers usually bear the costs of repairs after a storm destroys a roof or a fire guts a property. As the climate worsens and natural disasters become more frequent, home insurance is therefore getting more expensive. In places, it could become so dear as to cause house prices to fall; some experts warn of a ''climate-insurance bubble'' affecting a third of American homes. Governments must either tolerate the losses that imposes on homeowners or underwrite the risks themselves, as already happens in parts of wildfire-prone California and hurricane-prone Florida. The combined exposure of state-backed ''insurers of last resort'' in these two states has exploded from $160bn in 2017 to $633bn. Local politicians want to pass on the risk to the federal government, which in effect runs flood insurance today.

Physical damage might be forestalled by investing in protection in properties themselves or in infrastructure. Keeping houses habitable may call for air conditioning. Few Indian homes have it, even though the country is suffering worsening heatwaves. In the Netherlands a system of dykes, ditches and pumps keeps the country dry; Tokyo has barriers to hold back floodwaters. Funding this investment is the second challenge. Should homeowners who had no idea they were at risk have to pay for, say, concrete underpinning for a subsiding house? Or is it right to protect them from such unexpected, and unevenly distributed, costs? Densely populated coastal cities, which are most in need of protection from floods, are often the crown jewels of their countries' economies and societies—just think of London, New York or Shanghai.

The last question is how to pay for domestic modifications that prevent further climate change. Houses account for 18% of global energy-related emissions. Many are likely to need heat pumps, which work best with underfloor heating or bigger radiators, and thick insulation. Unfortunately, retrofitting homes is expensive. Asking homeowners to pay up can lead to a backlash; last year Germany's ruling coalition tried to ban gas boilers, only to change course when voters objected to the costs. Italy followed an alternative approach, by offering extraordinarily generous, and badly designed, handouts to households who renovate. It has spent a staggering €219bn ($238bn, or 10% of its GDP) on its ''superbonus'' scheme.

The full impact of climate change is still some way off. But the sooner policymakers can resolve these questions, the better. The evidence shows that house prices react to these risks only after disaster has struck, when it is too late for preventive investments. Inertia is therefore likely to lead to nasty surprises. Housing is too important an asset to be mispriced across the economy—not least because it is so vital to the financial system.

Governments will have to do their bit. Until the 18th century much of the Netherlands followed the principle that only nearby communities would maintain dykes—and the system was plagued by underinvestment and needless flooding as a result. Governments alone can solve such collective-action problems by building infrastructure, and must do so especially around high-productivity cities. Owners will need inducements to spend big sums retrofitting their homes to pollute less, which benefits everyone.

WIE HET WATER DEERT

At the same time, however, policymakers must be careful not to subsidise folly by offering large implicit guarantees and explicit state-backed insurance schemes. These not only pose an unacceptable risk to taxpayers, but they also weaken the incentive for people to invest in making their properties more resilient. And by suppressing insurance premiums, they do nothing to discourage people from moving to areas that are already known to be high-risk today. The omens are not good, even though the stakes are so high. For decades governments have failed to disincentivise building on floodplains.

The $25trn bill will pose problems around the world. But doing nothing today will only make tomorrow more painful. For both governments and homeowners, the worst response to the housing conundrum would be to ignore it.

RISK OF SUBSIDENCE—HOMEOWNERS FACE A $25TRN BILL FROM GLOBAL WARMING

MIAMI.—The residents of northern Italy had never seen anything like the thunderstorm that mauled their region last summer. Hailstones as big as 19cm across pummelled Milan, Parma, Turin and Venice. Windows were broken, solar panels smashed, tiles cracked and cars dented. The episode cost the insurance industry $4.8bn, making it the most expensive natural disaster in the world from July to September (the figures exclude America, which collates such data separately).

Yet insurance executives, although smarting, were not surprised. Climate change is making such incidents much more common. In the decade from 2000 to 2009 only three thunderstorms cost the industry more than $1bn at current prices. From 2010 to 2019 there were ten. Since 2020 there have already been six. Such storms now account for more than a quarter of the costs to the insurance industry from natural disasters, according to Swiss Re, a reinsurance firm. In Europe, not known for extreme weather, losses have topped $5bn a year for the past three years.

Climate change is doing vast damage to property all around the world, and not always in the places or the ways that people imagine. Hurricanes, wildfires and floods are becoming more common and more severe—but so are more mundane banes. In London, for instance, the drying of the clay on which most of the city stands during summer heatwaves is causing unexpected subsidence, landing homeowners with big bills. A similar problem afflicts Amsterdam, where many older buildings are built on wooden piles inserted into the boggy soil in lieu of conventional foundations. Extended dry spells in summer are lowering the water table, drying out the piles and exposing them to the air. This allows the piles to rot, prompting the buildings above to sag. Unlucky homeowners can be saddled with bills of €100,000 ($108,000) or more for remedial work. And on top of the expensive repairs climate change is foisting on homeowners comes the likelihood that governments will oblige them to install low-carbon heating and cooling, or improve their homes' energy efficiency, adding yet more to their costs.

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The upshot is an enormous bill for property-owners. Estimates are necessarily vague, given the uncertainties not just of the climate but of government policy. But MSCI, which compiles financial indices, thinks that over the next 25 years the costs of climate change, in terms both of damage to property and of investments to reduce emissions, may amount to almost a tenth of the value of the housing in institutional investors' portfolios. If the same holds true of housing in general, the world is facing roughly a $25trn hit.

The impending bill is so huge, in fact, that it will have grim implications not just for personal prosperity, but also for the financial system. Property is the world's most important asset class, accounting for an estimated two-thirds of global wealth. Homes are at the heart of many of the world's most important financial markets, with mortgages serving as collateral in money markets and shoring up the balance-sheets of banks. If the size of the risk suddenly sinks in, and borrowers and lenders alike realise the collateral underpinning so many transactions is not worth as much as they thought, a wave of re-pricing will reverberate through financial markets. Government finances, too, will be affected, as homeowners clamour for expensive bail-outs. Climate change, in short, could prompt the next global property crash.

At present the risks of climate change are not properly reflected in house prices. A study in Nature, a journal, finds that if the expected losses from increased flooding alone were taken into account, the value of American homes would fall by $121bn–237bn. Many buyers and sellers are simply unaware of the risks. When these are brought home, prices change. A study published in 2018 in the Journal of Urban Economics found a persistent 8% drop in the price of homes built on flood plains in New York following Hurricane Sandy, which caused widespread flooding in 2012. Properties just inside zones in

California where sellers are required to disclose the risk of wildfires cost about 4% less than houses just outside such zones.

In many cases, the risks climate change poses to property are only slowly becoming apparent—as with London's geology. The distinctive yellowish bricks with which many houses in the city are built are made from the clay on which the houses stand. It is good to build with, but recently has proved not so good to build on. During the now-milder winters, there is higher rainfall, since warmer air can hold more moisture. As the clay absorbs the rain, it expands. Warmer summers then dry it out again, causing the ground to contract. That would not be a problem if the expansion and contraction were uniform, says Owen Brooker, a structural engineer. But they are not, owing to trees, which suck up moisture in their vicinity. The resulting variation in the accordion effect causes the ground to buckle and twist in places, and the houses above to list and crack.

Two-fifths of London's housing stock, 1.8m homes, will be susceptible to subsidence by 2030, according to the British Geological Survey. Other nearby cities, such as Oxford and Cambridge, are also at risk (see map). Remediation. often by installing concrete underpinning, typically costs around £10,000 ($12,500) but can be much more. PwC, a consultancy, estimates that British home insurers will be paying out £1.9bn a year on subsidence claims by 2030. ''To be honest the insurance companies would do themselves a good service by making people aware,'' says Mr Brooker.

Analysts call the direct impacts of climate change, such as this ''shrink-swell'' effect, physical risks. Some, like shrink-swell, are chronic. Others are acute, such as hurricanes, floods and wildfires. In either case, not only can a house be completely destroyed, but the ongoing risk of further such calamities can make it hazardous to rebuild in the same place. Even the simplest of changes in the weather can make houses uninhabitable: only a small minority of Indian homes have air conditioning, so if the temperature rises much, many become unbearably hot.

Physical risks are growing everywhere (see chart 1 on next page). The problem is not limited to dry, thundery summers in Europe. According to the National Centres for Environmental Information, a government agency, America suffered 28 natural disasters that did more than $1bn of damage last year, exceeding the previous record of 22 in 2020. Meanwhile Typhoon Doksuri, which hit the Philippines and then China last year, was the most costly typhoon in history.

The risks are not spread evenly, however. Research conducted by the Bank of England in 2022 found that just 10% of postcode districts, each roughly the size of a small town, would account for 45% of the mortgages that would be impaired if average global temperatures reached 3.3°C above pre-industrial levels, largely because of the increased risk of flooding in those places. For similar reasons, a back-of-the-envelope calculation suggests that roughly 40% of the value of property in Amsterdam could be wiped out by physical risks compared with just 7% for Tokyo.

Data are scarcest for the impact on poorer countries, but many of the world's most populated cities are coastal. A study published in 2017 by Christian Aid, a charity, suggests that in terms of population Kolkata and Mumbai in India and Dhaka in Bangladesh are the most exposed to rising sea levels. In terms of the value of property at risk, the most vulnerable are Miami, Guangzhou and New York.

TOKYO ROSE

But the risks are not fixed. They can be reduced, most obviously through private and public efforts to improve preparedness. Part of the reason that the risks to Tokyo are low is that it dramatically improved drainage and flood defences after Typhoon Kit hit in 1966, flooding 42,000 buildings. When Typhoon Lan brought similar amounts of rain in 2017, only 35 buildings were swamped.

In theory, house and insurance prices should provide a clear market signal about the risks of climate-related harm to any given property. But even in places obviously in harm's way, such as Miami, the signal is often distorted. For one thing, it was only in March that Florida's legislature approved a bill requiring those selling a property to disclose if it had previously flooded. Worse, there is good reason to think that home insurance in Florida is underpriced. Most Floridians would gasp at such a notion: according to Insurify, an insurance company, the average annual premium for a typical single-family home in the state is likely to hit $11,759 this year. Yet even with such swingeing rates, several private home insurers have gone bust or withdrawn from Florida in recent years.

The state government, however, shields homeowners from the market through a state-owned insurer of last resort, which provides policies to homes that private insurers will not cover. Citizens Property Insurance Corporation has become Florida's largest home insurer (see chart 2). Its exposure is now $423bn, much more than the state's public debt—and all on houses that, by definition, other insurers deem too risky to cover. This suggests that Citizens has been providing a big subsidy to homeowners from taxpayers. Flood insurance underwritten by the federal government suffers from similar flaws. First Street Foundation, which aims to track the threats to American property from climate change, calculates that home values in West Palm Beach, a glitzy city up the coast from Miami, would fall by 40% if owners had to pay the true cost of insuring against hurricanes and floods. That would wipe out many homeowners' equity and leave lots of mortgages without adequate collateral.

Yet Miami's property market is booming. A forest of apartment buildings is rising around city. Over the past five years house prices have leapt by 79%, according to the Case-Shiller index. If the market is sending any signal about the risks of climate change to property, it is to relax.

To make matters even worse, physical risks are not the only peril climate change presents to property-owners. There is also ''transition risk'', which refers to the possibility that governments may oblige homeowners to renovate in ways that reduce the carbon footprint of their properties. Such policies can lead to substantial costs. Germany's coalition government, for example, had planned to ban new gas boilers from the beginning of this year, which would have landed lots of homeowners with costs of €15,000 or more, even after subsides. (The policy caused such an uproar that the changes were watered down and delayed last year.)

If governments stick to their emissions targets, costly mandates will return. Buildings account for 18% of the world's energy related emissions largely through heating in winter and Cooling in summer, The International Energy Agency, a watchdog, estimates that annual investment of $574bn will be needed for energy efficiency and clean technologies in building by 2030, more than double the $250bn invested in 2023. Environmental policies can also raise electricity bills, increasing homeowner's costs in a different way.

Quantifying transition risks is tricky. It is hard to know how much residential property there is in the world, says Bryan Reid of MSCI, let alone how green policies may affect its value. His firm's modeling suggests that, if governments imposed policies intended to limit the rise in temperatures above the long-term average to 1.5°C, the costs would amount to 3.4% of the value of housing held in investment portfolios. That is lower than the 6% toll that MSCI's modeling suggests physical risks will take, but still substantial.

The more serious governments become about curbing emissions, the greater the transition risks (although in the long run, such policies should reduce physical risks). At the climate summit in Dubai last year Emmanuel Macron, France's president, called for the European Central Bank to introduce two separate interest rates, one for ''brown lending'' for investments in fossil fuels and one for ''green lending''. Banks that have committed to reducing the emissions associated with their lending will need to ensure that their portfolio of mortgages aligns with their targets. Draughty, natural-gas-guzzling homes could face a higher cost of finance than greener one and consequently sell for a discount.

In the long run there is a good chance that both physical and transition risks will land with governments. Carolyn Sousky, of the Environmental Defense Fund, a pressure group, imagines scenario in which multiple natural disaster strike different parts of America at the same time. That could lead to a sudden increase in insurance prices across much of the country and a slide in property values. Homeowners unwilling to pay a fortune to keep living in a disaster zone might simply hand the keys to their houses back to their mortgage-providers, which could in turn face losses owing to the fall in prices.

America's state-backed mortgage giants, Fannie Mae and Freddie Mac, require borrowers to have home insurance. If their customers cannot afford it, the pair could suffer a wave of defaults. ''We're acutely aware of it,'' says Dan Coates, the acting chief of staff at the Federal Housing Finance Agency, which oversees Fannie and Freddie. ''There are plenty of stopgaps in place to keep that cascade of bad events from having the consequence that we all worry about,'' he adds, pointing to federal disaster-relief payments and a potential repeat of the forbearance that Fannie and Freddie offered homeowners during the covid–19 pandemic. But such measures would in effect transfer risks from homeowners to the federal government.

MORTGAGING THE FUTURE

In democracies where most voters own their homes, politicians have an incentive to shield homeowners from the bill from climate change for as long as possible. Germany's coalition government, which has struggled to recover from the row over gas boilers, is considered a cautionary tale. Procrastination is also a reflection of the global logic of climate change: even if a government introduces stringent measures to cut emissions in its own country, that does not necessarily reduce global emissions and therefore physical risks. No amount of investment in energy efficiency in German homes, for instance, would have prevented the floods in 2021 that caused more than $40bn of damage.

Yet the longer governments protect homeowners from the risks the larger they become. Vulnerable places like Miami grow even as climate change intensifies, with new arrivals assuming that taxpayers will defray the ballooning future costs. At some point, that assumption will become untenable, with unpredictable consequences. Climate change is often cast as something happening to other people, in faraway places and in desperate circumstances. But for much of the

rich world, the costs are starting to come home.

A WORLD WITHOUT FOSSIL FUELS FUNDING OUR ENEMIES WOULD BE A SAFER WORLD FOR AMERICA

(By Lindsey Graham and Sheldon Whitehouse)

We are a conservative Republican and a progressive Democrat who disagree on a great many things. We write today, however, to highlight an area of strong agreement: a global transition to renewable energy would greatly assist in our nation's fight against the world's most corrupt and illicit regimes. If you could wave a magic wand, and transition the world away from fossil fuels, Americans would instantly be safer.

Oil and gas development has often been associated with autocracy and corruption. Governments in countries such as Russia and Iran have used oil and gas to threaten neighbors and fund terrorism. Corruption, autocracy, and terrorism are a persistent threat to nations that stand on the rule of law, and America has long been the exemplar of the rule-of-law nation. A world in which oil and gas money has less power is a world that will likely have less corruption, autocracy, and terror. That world will be a safer world for America.

Let's be more specific. Iran is the most dangerous enemy we have in the Middle East. Iran is the largest state sponsor of global terrorism today, and a serial human rights abuser at home. It is the implacable enemy of our ally and friend, Israel. It is developing nuclear weapons, which would create a nightmare arms race in the already unstable Middle East. And Iran keeps itself afloat on tens of billions of dollars of export revenues from its oil and gas industry. It has vast oil and gas reserves, with one field estimated to have a trillion dollars in production capacity. Deprive Iran of that revenue, and it becomes a less dangerous nation. Without the potential for future fossil fuel revenue, Iran would have a strong incentive to engage in the world economy in ways that would force it to stand down from its worst behavior, and, hopefully, even join the community of nations. The Middle East becomes a safer place.

Look at Russia. Russia is the most dangerous enemy we have in Europe, and poses a threat to our interests around the world. Russia is the primary sponsor of autocracy, corruption, and discord in Europe. Russia's agents commit murders in London; Russia's army occupies Eastern Ukraine, Crimea, and parts of the Republic of Georgia. Vladimir Putin's petro-politics leverages Russian gas supplies to put constant hostile pressure on its Western neighbors. Russia was memorably described by our departed friend Senator John McCain as ''a gas station run by a mafia . . . masquerading as a country.'' Take away the gas in the gas station, and the gangsters have nothing to run their gang. Without that source of money and power, Russia's ability to bully and corrupt its neighbors diminishes, its gangster oligarchs have less to steal, and its economy shrinks from the size of Italy's to the size of Switzerland's. All of Europe becomes a safer place.

Look at Saudi Arabia. Nominally our strategic partner, Saudi Arabia has a history of funding madrassas that spawned and nurtured anti-Western hatred and recruited terrorist fighters. The Saudi government was responsible for the disgusting murder of Jamal Khashoggi, a U.S. permanent resident who was dismembered at a Saudi consulate in Turkey. His remains have still not been recovered. Only recently have Saudis allowed women to get behind the wheel of a car in their country. Sunni extremism would dramatically diminish if its Saudi oil financing expired.

Our point today is not about climate change. That has its own set of national security concerns. This is about who our friends are and who our foes are; and what the stabilizing and destabilizing forces in our world are. This is about where our foes, and the forces they employ like terror and corruption, get their resources. All too often, it's from extractive industries like oil and gas. Some see this as a ''resource curse'' in which countries with wealth to extract fail to develop healthy models of governance. One need not agree on the reasons to observe the fact, and we cannot leave the damage unaddressed.

The fact is simple: a world without fossil fuel resources funding foreign adversaries would be a safer world for America.

Mr. WHITEHOUSE. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. BARRASSO. Madam President, it is good to be here with my friend and colleague who just addressed the body on this legislation. I remember he said: Who is going to be on the other side of the position that he has taken? Well, I am the face of the person who is on the other side.

I am here with students from Wyoming, 4–H kids, who understand from an agricultural standpoint what kind of vehicles families in Wyoming want and need and the freedom to choose the kind of vehicles that they drive, the practicality of what they can afford and of what they know will work for them. They are from Sheridan and they are from Gillette, WY, and they are here because they support the freedom to choose what kind of vehicles people want to drive in America. It is not just Wyoming; it is all across the country.

I want to thank the Senator from Idaho who wrote this legislation, because he is the driving force behind this very important bill, which I am here to support.

This legislation that we are talking about today would prohibit any government money from going to fund Joe Biden's obscene attacks against American cars and American trucks. Every day, people in Wyoming rely on their cars and their trucks to get to work, to get to school, and to do the daily work of our economy: agriculture, ranching, farming. There are great distances that people travel in Wyoming, and they need reliability. They need vehicles that they can trust, that they can count on. This bill today is about defending their freedom, and it is against those who want to take away that freedom.

What President Biden and the Democrats are trying to do is to force Americans to switch to electric vehicles—vehicles that many people don't want, can't afford, and that aren't practical for them in their daily lives. The actions by the Democrats and the EPA aren't driven by facts. They are driven by that party's blind faith in their climate religion, a faith that says we need to prioritize—as the President has told the EPA—climate over energy for our country that is affordable, available, or reliable.

How is that way out? How do people feel about that? Which do you want? Do you want energy that is affordable, available, and reliable? Well then, you are going to be for this piece of legislation that we are talking about today.

But for the climate alarmists who continue to come to this floor and harp about the issues, let me point out to them the inconvenient truth. The inconvenient truth is that the American people do not want to buy EVs, and they actually are voting with their feet. They aren't buying electric vehicles. They simply aren't interested in that car or the truck that they know is too expensive, too unreliable, and, for them, too inconvenient. That is what it is about.

The public has absolute legitimate concerns about the lack of charging stations around the country and the time it takes to recharge.

But EV batteries, they lose their charge in the cold of winter. Well, we have longer winters in Wyoming. We also have longer roads to drive to get from work or school to home. EVs certainly do not inspire confidence. They don't inspire confidence for those of us who live and drive in States like Wyoming or the West, with our cold winters and our long distances.

So the President of the United States wants to force the people of Wyoming and across the country to buy EVs anyway. He doesn't care about this. He is from a small State, Delaware. I don't think he has any clear understanding of the vastness of the Rocky Mountain West. I have heard him in a number of his comments, and it is clear that he doesn't understand the people who live in the Rocky Mountain West.

But Joe Biden does understand that he has had and placed a heavy hand on the EPA so that they can tell us what to buy, what to drive. I am against all of these sorts of obligations and mandates.

The EPA wants to dictate that 7 of 10 vehicles, new cars, sold need to be electric. By comparison, EVs make up less than 1 in 10 cars being sold today—and what has happened now, late Friday afternoon on Good Friday, right before Easter, new mandates on trucks as well that clearly aren't practical, expensive mandates, unaffordable. They talk about the benefits. The benefits are highly exaggerated.

This self-righteous Biden administration imposes punishing, political, and penalizing fines on the carmakers who don't comply with their mandates. This isn't right.

This Biden car ban, it is bad for consumers; it is bad for the economy; and it is bad for American jobs.

Look, if this regulation goes into full effect, the impacts are going to be devastating. Republicans reject all of these unjustified, unnecessary restrictions.

Democrats are the party of regulating every room in your home, and now they want to move to the garage after banning gas stoves and natural

gas. They want to control our lives. It is coercive.

To me, what they are doing is a crusade against consumer choice, convenience, and affordability. The focus in Washington should be on lowering prices, producing more American energy, focusing on energy that is available, affordable, and reliable.

The people of Wyoming, across the West, we are America's energy, powerhouse, bread basket for American energy. We do it with the kind of respect for the environment that one would expect and want and demand, and we do it that way.

We understand what Americans want. The Senator from Idaho's legislation is what we need to do to put Americans not in the back seat but in the front seat. That is why we are here today talking about this.

It is so interesting, when the EPA, with their truck mandate, they talked about how much carbon they would avoid putting in the atmosphere over the next 30 years. Now, I think their numbers are exaggerated. But the amount that they are talking about saving from putting into the atmosphere in 30 years is what China and India combined put, added, in the atmosphere every single year.

So the Democrats say: OK, China and India, OK, drill 30 holes in the bottom of the boat. And the U.S. in that time, we are going to patch one of them up. Aren't we great. Well, we are not, and it is wrong to take away the choice of the American people from what they want, what they can afford, and what is practical in their lives.

I think it is just time to put a stop to Democrats' mandate madness.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

Mr. MANCHIN. Madam President, I rise today because I truly want to depoliticize this.

I want to give you the facts because I was the one who negotiated the bill with the President. I negotiated the bill with the Speaker of the House. I negotiated this bill with the majority leader. So let me give you the facts and depoliticize it, take the Republican-Democrat equation out of this.

This rule should have never happened. It wasn't our intent, and it wasn't what we agreed upon. We shouldn't even be voting down or up on this rule today because it should have never been here. I will tell you the reason why.

The IRA was designed truly—and we all agreed—on energy security and manufacturing in America. That was it: energy security and manufacturing.

We are producing more energy today than ever in the history of the world. We produce more energy today than anybody else in the world, and they are having a hard time grabbing that. But that was the way we designed the bill, to be an all-in. We are going to do fossil cleaner and better than anywhere in the world and more of it, and we are going to do investments in clean technology energy for the future. And we have done that.

When we put this bill out, the administration knew exactly the timetables. I am giving you the timetables here, and I can show you how they have accelerated everything because it did not meet their timetable.

The deadlines are 2024, 2023. They are going with the temporary rules, 2026 and 2027. The reason they are going to temporary rules is you can't sue on temporary rules. You can sue on permanent rules if you have been damaged—absolutely negating everything that we had an agreement on.

So I said this: We tried to basically persuade or bribe the American public to buy an EV. They are a great vehicle. I don't contest that. Only 1.1 percent of West Virginians want them. We are a market-driven society. We are capitalists. You can't force with government regulations to do things that we have always been trained not to do. Buy what you want. Buy how you want. That is what they are trying to do.

What happened on top of that, then they changed how we basically—the regulations we all agreed on—the President, the Speaker, and the majority leader. We said the first year in 2023, at least 40 percent—40 percent—of extracted minerals that we need for critical minerals to build these batteries had to come from the United States or our allies, our trading partners.

Our whole goal was basically to eliminate being dependent upon China, Russia, Iran, and North Korea. This is the first time—and the lady spoke from Michigan. I love Michigan. I love the vehicles that Michigan has produced. I can't tell you that every Michigander is enthralled with what they are trying to do because they are saying by 2032, basically, 70 percent of the vehicles have to be electric. You can't do it.

There are two reasons why you can't do it: First of all, we don't have the infrastructure to do it. Next of all, we don't have the minerals to make the batteries. So the only way they can get around that is to change.

You tell me in the bill where it says you can go from 40 percent to 20 percent the first year. You tell me, when the bill was written, where it says by 2031, you can go from 80 percent that you should be doing here in America to 40 percent.

You are not going to be beholden to China. We have never been beholden to another country or a foreign supply chain, especially an unreliable foreign supply chain, for our modes of transportation.

I remember in 1974, we were dependent on oil. We weren't producing the oil we should have been producing. We were depending on Saudi Arabia, and OPEC basically put an embargo on us. I waited in line to buy gasoline to go to work. I remember that day very well. It was a horrible time.

I sure as heck don't want to have to wait on a battery to come from China to drive my vehicle to work. That is all we are talking about. So this rule should never be here.

When you go through the things, the compromise that we made, only EVs that were made in North America and with the batteries that were made and the minerals sourced there, would they get the full $7,500 credit. That was the whole purpose of bringing manufacturing here.

There was not a quibble. They weren't saying: Oh, I am not sure we can do that. Everybody agreed—again, the President of the United States, the Speaker of the House, and the majority leader here in the Senate, totally agreeable. It was wonderful.

Now, you tell me if it was so wonderful, why they have to cut everything in half and basically usurp the intentions of the bill that we passed? That is the reason that I am standing up today to support getting rid of the rule because the rule shouldn't even be here. It wasn't something that we agreed on. It wasn't something that we talked about.

Then, on top of that, they want to make sure that you can't sue with the timelines because they have temporary rules. They want to put the temporary rules out because you can't sue.

So we are in a catch-22 here, gang. Forget about being a Democrat or a Republican, be an American. Do the right thing. Let the market do what it does best. The market will decide. The market will—basically, if you have a better mouse trap, I will buy it. But we shouldn't be buying it when we have to be totally reliant on a foreign country of concern.

Again, if what we saw that Putin did in weaponizing energy for our allies overseas, I tell you that Xi Jinping from China will do the same thing with the critical minerals that we are depending on. And if our transportation mode for our economy, our work, our getting our goods to market is dependent upon him giving us what we need, it ain't going to happen, gang. Why are we going down this path?

So to the Senator from Idaho Senator CRAPO, my dear friend, thank you for working with us together on this thing to try to bring common sense to it. It is exactly what we talked about.

These charts are telling you exactly what happened. I am telling you exactly how it happened. And if the President were standing here and if the Speaker of the House were standing here and if the majority leader were standing here, they all would have to agree because they were with me when we made the deal. That was the deal; that, I can tell you. Those are the facts, and there is nothing else that we can talk about. Why we are even having to vote down a rule that should never be before us makes no sense to me at all.

So, yes, just do what we said we would do: Bring manufacturing back to America. Bring, basically, the reliable things that we do and do best here and

make sure that we have the energy and we can produce it. At the rate they are going now, if you electrify what they want to, we would not have the energy or the grid or the capacity to handle everything. And then you are going to have people, basically, having rolling brownouts or blackouts or paying exorbitantly high prices for energy that is absolutely driven by the mistakes that are being made today.

I urge everybody in this body—Democrat and Republican alike—to vote yes on the overturning of this rule that is not part of America, not part of what we do.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska.

Mr. RICKETTS. Madam President, I am joining my colleagues today in resisting the EV mandate and commend them for attempting to defund this EV mandate.

This mandate would require two-thirds of all new vehicles being sold in the United States in 2032 to be electric vehicles. It is going to be incredibly harmful to our American families, especially low-income families.

The cost to consumers is going to be great. The average low-income family spends about $12,000 on a used vehicle to be able to get around. Frankly, for many families, especially families in States like mine of Nebraska, this is the pathway out of poverty: getting that vehicle, spending that $12,000, being able to get to a job, being able to increase your income. That is how American families get to work in States like mine. We are going to be robbing those families of that opportunity with this EV mandate, harming those low-income families.

It is also going to be harmful for families in rural areas. In States like Nebraska, people drive long distances in rural areas to get to work. Right now, for example, you see that 99 of our 147 cities don't have a charger. If you are in some of our cities like Bloomfield or Alliance or Valentine, you are 45 minutes from the nearest charging station. That is not practical.

Oh, and by the way, guess what. It gets cold in Nebraska. When the temperature drops below 20 degrees, you lose 40 percent of your charge on an EV. So not only will you not be able to find a charging station, you won't have very much charge to be able to get there.

It is harmful for agriculture because you are not going to be able just to pull over on the side of the road if you have got a truck that is hauling cattle and stopped in 95-degree heat for 2 or 3 hours.

This EV mandate makes no sense. It does not work for vast stretch of this country.

Again, I think EVs are cool. They have fast acceleration, and they work in urban areas, like perhaps here on the east coast. But in States like mine, they are impractical.

My esteemed colleague from West Virginia was talking about how the Biden administration has not thought this through. I sit on the Environment and Public Works Committee. I have had the chance to question officials who support this, and let me tell you, they have no plan for the power generation. They have no plan for the transmission. And by the way, just so the American public knows, they are assuming that every EV is charged with 100 percent renewable energy. Folks, that is a lie. That does not exist anywhere in this country where you can find a State that 100 percent of their energy comes from renewable energy.

The highest State for it is South Dakota at 50 percent. States on the East Coast are generally single digits as far as the percent of their electricity generated from renewable energy. So they are also selling you a lie. It is not true.

So for those reasons, I also urge my colleagues to support this Congressional Review Act.

I want to compliment the senior Senators from Idaho and from West Virginia for bringing this attempt to defund this EV mandate. Now that this EV mandate has been published in the Federal Register, the Senator from Alaska and I will be bringing another CRA to stop the implementation of this rule as well.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Idaho.

Mr. CRAPO. Madam President, I rise today in support of S. 4072. I introduced this legislation and pushed for this vote to ensure that no fiscal year 2024 funds can be used to implement, administer, or enforce the Environmental Protection Agency's tailpipe emissions rule.

I deeply appreciate the support of the Senators who have spoken today. Senator MANCHIN, a Democrat, made it very clear that this is a bipartisan piece of legislation basically based on the fact that it violates the very deal that was made earlier to help us look at transitioning away from emissions that are harmful to the environment.

If you listened to Senator MANCHIN, he made it very clear that we don't have the capacity to do this right now. He talked about some critical points. Senator RICKETTS just pointed out that we don't even have the capacity today to provide the necessary electricity.

Let me explain this. I was talking—and have talked to a lot of experts—to an expert recently in global warming issues. This person told me that we can have all the electric vehicle mandates we want, but if the road is not clean, then the solution will not be clean. What did that mean? That means that if the electricity that we rely on is not made by renewable sources, the mandate will be ineffective.

That is a critical point to be made because today, as has been indicated, our major source of the load is natural gas. The very electricity that is created in this country to utilize on the roads if this mandate goes into place is not going to be the sort of clean load that is necessary for this massive effort to transition to a completely electric vehicle economy.

The damage will be suffered by the American people in many different ways, but one of the critical ways that damage will be suffered is that whether it is with regard to the critical minerals that are needed—which this administration is not assisting us in helping to improve in the United States and strengthen in the United States—or whether it is based on other aspects of developing that load they need, the American people will see the problem in our economy, and China will be the beneficiary.

It will be China who is the one who can economically accomplish these objectives and send these electric vehicles to us or the batteries that these electric vehicles require. China is not working with clean load either. As my colleague from Wyoming talked about, they are putting out unclean load, in the terms of this debate, every single day, at massive amounts higher than ours.

So what are we going to do? We are going to make the United States vehicle industry dependent on China. We are going to make the United States citizens, who drive cars and trucks, dependent on China and reduce our economic independence from China's anticompetitive pressures. That is what this debate really is about. The EPA's rule is the most aggressive form of tailpipe emissions standards ever crafted and imposes a de facto electric vehicle mandate on the American people.

Under the rule, automakers must decrease their average fleetwide emissions by more than 50 percent—down from the current 192 grams of CO_2 per mile to just 85 grams per mile—in less than 10 years in order to be compliant.

The only way these standards could possibly be met is through the mass production and adoption of electric vehicles—a fact of which the Biden administration and the Biden EPA is well aware—once again, increasing our reliance on China.

The rule effectively regulates gas-powered vehicles—cars and trucks—out of the marketplace, which, make no mistake, is the goal of this administration. As a result of the rule, internal combustion engine—or ICE—vehicles, which still represent the overwhelming majority of new car sales in the United States, can make up no more than 30 percent of new sales by 2032, if automakers are even able to be compliant with these standards.

The rule represents yet another attempt by the Biden administration to use the rulemaking process to force its costly climate agenda on Americans and pick winners and losers in our free market. These emissions standards go too far and will restrict affordable vehicle choices for families, harm U.S. businesses, degrade our energy and national security, and hand the keys of our automotive industry over to China,

which currently dominates the entire electric vehicle supply chain and has no intention of reducing the carbon intensity of its economy anytime soon.

The personal decision of what a consumer chooses to drive should not be made by Washington, let alone by circumventing Congress.

I urge my Republican colleagues and my Democrat colleagues to join me in voting yes on this legislation to prevent American taxpayer dollars from being used to implement, administer, or enforce this disastrous EPA rule.

I yield back my time.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

Mr. MANCHIN. Madam President, I ask that all time be yielded back.

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

Under the previous order, the bill is considered read a third time.

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

VOTE ON S. 4072

The ACTING PRESIDENT pro tempore. The bill having been read the third time, the question is, Shall the bill pass?

Mr. CRAPO. I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Georgia (Mr. WARNOCK) is necessarily absent.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Oklahoma (Mr. MULLIN).

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

[Rollcall Vote No. 142 Leg.]

YEAS—52

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

NAYS—46

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

NOT VOTING—2

Mullin Warnock

The PRESIDING OFFICER (Mr. BOOKER). On this vote, the yeas are 52, the nays are 46.

Under the previous order requiring 60 votes for the passage of the bill, the bill is not passed.

The bill (S. 4072) was rejected.

REFORMING INTELLIGENCE AND SECURING AMERICA ACT—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Democratic whip.

H.R. 7888

Mr. DURBIN. Mr. President, for the past year, the Senate has engaged in a serious, bipartisan effort to reform a controversial spying authority known as section 702 of the Foreign Intelligence Surveillance Act, or FISA. I have never questioned that section 702 is a valuable tool for collecting foreign intelligence.

Congress's intention when we passed section 702 was clear as could be: FISA section 702 is supposed to be used only for spying on foreigners abroad. Instead, sadly, it has enabled warrantless access to vast databases of Americans' private phone calls, text messages, and emails. This powerful tool has been misused, sadly, in the United States to spy on protestors, journalists, and even Members of Congress.

Last Friday, the House of Representatives passed an alarming bill. It is misleadingly called the Reforming Intelligence and Securing America Act, but rather than fixing the flaws in section 702, the House bill will dangerously and unnecessarily expand it.

The Senate is now rushing to pass the House bill as is because FISA section 702 will sunset on April 19, but that is a false choice. No Member should be fooled into believing section 702 will go dark and not be available to be used on April 20 if we do nothing.

We planned for this exact scenario by providing clear statutory authority to continue surveillance under existing orders from the Foreign Intelligence Surveillance Court, known as FISC, after section 702 nominally expires. In fact, the U.S. Department of Justice has already obtained a fresh, 1-year certification from this court to continue section 702 surveillance through April of 2025. Let me repeat that. Existing section 702 surveillance can continue through April 2025 even if it nominally expires on Friday. There is no need for the Senate to swallow whole a House bill that expands rather than reforms section 702.

The House bill contains several alarming and unnecessary expansions of the government's authority for spying. The bill could allow the government to force ordinary U.S. businesses with access to communications equipment—like a Wi-Fi router—to give the National Security Agency access to their equipment. This would greatly expand the number and types of companies forced to assist the NSA with spying and increase warrantless collection of Americans' communications.

Another provision in the House bill would authorize the use of section 702 data by immigration authorities. I am very concerned that that would allow future administrations to target Dreamers and other noncitizens who are only applying for travel documents and are subject to sensitive background checks in that capacity.

Rather than expanding section 702, Congress should reform this authority to protect Americans' privacy. Unfortunately, the purported reforms will have little or no impact. For example, the bill would prohibit what is known as evidence of a crime only queries. This would have prevented the FBI from accessing Americans' communications in only 2 cases out of more than 200,000 searches on U.S. persons in 2022. Other changes merely codify existing internal approval requirements. But with these limits in place, the FBI still conducted an average of more than 500 warrantless searches of Americans every day in 2022.

I will try to make this as basic as I can. After 9/11, we were seriously concerned about the security of the United States, as we should have been. We established authorities in this government to keep us safe. But we had a problem that we had to reckon with, and the problem was this: Despite the great threat we faced, we also had a great responsibility to this publication, the Constitution of the United States, and so we created section 702 and said that we will use it to have queries and surveillance of foreigners in foreign lands but not Americans.

Why did we draw that distinction? Because the Constitution makes it clear: Before the government can listen to my phone call, read my text or email in this country, since I am a U.S. citizen, they have to have a warrant—a warrant which gives them approval for that search—and they have to go to court to get the warrant for that purpose. We made the exception for foreigners in foreign countries, but we said we were trying to protect Americans from this kind of surveillance without complying with the Constitution.

Well, over the years, sadly, the application of this law was not very good. At one point, there were 3.4 million inquiries of American citizens in 1 year.

The Agencies of our government said: We are going to do better. We won't be invading the privacy of individual American citizens. We will do better.

They did better, but there is still an outrageous and unacceptable level of misuse of FISA authority to have surveillance into the privacy of individual American citizens. That is why I rise today.

After the long history of the abuses of this authority—spying on Americans

without a constitutional warrant as required—Congress should not rely on internal executive branch procedures as a substitute for court approval.

If the government wants to spy on my private communications or the private communications of any American, they should be required to get approval from a judge, just as our Founding Fathers intended in writing the Constitution.

A bipartisan amendment in the House would have required the government to obtain a warrant before searching section 702 databases for the communications of American citizens, but this critical reform narrowly failed on a tie vote, 212 to 212.

I want to offer a narrower amendment that would only require the government to obtain a warrant in a small fraction of situations where it actually wants to read or listen to private communications of American citizens.

The vast majority of warrantless FBI searches on U.S. persons do not return any results. Less than 1.6 percent—less than 1.6—return any measurable results. Based on recent FBI statistics, that would amount to just 80 times a month that the FBI or other Agencies that are engaged in this 702 surveillance would have to ask for a court order to protect inquiries and investigations into private communications of American citizens.

I have sat through numerous classified briefings on section 702 and listened carefully to the government's concerns about having to obtain this court approval in order to review the contents of Americans' communications. My bipartisan amendment accounts for these concerns by providing exceptions to the warrant requirement for emergencies or cyber security attacks or where an American consents to the search. This will ensure that there won't be any delays that jeopardize national security. What it will not allow are fishing expeditions in which there are no unusual circumstances and the government does not have probable cause.

This pragmatic approach—respecting the Constitution—will safeguard Americans' privacy and still preserve section 702's critical value for collecting foreign intelligence and protecting national security.

The Chair of the independent Privacy and Civil Liberties Oversight Board conducted a thorough review based on the classified record and reached the same conclusion.

Congress has a responsibility to the American people to get this right.

I recognize the importance of section 702, but we should not rubberstamp the House's flawed bill when surveillance is already authorized until April 2025.

I want to respect the need for section 702, but I am sworn to respect the need to follow this Constitution. Without critical changes to improve this bill, I cannot support it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I am glad I was on the floor to hear the distinguished Senator from Illinois's comments about section 702 of the Foreign Intelligence Surveillance Act. This is perhaps the most important law that most Americans have never heard of before, but here we are debating that. The House having passed a bill and sent it over to us, it is our responsibility now to consider that bill.

We all want to protect the privacy and constitutional rights of American citizens. That is nonnegotiable. I agree with the Senator on that point, and I think we all should agree. But the fact of the matter is, the House bill is a reform bill. It is not section 702 as it currently operates. This provides numerous guardrails, accountability measures, and other measures that I believe will limit, if not eliminate, the opportunity to abuse this authority, to the detriment of American citizens; rather, I believe this law must be passed in order to protect those same people.

It is really important for the American people to understand that section 702 is only available against foreigners overseas—only foreigners overseas. If you want to get access to any information even on a foreigner here in the United States or an American citizen or a legal permanent resident, you have to go to court and do what the Senator says, and I certainly support that, which is to show probable cause that a crime has been committed.

But we are not talking only about crimes, the crime of espionage; we are talking about foreign adversaries collecting information on American citizens that they can use to facilitate terrorist attacks, the importation of dangerous drugs, ransomware attacks through cyber crime, and the list goes on and on and on.

But I think a fair reading of the House's bill provides the sort of belt-and-suspenders approach that we need in order to reform the current practice because of the very abuses that our friend from Illinois mentions. Where I differ from him is the fact that we don't need to worry about acting on this bill by tomorrow night at midnight.

Tomorrow night at midnight, the most valuable intelligence tool that is available to policymakers, including the President of the United States, will be eliminated—and what I am talking about is additional collection of that information—because, in fact, the very telecommunications companies that we depend on and that we compel to participate in the collection process will refuse to cooperate if they are not compelled to do so as a matter of Federal law. We know that because some have, in fact, sued to protest that cooperation and that compelling of cooperation. So we need to think about not only what this program is now, but the blindness, the willful blindness we will incur in the future unless we act on a timely basis. There is really no reason not to vote on the amendments, including the amendments from the Senator from Illinois. And I certainly support the right of every Member to offer amendments to try to change the bill as they see fit.

Every single day information acquired through section 702 protects our national security missions, and I want to mention a few of them. Just think for a moment, when President Biden gets his intelligence brief each day, that is called the Presidential daily brief. It is a compilation of the most sensitive intelligence that is important for the President as the Commander in Chief to have access to. Approximately 60 percent of the information contained in the President's daily brief is derived from section 702, so unquestionably it is a critical resource to protect our country, not just for the Commander in Chief but for other policymakers, including Members of Congress who happen to be on oversight committees, for example, which I am privileged to be.

Well, one of the first things that comes to mind when we think about section 702 of the Foreign Intelligence Surveillance Act because it applies only to foreigners overseas who are a threat to national security and so identified—the first thing we think of is counterterrorism.

It is easy to see why because this authority was first created in the wake of 9/11—the worst terrorist attack America has ever experienced—when 3,000 of our fellow citizens were killed that day.

Section 702 was enacted in 2008 in response to threats posed by terrorist groups, and in the years since, it has helped over and over and over again combat terrorism and prevent further terrorist attacks on American soil. Last year, for example, section 702 helped the FBI disrupt a terrorist attack on critical infrastructure sites in the United States.

In 2022, 702 data supported the planning of the U.S. military operation that resulted in the death of the leader of ISIS, the sequel to al-Qaida, a terrorist organization that has designs not only on its adversaries in the Middle East but on Americans as well. In 2020, information acquired through section 702 helped thwart a terrorist attack on a U.S. facility in the Middle East. And the list goes on and on and on. The point is that section 702 is vital to America's counterterrorism missions, but its applications extend far more broadly than just on counterterrorism.

It is also a critical tool in the fight against fentanyl which took the lives of 71,000 Americans last year alone. I have been to six high schools in Texas where parents—grieving parents—say their child took a pill that they thought was relatively innocuous—Percocet, Xanex. I know we wish our kids wouldn't take things like that, but they certainly didn't think they were taking a pill that would kill them. But that is exactly what happened because it was a counterfeit pill

that looked like a regular pharmaceutical drug, but it was laced with fentanyl, and it took their life. Section 702 is a critical tool in combating fentanyl which is the leading cause of death for Americans between the ages of 18 and 45. That is an incredible statistic.

In one example, the intelligence community obtained information under 702 that a foreign actor supplied pill press machinery to a Mexican drug cartel to make fentanyl, which is what happens. The precursors come from China. They make their way into Mexico. They are combined and then processed through an industrial capacity pill press to make it look like a normal pharmaceutical and then smuggled into the United States. That machinery, that pill press, was capable of producing millions of fentanyl pills, not per year, not per month, not per day, but per hour. We know that one pill can kill, so this machine alone could produce millions of lethal doses in 1 hour.

The good news is that this information was uncovered thanks to 702, and it was acted upon and the pill press and other equipment were seized before they could end up in a cartel's drug lab.

But this type of success story is not isolated. Last year, 70 percent of the CIA's illicit synthetic drug disruptions stemmed from information gathered through section 702.

I know we think of the CIA as our intelligence agency, and it is one of our principal intelligence agencies, but one of their missions is a counterdrug mission, and they were able to use section 702 to disrupt 70 percent—or it comprised 70 percent of their synthetic drug disruptions just last year alone.

This intelligence gathering capability is vital to our operations to stop fentanyl and save American lives. And there is no question that the fight against fentanyl would take a major step backward if 702 went dark.

Now, I want to reiterate, our friend from Illinois suggested that there is no worry about missing the deadline of tomorrow night for reauthorization. I just want to emphasize, it is true that currently collected information could be queried, that they could have a search selector to look among information that has already been lawfully collected, but there would be no way that the telecommunications companies from whom this information is collected would cooperate absent a Federal law compelling them to do so. As I said, some have sued and claimed that they should not be required to cooperate.

Of course, intelligence professionals uncover information about far more than just terrorism and drug trafficking. Section 702 also helps the United States Government stop the proliferation of weapons of mass destruction. Seventy percent of the intelligence community's successful disruptions of weapons of mass destruction in the past few years have stemmed from 702. This intelligence also helps disrupt our adversaries' efforts to recruit spies or people they try to recruit here in the United States.

Section 702 helps identify and respond to cyber threats. In 2021, you may remember the Colonial Pipeline ransomware attack where cyber criminals froze the computer systems of Colonial Pipeline and shut it down, which supplied the major supplier of gasoline and diesel for the east coast. They said: We are not going to unlock that network until you pay the ransom. Well, it was section 702—because the master minds of this effort were overseas, primarily in Russia, we were able to use 702 in order to identify those foreign actors in a way that allowed the FBI to connect the dots and to dismantle that criminal network.

Every day America's intelligence professionals rely on section 702 to gather timely and actionable intelligence to keep our country safe. Well, there is no question. I haven't heard any one of our Members here in the Senate say that 702 is not helpful, it is not necessary, but they are concerned about privacy—and I am too. That is the balance we must strike between security and privacy. We need both.

Well, the Fourth Amendment to the United States Constitution protects Americans from unlawful searches and seizures. Now, that applies in every instance where there is an investigation, whether it is by the FBI or by the local police department. Law enforcement cannot search your home or monitor your communications without going to a court and showing probable cause that a crime has been committed, but there is a lot of confusion about where that might apply in this context because what we are talking about is not crime in the sense that our criminal laws ordinarily apply in America. What we are talking about is foreign espionage and hostile activities directed toward the United States that have not yet occurred.

Ordinarily, in America, we don't do anything to try to prevent crimes from happening. We punish crimes once they have occurred after we have investigated them and prosecuted them, but we don't want another 9/11 to occur. We don't want innocent Americans to be killed in a terrorist attack. And it is not OK to say: Well, we will wait until the terrorists commit that act, and then we will try to find them and punish them. We want to stop it, and that is where 702 is so important.

It is not true that 702 gives the authority to the intelligence community to target Americans. That is illegal.

The Senator from Illinois mentioned a number of times where there was inappropriate and, frankly, illegal use of this information. Those individuals in some instances have been disciplined, some instances have been prosecuted, and that is appropriate.

But what the House bill does is, it takes for example, FBI rules and regulations around the use of 702 and codifies them. In other words, it is not discretionary. It is not a matter of Agency rules. It is a matter of Federal law. Speaker JOHNSON, I know, sent out a long list—and perhaps we ought to consider that more closely—a long list of reforms that this bill includes that would make that sort of activity far less likely.

I say ''far less likely'' because I doubt you can pass any law or any rule that would prevent somebody from abusing it. But we sure ought to make sure that we minimize the possibility, and we ought to make sure that people who do so are held accountable. That is what this FISA reform bill that the House passed does.

Again, this bill allows the intelligence community and the Department of Justice to obtain information on foreigners located outside the United States. So here is one of the questions or one of the issues posed by our friends who have a different view on this. That is because when a foreigner talks to a U.S. person, well, that should send off flashing red signs or at least yellow lights, but Federal courts—at least three Federal courts, including the Foreign Intelligence Surveillance Court and two other Federal circuit courts, have held that there is no violation of the Fourth Amendment among unlawful searches and seizures of Americans if that was incidental to collection—incidental to the authorized collection of foreign communications of people overseas. And how is it that we could possibly expect anybody to get a warrant when we don't even know these individuals they are talking to until after the fact? What happens then is very important and is very different; and that is, if the FBI or any law enforcement Agency wants to go a step further and ask for more information about the American citizen or U.S. person, then existing law requires that they get a warrant. It requires them to go to court, go to the intelligence surveillance court—article III judges appointed by the Chief Justice of the United States Supreme Court—and to get a warrant based on probable cause that this individual is aiding and abetting a foreign adversary or has committed a crime like espionage.

But the Fourth Amendment to the Constitution does not apply to foreigners who live abroad. Where this issue raises heightened concerns is in the incidental collection, which I mentioned a moment ago. That is if a foreign target who lives abroad is communicating with an American on U.S. soil or a U.S. person like a permanent resident, intelligence professionals will receive both sides of that conversation.

Again, what I have said is multiple courts have examined the constitutionality of this incidental collection; and in each and every case, it has determined that 702 complies with the Fourth Amendment.

For example, the Second Circuit Court of Appeals, in 2019, considered

that very question. The court determined that ''the government may lawfully collect the emails of foreign individuals located abroad who reasonably appear to be a potential threat to the United States.'' The court added that once it is lawfully collecting those emails, it does not need to seek a warrant to continue collecting emails between that person or other persons once it learns that some of those individuals are U.S. citizens or lawful permanent residents or are located in the United States.

But, as I said, once this incidental collection has occurred, if the law enforcement Agencies, like the FBI, want to go further, they have to get a warrant before they can collect other information about that American citizen or U.S. person. That is no longer incidental to the foreign intelligence-gathering of somebody overseas. That is a direct investigation of that person, and it requires a warrant and probable cause.

Well, what I am talking about in terms of incidental collection is not a novel concept. For example, when a law enforcement officer executes a search warrant as part of a money laundering investigation, if the officer enters a home and sees illegal drugs, for example, in plain view, officers can seize that evidence even though it is unrelated to the warrant. That same sort of principle applies here. The Second Circuit, the Ninth Circuit, and the Tenth Circuit Courts of Appeals have all looked into this matter, and the Eastern District of New York has as well. Again, every court that has considered the lawfulness of the 702 program found that it complies with the Fourth Amendment.

So there is no argument, really, even among people who have different points of view. There is no argument that 702 is vital to our national security. The FBI and the intelligence community rely on that authority to combat terrorism, to disrupt drug trafficking, to prevent cyber attacks, and much, much more.

I believe what is really being argued about here, which we ought to go ahead and lay on the table, is a lack of trust in how these rules are actually applied and practiced. Part of that justifiable concern is based upon abuses in the past, and those ought to be investigated and prosecuted; and those people who violate the law ought to be held accountable. But what the House has done is proposed a reform bill which reduces, if not eliminates, the chance of taking those same sorts of actions; and it certainly has provided for accountability, including prison sentences for the people who do violate those rules.

So this proposal goes about as far as you could go without destroying section 702 to make sure that the privacy rights and the constitutional rights of American citizens are protected, while at the same time making sure that we can maintain this flow of valuable foreign intelligence to help protect the American people.

This legislation codifies reforms that were implemented by the FBI a couple of years ago, which have reduced noncompliance to about 2 percent of their queries; and these reforms have already proven to work. As I said, the Department of Justice conducted a review last year and found that 98 percent of the FBI's queries were now fully compliant with these new and enhanced and improved requirements, and those would be codified into law under this bill.

So I appreciate the sensitivity that all of us feel about the constitutional rights of American citizens. None of us want to allow any violation of those rights. We are sworn to uphold and defend the Constitution and the laws of the United States. I am confident that each of us wants to be loyal to that oath, but at the same time, we have a responsibility to protect the American people from the sorts of threats that I have described. Allowing 702 to expire tomorrow night would simply blind not only the President of the United States but us as policyholders—the people responsible for protecting our great Nation—to threats that future collection under 702 could provide, because there is no way that these telecommunications companies are going to cooperate absent a Federal law compelling them to do so.

So who would be the winner in all of this? Well, let's call out a few winners if 702 goes dark: China, Russia, and Iran; and you might throw in North Korea. It would limit our ability to understand the threats we are facing here in the homeland before it is too late.

There is a reason why the intelligence community calls section 702 the crown jewel of their ability to protect and defend the United States and the American people, and it is absolutely imperative that Congress reauthorize section 702 with these reforms before it lapses tomorrow night. And I am optimistic that, in working together, we can get the job done.

I yield the floor.

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

Mr. DURBIN. Mr. President, I want to thank my colleague from Texas. Though we may disagree on some aspects of this important law, once again he has made a professional and thorough presentation of his point of view. I hope that those who are following this debate understand it, because it is complicated. It is complicated to understand; it is complicated even to explain. But it seems to me there are a couple of areas here that I would like to express a point of view on of the Senator from Texas's comments.

No. 1, I am in favor of keeping section 702—no question about it. When it comes to its initial purpose, we still need it to keep America safe, and we need it in many different aspects. He mentioned the fentanyl situation. It is horrible. The most recent figures I have received from the Drug Enforcement Administration suggest there are over 100,000 victims a year of fentanyl in the United States. It is the deadliest narcotic. There are at least two cartels in Mexico that are generating this fentanyl: Jalisco and—I am trying to recall the other one. But they are actively engaged, and the Drug Enforcement Administration is monitoring what they are doing.

Do we want to use our capacity to get into that business model and try to find out more information to thwart deliveries into the United States and more fentanyl in the United States? Of course. Sign me up.

The question comes down to a practical question. Let's assume for a moment that we decide that we want to know if someone involved in one of these cartels is making a drop in the United States. We can use 702 because we are dealing with foreigners in a foreign land. That is the premise of 702. So, if we intercept the communications of someone in that cartel in Mexico, the question is, What do we do if the information that they disclose in this conversation includes a reference to an American? What right do we have to go any further in questioning that American's involvement with the cartel? That is when we run into the Fourth Amendment, as far as I am concerned, and it is a serious question as to whether or not we can ask any questions about text, emails, or phone conversations of the American whose name came up in the conversation that we intercepted of the member of the cartel.

That is where we have, probably, a difference of opinion. How far can we go? I believe, if we are going into an inquiry as to what that American's involvement is with that cartel, the Fourth Amendment applies. At that point, we need a warrant.

Through the Chair, I ask if the Senator would like to comment on what I have said so far.

Mr. CORNYN. Mr. President, I appreciate the opportunity to engage my friend and colleague, the distinguished chairman of the Senate Judiciary Committee and a distinguished lawyer in his own right. This is his wheelhouse.

I appreciate the question because I think it actually—maybe there is a nuance here that I misstated my position, because I am of the same mind the Senator is when it comes to an American citizen who is mentioned in a communication with the foreign actor, because this is designed to deal only with foreign actors.

What I was referring to was incidental communication, when there was a communication between the foreign actor and the U.S. person, and we can call him a U.S. person because he can also be a legal permanent resident. Basically, what we are talking about are U.S. citizens. So that is incidental collection when there is that contact between a foreign target and the American citizen. That is considered to be

incidental collection, and no court has said it violates the Fourth Amendment.

But I agree with the Senator that if, in fact, there is a mention of an American citizen in that communication and the law enforcement Agencies want more information about that American citizen, they have to get a warrant. They have to go to court and establish probable cause in order to get that information because that is what the Fourth Amendment is designed to protect. I hope I have understood the Senator's position.

Mr. DURBIN. Well, I hope I understand the Senator's position as well because I think we just reached a point of agreement. The question is, where do we go from here?

If the foreigner names an American citizen, that is incidental. If our Agency of government decides that they want to explore conversations—phone conversations, texts, and emails—of that named American citizen, I think we both agree, at that point, we have reached Fourth Amendment protection, and it requires a warrant.

All I have tried to do with my amendment is to condition that situation that I have just described to you to be protected in law with three exceptions. I create three exceptions: an emergency situation. I mean, you can imagine—and I can too—after living through 9/11 and other instances. Sometimes you have to move and move quickly, and even a Fourth Amendment warrant may be questionable.

The second part is cybersecurity—or that may be part of it. And the third is when that American citizen happens to be asking to be protected for fear that something is happening to them that they don't want to happen; so they ask the Agency of the government to go forward and inquire as to that foreigner because they want, for their own protection, the Agency to do it. Those three things are built into my amendment as well.

So we may be perilously close to an agreement. I don't know. I won't presume that, but I think what we have said so far is something that I can live with.

Mr. CORNYN. Mr. President, if the Senator from Illinois will permit me to respond, there are two challenges I think we face. One is that I think the exceptions that you mentioned, basically, will mean that the status quo remains because almost each of those three exceptions would be allowed under current law, so then the amendment would not really change much in the way of practice. I may be missing something, but you mentioned cybersecurity, emergency situations, and the third is?

Mr. DURBIN. The consent of the person, of the American.

Mr. CORNYN. But here is the practical problem: The House of Representatives has passed this bill, and one particular, important aspect of this is a warrant vote that was a tie vote. So this bill—this law—lapses tomorrow night at 12 midnight, and it is obvious to me that we are not going to be able to change this bill in a way that then could go over to the House and get picked up and passed before 12 midnight tomorrow night. Basically, what we are forced with is a lapse in these authorities during the interim, and I am not even confident that the House could even pass another bill even with these amendments.

So I don't question the good will and the intentions of the Senator from Illinois. I think he wants to do what I want to do, which is to protect our country and to protect the rights of American citizens, but I think, as a technical matter, that the exceptions he has will swallow the rule that his amendment would establish. Perhaps, even more basically, just through the passage of time, it would prohibit our getting this bill to the President's desk in time to keep these authorities in effect.

There is no question that our world is more dangerous now than at any other time in the recent past—I would say since World War II. So I don't think we could risk going dark by having this authority lapse on future collection, either for the benefit of the Commander in Chief—the President of the United States—or the rest of us.

I want to thank the Senator for giving me a chance to answer a few questions and present my point of view.

Mr. DURBIN. Mr. President, I would like to thank my colleague from Texas and say to those who have witnessed this: This came dangerously close to an actual debate on the Senate floor—a bipartisan debate—that happens so seldom that those who witness it should probably call their friends.

Seriously, I respect the Senator from Texas. Though we may disagree on some aspects of this, I respect his presentation and thank him for answering the questions.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

FEDERAL COMMUNICATIONS COMMISSION

Mr. THUNE. Mr. President, next week, the Biden Federal Communications Commission will take a pointless and destructive vote to reimpose onerous net neutrality regulations. Like the Obama FCC before it, the Biden FCC wants to assert broad new government powers over the internet, using rules that were designed—if you can believe this—for telephone monopolies, back during the Great Depression. If there were ever a solution in search of a problem, this is it.

We have tried the Democrats' heavyhanded net neutrality experiment before, and it didn't go very well. Back in 2015, the Obama FCC implemented the regulatory regime the Biden FCC is planning to impose starting tomorrow. This opened the door to a whole host of new internet regulations, including price regulations, and broadband investment declined as a result. That was a problem for Americans generally who benefit when the United States is at the forefront of internet growth and expansion, and it was particularly bad news for Americans in rural States like South Dakota.

Deploying broadband to rural communities already has a number of challenges, and adding utility-style regulations, not meant for today's broadband market, acted as a further disincentive to expanding access. Recognizing the chilling effect the Obama FCC's regulation were having on internet innovation and expansion, in 2017, the FCC, under Chairman Pai, voted to repeal the heavyhanded net neutrality regulations passed by the Obama FCC.

The prospect was greeted with absolute hysteria from Democrats. You would have thought that the sky was about to fall. So dire were their predictions.

We were told that the internet, as we know it, would disappear, that providers would slow speeds to a crawl, that we would get the internet word by word, that our freedom of speech was threatened.

But the repeal went into effect. And guess what happened. Lo and behold, none of the Democrats' dire predictions came to pass. As anyone who has been on the internet lately knows, the internet has not just survived but thrived. Innovation has flourished. Competition has increased. The internet remains a vehicle for free and open discourse. And internet speeds have not only not slowed down; they have gotten faster and faster. So where, I might ask, is the problem that requires this new onerous regulatory regime? Well, there isn't one.

But, unfortunately, that is rarely enough to stop Democrats, who seem to lose sleep at the thought of some aspect of society not being subjected to heavyhanded Federal regulation.

In fact, of course, the Federal Government already regulates the internet, but it does so using a light-touch regulatory approach that has allowed the internet to flourish. But if the Biden FCC's new regulatory regime goes into effect, those days of flourishing may be numbered. As I said, the last time that these heavyhanded regulations were imposed, broadband investment declined, and there is good reason to believe that the same thing would happen this time.

These new rules could also imperil the United States' position at the forefront of internet innovation. Perhaps most disturbing of all, the Biden FCC's onerous new regulatory regime could spell the end of the free and open internet that is supposed to protect.

Under the regulatory regime the Biden FCC is set to impose, the Federal

Government would be allowed to block or prioritize internet traffic or otherwise interfere with the free flow of information. It is not hard to imagine the Biden administration using this new regulatory power to shape Americans' internet experience for its own ends.

This is an administration that attempted to manufacture a nonexistent voting rights crisis in order to pass legislation to give Democrats a permanent advantage in Federal elections. So it is not hard to see the Biden FCC using its new powers to advance Democrat interests or the Biden administration's far-left agenda.

The Biden FCC's new regulatory regime is a solution, as I said, in search of a problem, and it is likely to create problems where none exist.

On top of that, as former members of the Obama administration have pointed out, it is unlikely to stand up in court because existing law does not give the FCC the powers that it wants to assume. That makes the FCC's upcoming vote even more pointless.

The Biden FCC should be focused on addressing real challenges, such as continuing our efforts to close the digital divide and to ensure that every American has access to high-speed broadband. But as the 3-year crisis at our southern border demonstrates, the Biden administration tends to ignore the real problems facing Americans in favor of expanding government and advancing its far-left agenda.

So I expect that the FCC will vote next week to impose this heavyhanded new regulatory regime. But while the vote may be a foregone conclusion, I am hopeful that the Biden FCC's regulations will be struck down in court.

I will do everything I can here in Congress to overturn them because, if the new Biden regulatory regime is left in place, it may not be long before we will be looking at the very opposite of net neutrality.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

ALASKA RESOURCES DAY

Ms. MURKOWSKI. Mr. President, this was supposed to be a really great week for us in Alaska. We had an opportunity to kick off the Alaska Resources Day back here in Washington, DC.

The leaders of 10 of my home State's trade associations—notably, all women, which I think is worth commenting on—all flew back to Washington, DC, for Resources Day. They and other industry leaders gathered to really celebrate the success of the industries that are present in our State—everything from oil and gas to mining, to seafood, and tourism. It was a good day spent educating folks about Alaska's commitment to and, really, our record—a very strong record—of responsible development to benefit Alaska and the Nation.

It should have been a really great opportunity to reflect on how far we have come as a State. But instead of being able to focus on that, the big buzz was the reminder that we are really at the mercy of an administration that views us—views Alaska, views Alaska's resources—as really nothing more than a political pawn in a reelection campaign.

The rumors are out there, and there is more substance to them now than there were a few days ago. But the Biden administration is set to announce yet two more decisions to restrict and prohibit resource development in the State of Alaska.

This is almost getting to be so routine that we are coming to dread Fridays in the State of Alaska because that seems to be the day that the administration reserves to just dump more closures, more lockups, more shutdowns on us, on top of the dozens and dozens of initiatives that have already been imposed on us over these past 3 years.

Unfortunately, the decisions that are going to be unveiled tomorrow are probably some of the worst that we have seen from the administration—an administration that I think has just lost their way when it comes to energy and mineral security.

I want to talk, first, about the mineral security piece of it because we are going to see announced tomorrow the rejection of the Ambler Access Project.

This is a private road. It is a private road that is needed to access and unlock a region that we call the Ambler Mining District.

There was a 1980 law under ANILCA, part of the balance that we struck on conservation. This was the big deal in 1980, but it was an effort to put into conservation status while still allowing for certain development. But under that law, we were guaranteed road access to the district.

Why is the district important in the first place? It was important back then, in the 1980s, but even more so important now because of the critical minerals that this country needs to break our dependence on China and other foreign nations.

This project is not new. This project was fully approved, and I think it is worth underscoring that—fully approved—in 2020. But this administration said: Never mind all that.

Interior sought a voluntary court remand for Ambler's approval on the very same day that President Biden held a roundtable to discuss—what?—the importance of critical minerals and how this country needed critical minerals. He is saying that on one screen, and on the other screen you have got a remand effectively putting the brakes on the Ambler project.

And for the past couple of years now, Interior has magnified the impacts of this simple private haul road so that they could really find a way to just turn the tables, to turn this project from one that had been approved to one that will be rejected.

The second action that we are anticipating from Interior tomorrow will be the finalization, the final rule, to shut down further access to our National Petroleum Reserve in the northwest portion of the State. This is a 23 million-acre expanse. This is an area about the size of Indiana. There are only a few hundred acres of this Indiana-sized piece of the State that have ever been approved for any type of development, and it is exactly what the Obama-Biden administration had pointed to. They said to the oil and gas companies: Go there. Go to the National Petroleum Reserve-Alaska. Don't go to ANWR; go over here. Develop there.

So now you have the interest in it, and after approving exactly one significant project in our petroleum reserve, the Biden administration has now completely abandoned that approach. And what we expect to see tomorrow is Interior issuing just a sweeping rule to now cut off access and, to add insult to injury, with barely consulting the Alaska Natives who live on the North Slope—failed to consult. They violated their own policies. They ignored Federal law.

This is really tough for us in Alaska because this is not the first time now that this administration has just turned their eye to what the law requires. They ignored Federal law which requires an expeditious program of competitive leasing and development. So where there was once opportunity, they are now creating uncertainty and restrictions that will cut off access and halt future projects.

But again, never mind all that, the administration says, because it just doesn't seem to matter to them. That is what I don't get—not the rule of law, not the local people who support responsible development, not the State benefits or the national need, not even the international events and crises that we are dealing with right now this moment that should have prompted a gut check and maybe folks within the White House saying: Maybe we should dial this back just a bit right now, given what is happening in the world. But none of that seems to matter as, once again, this administration makes two more politically motivated decisions against responsible resource development in Alaska.

And we need to be clear here. These were not fair processes. These were fait accompli, decided behind closed doors, likely in concert with the national environmental groups well before the administration even publicly announced that it was even considering them.

So here we are. Here we are. Under the administration, there hasn't been and there won't be any new leasing in our petroleum reserve. There aren't any more project approvals in sight to help supply west coast refineries that have now turned to imports from abroad.

And where are they looking for those imports? Previously from countries like Russia, but now—now—at the direct expense of the Amazon rainforest, which the environmental community

calls the lungs of our planet. But that is where California, believe it or not, is going to be looking to import.

And nor will we be able to build the private, restricted-use Ambler Road that Federal law explicitly allows for that we need to access minerals that are crucial to our security, to our economy, and to the success of this administration's own policies.

And I think this is all because it is a political year. It is a political year, and this administration is putting partisan payoffs ahead of sound policy, and that is regrettable. It is mightily regrettable.

Setting aside Alaska Resources Day, think about what these decisions say about the administration's priorities and the signals that they send to our adversaries because I think sometimes we just look at these, and we think about them in the context of what people in our own country are saying. But what is the message that is being sent to our adversaries? We know and they know that we are deeply dependent on foreign minerals. This is our Nation's Achilles' heel—I keep talking about it—especially as China dominates so many global supply chains.

We imported at least 50 percent of our supply of 49 different mineral commodities last year, including 100 percent of 15 of them. And that has risen quite dramatically over the past couple of decades, and for many crucial commodities, it is still going up.

So why does the Ambler district matter? It matters because it has copper. Our top experts warn that copper is on the verge of a global shortage. It has cobalt, which we imported 67 percent of our supply last year, including from African nations where malnourished children are the ones who dig it out by hand. We can't feel good about that. The Ambler district has resources like gallium and germanium, which China, in an effort to show who is boss here, recently cut its exports of. This was a clear shot across the bow to the West.

About the only thing that Ambler doesn't have is access to a road, which it needs to facilitate the mining, which we need to facilitate everything from advanced munitions to electric vehicles. So let me assure you, we should want to mine in Ambler, where it will happen safely, under the highest environmental standards in the world. And we should stop outsourcing mining abroad, particularly to these jurisdictions where there are no or very little environmental protections, and we see horrific human rights abuses among workers.

The administration's NPR-A decision—again, that is our petroleum reserve. We shouldn't just talk in these acronyms. NPR-A means National Petroleum Reserve-Alaska. This decision is just as reckless. The Middle East is on the verge of a regional war, thanks to Iran, and the one thing standing between us and $200-a-barrel oil is American producers that operate on State and private land. And yet the President criticizes them. He criticizes them instead of thanking them for saving his administration. That is what is helping to keep a lid on some of these prices.

It is one thing to conjure up a villain; it is another to let the real villain, which in this case is Iran, off the hook, and that is exactly what we are seeing happen right now. Since taking office, President Biden has relaxed sanctions on Iranian oil exports, allowing them to do what? To produce more, to sell more, and thus to gain tens of billions of dollars.

According to the Foundation for Defense of Democracies, as of last September, Iranian oil revenues had increased during the Biden administration by $26.3 billion to $29.5 billion. And we know that those numbers have just grown today. And what is Iran using the revenues on? You don't need to guess. It is terror. It is regional destabilization—from their Quds Force, from Hamas, from Hezbollah, from the Houthis, and from the regional militias backed by the regime. And last weekend we saw what that means when Iran launched more than 300 drones and missiles at our ally Israel. The attack was designed to overwhelm Israel's air defense and only failed due to the heroic efforts of a coalition that also included the United States, France, Jordan, and Saudi Arabia.

We know what happens. We know what happens when Iran is allowed to enrich itself. Their proxies attack Israel. They attack Israel. They fan the flames of regional war that could draw in global superpowers, and they continue their direct attacks on American troops who are present in the region to fight ISIS, among others.

The Secretary of the Navy testified this week that American military ships had been attacked 130 times and used more than $1 billion in munitions in the Middle East over the last 6 months. Those are our warships. And that doesn't even count the attacks on our bases.

So deterrence has been lost. The administration's Iran policy has failed. But how do they react? By suggesting that we don't go after Iran's oil.

Reuters ran a story with the headline that said, ''Biden unlikely to cut Iran's oil lifeline after Israel attack.'' And then POLITICO dished on this by saying, ''Why Biden could leave Iran's oil alone.'' And then the Washington Post had a well-sourced piece about the Biden administration telling Ukraine to stop attacking Russian refineries because they are nervous about the gas prices leading up to the election.

I mean, I read these stories, and it drives me crazy. I mean, what does Alaska have to do to get some recognition that we might just have a resource that not only we need in this country but our friends and allies need? You have got a regime that is actively funding terror with its oil revenues, another regime that is funding a catastrophic war against an innocent people, and on the other hand, you have a State—part of the United States—that wants to responsibly develop its resources to build basic infrastructure and provide services for some of its least well-off residents.

And somehow—somehow—out of that, the President has decided to relax enforcement of our energy sanctions on Iran and put it on Alaska. That is what we feel like. We feel like those sanctions are on us directly. They don't want to hurt Russian production, but they are sure not hesitant to hurt Alaska. So I think you can understand why so many of us are frustrated and, really, even angry with the Biden administration about these policies. It is unfair to always be picked on anytime the administration needs to shore up its credibility with national environmental groups.

We kind of feel like we are the giving tree at this point—except, ironically, we know that this administration would never allow anyone to harvest timber, so we can't be a giving tree. That is pretty well off limits too. But it is also bad policy—just truly bad policy—to sacrifice our jobs and our revenues and deprive our country of steady, affordable supplies of domestic energy and minerals. And it is truly bad policy to ignore the rule of law and our strategic vulnerabilities.

We will all feel the consequences as we let some of the worst people in the world produce and gain from their resources instead of the very best here at home. So, Mr. President, no State or nation produces its resources, I believe, in a more environmentally responsive manner than Alaska. No people care more about their surrounding environment than Alaska.

I know I have got my friend from Vermont here, and he cares passionately and I know the people of Vermont care passionately, but we have a lot that we care passionately about.

So I just ask the question of colleagues; I ask the question of those in the administration: Given a choice between China and Africa or Alaska for minerals, it should be Alaska every time. And given a choice between Iran and Russia and Venezuela or Alaska for oil, it should be Alaska every time. And I think most Americans would agree, but it is deeply disappointing—I believe, harmful—that those who hold positions of power in the Biden administration are not among them.

With that, Mr. President, I yield the floor and respect that my colleague from Vermont has been waiting.

The PRESIDING OFFICER. The distinguished gentleman from Vermont.

Mr. WELCH. Mr. President, I thank my colleague from Alaska and really appreciate her remarks.

AFFORDABLE CONNECTIVITY PROGRAM

Mr. President, one of the rays of hope we have in this Congress is the bipartisan accomplishment of the past several years to build out broadband high-speed internet across the country, from Vermont to Alaska and everywhere in

between. And that was because this Congress, on a bipartisan basis, made a decision—a decision that is similar to what was made by this Congress in the 1930s, when electricity was becoming widely available.

We decided that it was absolutely essential for the well-being of our country and all of the citizens in urban and rural America that they have access to high-speed internet. And we built out that broadband network that made it within reach.

We also committed ourselves to a program called the Affordable Connectivity Program, which is really modest but incredibly important. And what it understands is that you may be a person with really low income in Pennsylvania or in Vermont or in Alaska, where the internet that has been constructed is right out in front of your mobile home or your home, wherever it is you live, but you can't afford to connect. So having the internet cable go by but you can't connect your home means you don't have internet.

And the Affordable Connectivity Program—a bipartisan program—is used by 23 million households, by 4 million veterans. And it is the difference between them being able to connect and get the benefit of high-speed internet or not.

And it makes such a difference because that internet is used by all of us. It might be to do your job. It might be to apply for a job. It might be for kids to do homework. It might be to get an appointment with a doctor through telehealth, something that is really important in rural America. That is the good news.

The dangerous news is that the Affordable Connectivity Program that is that lifeline for our veterans, for our seniors, and for our low-income folks is going to expire in a matter of weeks. And we have the opportunity and, I believe, the responsibility to extend the Affordability Connectivity Program so that people will be able to maintain access.

As I mentioned, more than 23.3 million American households have subscribed in the ACP, about 26,000 households in my State of Vermont. About 10.6 million subscribers are over the age of 50. And half the households that benefit are considered military families.

I mentioned 4 million veterans. A December 2023 survey of ACP subscribers reported that 77 percent said they used the program to schedule or attend healthcare appointments, and nearly 330,000 ACP subscribers live on Tribal lands.

You know, one of the keys to the bipartisan support is that this helps the citizens that all of us represent, whether you are in a red district or a blue district, a red State or a blue State, the folks we represent need access to the internet.

Let me just give a little example. I have a chart here about the 23 million Americans who use it. In Texas, one in four households—what a difference that makes for those folks in Texas. In Indiana, one in four. I am sorry. It was one in six in Texas. In Kentucky, one in four households. In North Carolina and Mississippi, one in five households. In Louisiana, every third household depends on the Affordability Connectivity Program in order to be linked to the internet that goes right by the front of their house.

So we have got to allow folks to continue to have that access to that vital program. So we need a supplemental appropriation from Congress to make certain that that happens.

If we let the ACP run out, funding would have devastating effects on people who use the program. And 77 percent of the households that rely on ACP say that losing that benefit would disrupt their service by making them change their plans or drop the internet service completely.

And, by the way, that 30 bucks—you know, it cost more than that. So folks have to dig deep in their pockets. And this is like Vermonters making $15,000 a year and having two kids. They don't have a big budget.

Let me give you a couple of examples because I think it brings it home.

Cynthia is a retired American who lives in Florida. She is an ACP subscriber. She told CNN, which did a great story on that, that she connects to her granddaughter and her great-grandson on video calls every week.

Do you know what? That matters. You are lonely. You have got grandchildren. You want to stay connected. You want to be in touch. That is a huge, huge part of her life. So let's not deny her that access.

Jonathan is a software engineer in my State of Vermont. He is an ACP subscriber who also spoke with CNN. This is what he said:

> You're taking ACP away from the farmers that can check the local produce prices and be able to reasonably negotiate their prices with retailers. You're removing disabled people's ability to fill their subscriptions online.

That really, really matters.

I have also gotten messages from my constituents, like Leslie in Brandon, VT, who said:

> I was just informed by Consolidated Communications [the internet provider] that I would be losing my ACP benefit for my internet service at the end of April. . . . What a shame. The internet is our way of communicating with our family members who live outside Vermont plus many other contacts necessary for our stay-at-home lives. I use the internet almost . . . [every day].

That is why we have bipartisan support. When we—all of us, whoever it is we represent or whatever district we represent—listen to our constituents, and they say to Senator FETTERMAN or they say to Senator WELCH or they say to Senator WICKER or they say to Senator VANCE, ''This access to the internet really matters,'' we share a common opportunity to help the people all of us represent.

And, by the way, that helps bring us together when we are working on solving the problems that we all share.

And we have got bipartisan support to show for it. Joining me on the Affordable Connectivity Program Extension Act is Senator VANCE, Senator CRAMER, Senator ROSEN, Senator MARSHALL, and Senator BROWN. And many others have indicated support and interest when we find the way to come up with the funds to make certain it doesn't expire.

And, by the way, a lot of the leadership came from eight of my Republican colleagues, who sent a letter to President Biden encouraging the administration to fund the program, calling the ACP ''an important tool in our efforts to close the digital divide.''

And I thank my colleagues—Senator WICKER, Senator CRAPO, Senators TILLIS, CAPITO, RISCH, and YOUNG for sending that letter to President Biden.

And, of course, most importantly, it is really popular with the American people. The majority of Republican voters, 62 percent, support the ACP, according to a poll from the Digital Progress Institute. That same poll found that 80 percent of rural voters support continuing ACP.

And, boy, does this matter in rural America. You know, in the Roosevelt administration, there was a commitment: We are going to get electricity to the last barn on that last dirt mile in whatever rural town you live in. And do you know what? We made that same commitment here when we began extending broadband. But we won't make it real unless we can make certain that those people at the end of the road, on that dirt road, can afford it, and that is what the ACP does.

We need all of us—Democrats and Republicans—now to come together to pass our bipartisan Affordability Connectivity Program Extension Act and keep America connected.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BENNET. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

SUPPLEMENTAL FUNDING

Mr. WICKER. Mr. President, there is a very good chance that there will be good news this weekend for America's security, for European peace, and for a signal to be sent for strength and success for the alliance of free nations.

Yesterday afternoon, the Speaker of the House said that Congress will soon send a very important message. And, yes, it is correct; the House will send an important message. In the next few days, I believe Congress will remind the tyrants of the world and the free

people of the world that America stands strong and that America keeps its word.

I commend Speaker JOHNSON for doing the difficult thing but the right thing. He followed the admonition actually of the Apostle Paul. The Speaker could have put his own interest above the interest of others, but he did not.

The eyes of our friends and our foes have been on the House of Representatives, and the Speaker rose to the occasion. He recognized that this moment was too important to squander for political expediency.

The world is indeed on fire, and this administration's weakness has fanned those flames. At the very least, President Biden's drip-drip-drip approach has failed to douse the flames on the international fire.

And make no mistake. Russia, China, and Iran, with its terrorist proxies, are working together, and they are conducting war on two fronts: in Israel and in Ukraine.

And I agree with a bipartisan majority of this Senate and the House of Representatives that America has an important role to play in both of those conflicts.

America is an exceptional nation with an exceptional task: to lead on the world stage and to make it clear that we can be counted on to keep our promises.

At important moments throughout our history, there has always been a group advocating for American retreat. Some of my friends today want the United States to withdraw, to stay behind our own safe walls—as if that were possible. But time and again, the American people have learned—sometimes with some difficulty, sometimes reluctantly—that retreating does not create safety. What happens abroad reaches our shores. Whether we like it or not, it just does.

Like the Speaker, I am a Reagan Republican. Ronald Reagan stands in history as a leader who achieved peace—peace through strength.

In the next few days, I believe we will work toward that goal by sending aid to our ally Israel and by improving our ability to counter China in the Indo-Pacific. I also believe we will do that—I believe we will work for that peace through strength—by sending additional lethal aid to Ukraine.

Vladimir Putin is a proven war criminal. If he is allowed to win, he will not stop in Ukraine. Ukrainian people have proven themselves capable on the battlefield—remarkably capable. They have achieved remarkable wins against the Russian dictator. They did so even this week. They simply ask us to give them the tools to keep doing that job.

Speaker JOHNSON said we should be sending bullets to Ukraine, not American boys. I agree. His son will soon put on the uniform as a midshipman, and my son continues his military service in the Air Force Reserve. So this is personal to me, and it is personal to the Speaker of the House and for many parents whose sons and daughters proudly serve, including Mississippians on Active Duty and in the National Guard.

I recognize that some of my colleagues disagree. I am glad they will be given a chance to vote their conscience, as our Founders intended when they designed our system of government, through their willingness to agree, disagree, and then come to a conclusion with each other. The system they built has remained sturdy. It has weathered contentious times at home and abroad.

Mr. President, some talking heads today equate compromise with weakness. Our Founders did not do so, and neither do I. Momentous times, perilous times compel us to work together, and it is not weak to do so.

Everyone in the House and then everyone in the Senate will soon get to make their voice heard on this very important topic. When all is said and done, I hope and pray we will reassure our allies and remind our adversaries that America still stands for freedom, and we stand for peace through strength.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

25TH ANNIVERSARY OF COLUMBINE SHOOTING

Mr. BENNET. Mr. President, this Saturday marks a solemn anniversary in Colorado—the solemn anniversary of a moment that shattered our children's sense of safety and has forever scarred our Nation's memory.

It has been 25 years this week since the Columbine High School shooting, where 12 students and a teacher were murdered and many others were left with life-altering injuries. None of us left without the impact of that day.

Columbine changed our State forever. I think it changed the country forever. We all remember where we were the day it happened. I certainly do. We remember the lives that were lost on April 20, 1999. Twelve young Coloradans never had the chance to graduate from high school, go to college, get married, start a family.

Rachel Scott was killed when she was eating lunch outside with a friend. She was planning on going on a mission trip to Botswana and dreamed of becoming an actress. She was 17 years old.

Danny Rohrbough was 15. Every year, Danny saved the money he earned from working at his family's wheat farm in the summer to buy Christmas presents for his friends and family—just another American kid gunned down on his way to lunch, still holding the Dr. Pepper he had bought from the vending machine.

Kyle Velasquez, age 16, was a new student at Columbine. He had developmental disabilities, and he had just started attending school for a full day. He would have been on his way home from school if the shooting had happened just a week earlier than it did.

The youngest victim, Steven Curnow, was only 14 years old. He dreamt at that young age of becoming a Navy pilot.

Cassie Bernall, 17, was a new student at Columbine. After a few tough years of high school, she was finally thriving and excited for what was next.

Isaiah Shoels, 18 years old, was a senior about ready to graduate. He had overcome a heart defect to play football and wrestle in high school.

Matthew Kechter, a straight-A student and also a football player, was remembered by his parents as a wonderful role model for his younger siblings. He was just 16.

Lauren Townsend was 18 and was the captain of the volleyball team. She loved to volunteer at the local animal shelter.

John Tomlin was killed. He was 17. He was in the library at Columbine, where he was trying to comfort other students.

Kelly Fleming was 16. She was also a new student at Columbine. She loved to write poetry.

Daniel Mauser was 15 years old. He was a Boy Scout and a piano player who had just mustered the courage to join the school's debate team.

Corey DePooter, 17, was described as an all-American kid who worked hard in school and was someone his classmates loved to be around.

Those were the students who died that day. And we can't ever forget Dave Sanders and the contribution he made—a teacher, a father, and a grandfather. He was a hero that day. He saved 100 students in danger before he was killed.

Twelve kids in the prime of their lives were gunned down by killers who used the gun show loophole to purchase weapons they should never have owned.

Mr. President, the shooting at Columbine High School, as I have said over and over and over again on this floor, happened the same year that my oldest daughter, Caroline, was born. She is turning 25 this year. She and her sisters and an entire generation of American children—maybe two generations, really—have grown up in the shadow of Columbine—really the first of these types of school shootings—and the shadow of gun violence more broadly.

Since Columbine, my State—every State—but my State has endured one tragedy after another, one horrific murder after another. In 2012, a gunman killed 12 people at a movie theater in Aurora, CO. In 2019, a shooter injured eight students at STEM High School in Highlands Ranch. In March 2021, a shooter killed 10 people at the King Soopers in Boulder. Two months after that King Soopers shooting, a gunman killed six people at a birthday party in Colorado Springs. Just over a year ago, a shooter killed five people at Club Q, an LGBTQ club in Colorado Springs that had been a refuge to so many people.

''Columbine'' really is, I think, a word that is etched into America's history and America's consciousness as

the start of this sickness. Columbine is so much more than that as well. There are kids in high school there this week. It is a place people still want to go. It is a place where people who were teaching there 25 years ago still want to teach.

But I think for a lot of America—certainly for me—there is sort of a ''before Columbine'' and there is an ''after Columbine.'' There is a moment when something like that happened for the first time in America, and we couldn't believe it. It was so out of kilter with our experience as Americans. Now we have had not just the shootings that I recorded in Colorado and that I have come to this floor to talk about over the years but so many others all across the United States of America.

Nobody has carried this burden more than our children, the generation of the people who are the pages on the floor here today in the Senate. They are a generation of metal detectors, of active-shooter drills and bulletproof backpacks. They live under constant threat of being next.

Anybody who has raised children over the last 25 years in this country knows what it looks like when there is a report of another one of these shootings, and you are sitting there on the couch with your son or your daughter, seeing them sink a little deeper into that couch or sitting up a little closer, a little more nervous, a little more worried that you are going to be next.

I wish we could say that in marking this 25th anniversary and thinking about the contributions people have made in the Columbine community, both in Colorado and across the country, to help comfort victims of similar school shootings, to provide leadership that doesn't have anything to do with the shooting that happened at Columbine except to know that they had another chance to be able to make a contribution to their society—and we are grateful for that contribution.

I wish I could stand here and say: Well, over the last 25 years, we had addressed this issue. We were paying attention to the concerns of this generation that has grown up in the shadow of Columbine.

I wish I could say that, but I can't say that. What I can report to you today, standing here, is that guns are the leading cause of death of children in America—uniquely in America. In no other country in the industrialized world—no other country in the world—is that true. And it wasn't true when Columbine happened 25 years ago. Twenty-five years ago, car accidents were the leading cause of death for children. I can come here and report to you that since then, car accidents—car deaths and car accidents—among kids over that period of time have decreased by 50 percent in this country. We cut it in half. Drunk driving deaths are down 60 percent in America since Columbine happened. Child cancer deaths in the United States of America are down a quarter since then.

Congress has passed countless laws that have made our roads and our cars safer. We have passed historic legislation to reduce drunk-driving fatalities. We have appropriated billions of dollars for cancer research. Well, that is good. That is all good.

But in the last 25 years, the number of kids that have died by guns in America has increased by 68 percent. If you take all of the people in this world who die by gun violence—at least in the industrialized world—that are age 4 and younger, 95 percent of the people that die from guns die in the United States of America, and 3 percent die somewhere else.

There is no other country, as I said, in the industrialized world where gun violence is the leading cause of death of children, only here in the United States. There is no other country in the world where kids sit there on the couch watching television, seeing another one of these events and wondering, as our children have for the last 25 years, whether they are going to be next.

You know, one of the really staggering things about that statistic, about the gun death being the leading cause of death among kids, when I first heard it, I thought to myself, that must be accidents of some kind or another. That must be people being careless with firearms, leaving them someplace, or kids being careless with firearms.

Only 5 percent of those gun deaths are accidents, and 65 percent are violent actions between a person and that child, while 30 percent have been deemed suicides. So 95 percent of them are, in effect, acts of violence of one kind or another, and 5 percent are accidents.

It is hard for me to imagine that any other ratio like that would be something where we didn't feel like we had a moral obligation to address it, a moral obligation to fix it.

I know that young people who are here today feel that we have abandoned them. I know they know this is a disgrace; that it is an indictment of our Nation; that it is an indictment of their prospects; that it is incomprehensible to them and to my daughters that we have nearly 200 times the rate of violent gun deaths as Japan has or as South Korea has and nearly 100 times the United Kingdom.

I wish I could stand here 25 years after Columbine and tell you that we have addressed this. But matters are much, much worse than they were 25 years ago, certainly from the perspective of our kids.

But we can't stop; we can't give up; we can't stop trying—because it is a disgrace; because it is an indictment; because it calls into question what it means to live in a nation that is committed to the rule of law, in a nation that is committed to the public safety and the safety of our citizens.

I see the Senator from Connecticut, CHRIS MURPHY, and I, who have had many conversations about this over the years. No one has led more on this question in the Senate than CHRIS because of what happened in Newtown and what has happened throughout the United States. And I am grateful for that.

I am grateful for Daniel Mauser's dad Tom, who I saw again this week, having been fortunate to speak with him many times over the years. If he were alive today, Daniel, his son, would be 40 this year. And to this day—yesterday, I think it was, maybe the day before—when he comes to Congress, Tom wears the same sneakers that Daniel had on the day he was killed at Columbine.

And Tom has never, never given up. He has fought tirelessly to build safer schools, to argue for stronger gun laws, to raise awareness around gun violence protection—just like the families from Newtown who sat up in that balcony over there and saw the catastrophic failure on this floor that night; just like the kids from Parkland, who came to Congress over and over again in an effort to say: We don't want one more kid in this country to be killed this way. We don't want one more life to be cut short. We are tired of living in a country that doesn't seem to care for us. We are tired of accepting odds that no other kid in America or no other kid in the world has to accept for themselves.

Tom told me that he comes to Congress less and less these days because there are a lot of other ''me's'' out there now. There are so many other people that have had the same experience that Tom Mauser and his family have had. But I will bet if he thought there was a chance, he would be back here, and even if he thought there wasn't a chance. And he has made a huge difference in Colorado.

And I am not singling him out either. I mean, many people who have been through this in the State have raised their voices to be able to accomplish the things that we have been able to do. But I think he set such an incredible example for the rest of us, for anybody here who thinks that we should just give up.

Just 10 days after his son was murdered, he was protesting the NRA's annual convention, which was in Denver, CO, that year. And Tom has been a fixture in the State capitol in Colorado where, because of him and because of other advocates across the State, as a western State, which has a long tradition of Second Amendment rights, we have been able to enact one piece of sensible gun legislation after another—while Congress has failed, failed, failed, failed.

After the massacre at Columbine, we closed the gun show loophole. After the tragedy in Aurora, we strengthened background checks and limited the size of magazines.

In the wake of the shooting at Club Q, we raised the age to purchase a firearm from 18 to 21. If Colorado can pass

laws like that, there is no excuse for this place. And Colorado needs this place to pass laws like the laws we passed in Colorado.

What sense is there to have—I mean, it makes sense to have background checks in Colorado, but think about how much better it would be if we had background checks that covered the entire country.

How much sense it would be if we limited the size of magazines the way we have in Colorado, if we banned these weapons of war. I am telling you young pages who are here, I guarantee you we are going to do that someday. I guarantee you that we are going to do that someday, and among many surprises that we have as a society when we look back from there, when we look back from that future, this is going to be one where we say to ourselves, What in the world were we thinking with these weapons of war on our streets and in our classrooms in this country?

What were we thinking when there were people here saying that that was just the price of freedom?

So I think we can do this. I hope it is not going to take another 25 years. In fact, I don't think it is going to take another 25 years. And I think it is because your generation is out of patience with us on this issue. I think your generation is out of excuses or thinks we are out of excuses and lame explanations. And like so many other things, you know that there is an answer here and that the State—as I say, like Colorado can do it, we can do it. And I have met with so many people now over the years who have said: In that instant, my life changed forever; our family's life changed forever; we never thought it could happen to us; I never thought I was saying goodbye that morning for the last time.

And 25 years ago on that April day, our entire country was changed forever. But we haven't changed it for the better.

And there isn't anybody else on planet Earth who can do it except for the people who occupy these desks and the desks down the hall in the House of Representatives.

So as we pay tribute, and I hope we all will, to the 13 lives that were taken too soon at Columbine, we need to rededicate ourselves to freeing every American, and especially our children, from the threat of gun violence. And I would say to this next generation too: I hope you will take inspiration from the work of Tom Mauser and the work of the kids at Parkland and the moms who wear those red shirts demanding that this country get better and people all over this country who are acting out of the memories of their loved ones, not for the sake of their loved ones who are gone but for the idea, for the sake of the idea that it should never happen again. That is what people say.

I am always amazed when people come here to Congress when there is so much cynicism that is well-earned about this place, and yet they will come here and they will advocate on behalf of their kids, kids who have died of fatal diseases, advocating for research that we can put those diseases in the rearview mirror, and the strength it takes for somebody to come here who has lost a child under those circumstances. I always say that I am so grateful that you came. I am so grateful you came because there are a lot of people who can't come here who are in the same circumstance that you are in. Thank God you are here having this conversation.

But it is almost impossible to imagine the strength that it takes to come here and lobby this body on the subject of gun violence when you have lost a loved one in America, when you know that, as the years have gone by, matters have gotten worse. We have become the leading—where gun deaths have become the leading cause of death of children in this country as opposed to any other, and you still come.

And so I say to the young people who are here today and to the young people all over America: You can't give up. Our hope is in you and we have to deliver and we will put the scourge of gun violence behind us. I know we will.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMBLER ACCESS PROJECT

Mr. SULLIVAN. Mr. President, I am going to come down to the Senate floor right now and build on my Senate colleague from Alaska, Senator MURKOWSKI's, remarks that she just made dealing with national security, the challenges we are facing as a country, the authoritarian dictatorships on the march, and what the Biden administration is actually going to do to my State—our State, Senator MURKOWSKI's and my State—tomorrow. What we have been told by the Biden administration: Hey, Alaska Senators, here it comes. More crushing of the State of Alaska.

And why this should matter, not just to my constituents—which it really does; they are going to be really upset about it—but this should matter to every American who cares about our country's national security and energy security and jobs and the environment.

So we all know the United States is facing very serious global national security challenges. In fact, we are living in one of the most dangerous times since World War II. I think anyone who is watching recognizes that. We had the Chairman of the Joint Chiefs and the Secretary of Defense testify in front of the Armed Services Committee just last week. They said that.

Dictators in Beijing, Moscow, Tehran, and North Korea are on the march. They are working together to undermine America's national security interest and those of our allies across the globe. That is happening. I think pretty much everybody here recognizes that.

At other times of dangerous global challenges and peril, the normal policy approach of Democrat administrations, Republican administrations—doesn't matter—has been to maximize our country's strengths while undermining the strengths of our adversaries. That is how you beat them. And here in Congress, over decades, we have supported such policies.

But the Biden administration is not normal. Indeed, this administration deliberately is undertaking policies to punish Americans, undermine our core strengths, while continuing to empower our adversaries.

Now, OK, I know some of you who are watching say: Wow. That is a pretty big charge, Dan. What are you talking about? Well, let's get into that. What am I talking about?

I have this chart right up here. The President is making a choice tomorrow. Is he helping out with our dictatorship adversaries or is he going to help out working men and women in Alaska and our country's national security?

Let's take the example of Iran. Due to the successful comprehensive approach to sanctioning Iran's energy sector by the Trump administration, by the end of the administration—3 years ago—Iranian exports were down to about 200,000 barrels a day, leaving Iran—the world's largest state sponsor of terrorism, the country that swears to wipe Israel off the map—by the end of the Trump administration's massive sanctions policy against Iran, they had about $4 billion in foreign reserves. For a country that size, that is not a lot—$4 billion.

So what do we have with the Biden administration? They started their appeasement policy of Iran from day one, and one element of that was to stop enforcing these oil and gas sanctions. I don't know why, you know, appeasement. Maybe we are going to get back into the JCPOA they thought.

But they did that. There is no one who doubts that. Jake Sullivan and the President of the United States, they will all admit it because here is the result: As a result, the amount of oil that Iran has started to export over the last 3 years has been up every year, and it is about over 3 million barrels a day—200,000 barrels a day at the end of Trump, 3 million barrels a day now.

Foreign reserves that the Iranians have are about $75 billion. Four billion at the end of Trump, 75 billion right now during the Biden administration.

And, of course, the terrorist leadership of Iran is using this windfall, as everybody knew they would, to fund their terrorist proxies: Hamas, Hezbollah, the Houthis. Remember, you don't have those proxy terrorist groups at all if you don't have Iran.

Iran funds them; they train them; they resupply them with missiles.

So these groups are not only vowing to wipe Israel off the face of the Earth but aggressively targeting the U.S. Navy and American sailors and marines in the Red Sea. So that is happening.

China is buying about 80 percent of that Iran oil. So they are being helped by this policy that the Biden administration has to lift sanctions on the Iranian oil and gas sector. And, of course, China is also dominating rare earth and critical minerals throughout the world.

Hardly a day goes by without a story being published in the American media about the danger to America's economic strength, transition to cleaner energy, and national security that is posed by China's domination of critical minerals around the world: mining them, processing them.

So those are two important trends that are happening: Iran's dominance on exporting oil and gas, the funding they get from that. The Chinese benefit; they get oil at a discounted price, and China continues to dominate critical mineral around the world.

So what is the Biden administration doing to reverse these very troubling national security trends? They are undertaking policies that will make them much worse. Tomorrow, the Biden administration has let the media know—they started leaking this at the beginning of the week. By the way, they let the Alaska delegation know much later. They wanted the liberals in the media to know. But here is what they are going to do. They are going to announce that they are shutting down from further development two of the most important areas of energy and critical mineral development in America, the National Petroleum Reserve of Alaska, what we call NPR–A, and the Ambler Mining District in Alaska.

So, tomorrow, the Biden administration is going to announce that it is sanctioning Alaska. They are not going to sanction Iran. They let China produce all the critical minerals. Tomorrow, they are going to sanction Alaska, Americans, my constituents.

I mean, you can't make this stuff up. They are coming after the people I represent, and the terrorists in Iran: Hey, drill, baby, drill. It is nuts. It is an insult.

Let me give you a little more detail on what this means. I talked about the National Petroleum Reserve of Alaska. This is a part of the North Slope of Alaska, about the size of Indiana. It was set aside by President Warren Harding in 1923 for oil for the country, particularly the U.S. Navy. They actually called it the Navy Petroleum Reserve, and then in the 1970s Congress called it the National Petroleum Reserve. This isn't ANWR. This isn't a wilderness area. This is an area designated by this body for American oil and gas development because we need it.

This is one of the most prolific oil basins on the planet Earth. Estimates close to 20 billion barrels of conventional oil, 15 trillion cubic feet of natural gas, as I mentioned, one of the most prolific areas in the world for oil production.

It is right next to existing infrastructure. And, oh, by the way, it is developed with the highest environmental standards in the world.

Do you think the Iranians have high standards?

Do you think the Chinese do, when they mine their critical minerals?

Do you think the Russians do?

Do you think the Saudis do?

They don't.

The place that has the highest environmental standards in the world on resource development, by far, is my State, hands down. Everybody knows it.

So what does the Biden administration do? Drill, baby, drill for the ayatollahs who don't give a damn about the environment. Alaska, with the highest standards in the world—we are going to shut you down.

So tomorrow the Biden administration is going to announce it is going to take 13 million acres of the National Petroleum Reserve off the table for development.

Wow, that is a good idea, Joe. That is a really good idea for the national security and energy security of our country. Let the terrorists here drill and let Putin drill, and you are going to shut down Alaska—13 million acres.

Let's go to the Ambler Mining District. It is considered one of the most extensive sources of undeveloped zinc, copper, lead, gold, silver, cobalt anywhere in the world. Senator MURKOWSKI did a good job just a couple of minutes ago explaining what we have in the Ambler Mining District in Alaska in America. Again, when we mine in Alaska—highest standards in the world, by far. Not even a close call.

Do you think the Chinese have high environmental standards when they mine?

Yeah, they don't.

So this part of Alaska, part of America, is critical for the minerals we need for our renewable energy sector; for our economy, of course, to compete against China; and for our national security—F–35s have all kinds of critical minerals that we need and rare Earth elements.

But, tomorrow, the Biden administration is going to announce that they are going to reverse a previously permitted road—by the way, with a 7-year EIS that cost 10 million bucks which we paid for in Alaska that was permitted. Tomorrow, the Biden administration is going to announce that they are going to reverse that permitted road and say: Ah, Ambler Mining District, America—sorry, off limits.

Our adversaries will certainly be celebrating these national security suicide measures of the Biden administration. It is only going to strengthen them. Putin, Xi Jinping, the terrorists in Iran, North Korea—they are going to be like: Holy cow, these Americans have all this stuff in Alaska and Joe Biden and his radical allies are going to shut it down.

Xi Jinping is going to be like: Damn, the Americans are going to be more reliant on us for critical minerals. I guarantee you they were worried about the Ambler Mining District. But don't worry, Xi Jinping. Joe Biden is sanctioning my State. Don't worry. He is sanctioning Alaskans. He won't sanction the Iranians; drill, baby, drill with them. But you are going to sanction Alaskans.

So this is just insanely stupid policy. Everybody knows it.

But I want to mention something else. These policies are also lawless. Even my colleagues on the other side of the aisle who don't always get it when it comes to American energy, Alaskan energy—you should get it when we pass laws that say: You got to do X, Y, and Z, and when we pass laws that say things like ''shall.''

The Biden administration doesn't get it, especially when it comes to Alaska. We passed, in 2017, the requirement to do two lease sales for ANWR. My State had been working on that for 40 years. The leases, the first one was done during the Trump administration. The Biden administration came along and said: Oh, we are going to cancel those leases. No reason—lawless.

But let me just give you an example. So they are going to take half of the NPR–A off the table tomorrow for development—13 million acres—even though Congress, in 1980, directed the Secretary of the Interior to conduct an expeditious program of competitive leasing for oil and gas in the NPR–A. So we are telling any executive branch official: Hey, you got to develop the NPR–A. It is for America. It is for the oil and gas that we need. Tomorrow, Joe Biden is going to say: Congress, we don't need to listen to you.

That is lawless action No. 1 as it relates to NPR–A.

But lawless action No. 2 that they are going to announce tomorrow on the Ambler Mining District is a real shocker. I mean, even Joe Biden and his lawless administration have to be blushing on this one.

By the way, there were some emails. There was a FOIA request when they said: We are going to cancel those ANWR leases even though Congress said we had to do it. This is the Biden administration canceling the leases. OMB—in emails back and forth between the Interior and OMB and the Biden administration—OMB was like: Hey, wait a minute, where do you get the legal authority to do that?

This is the Biden administration's OMB. This is in emails with the Interior, Deb Haaland. They are like: Yeah, whatever. We don't care. We are just going to cancel them.

So then, they are going to take NPR–A off the table, and now with the Ambler Mining District, the law is very, very clear. I will read it to you.

This is on the Department of the Interior's website right now as we speak. Their website says ANILCA—a really important law, Alaska National Interest Lands Conservation Act, which was passed in 1980—mandates a right-of-way to the Ambler Mining District. Senator Stevens put that in there. Congress agreed.

Here is a poster of Secretary Haaland's Department of the Interior website right now. It says:

(ANILCA) requires that a right-of-way access be permitted across NPS lands for this project.

The Ambler mining project, OK? That is what the Department of the Interior website says right now.

And here is actually the language from the law:

Congress finds that there is a need for access for surface transportation purposes across the Western (Kobuk River) unit of the Gates of the Arctic National Preserve (from the Ambler Mining District to the Alaska Pipeline Haul Road) and the Secretary shall permit such access . . .

''Shall.''

I ask unanimous consent to have this printed in the RECORD.

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

ANILCA, PL 96–487 § 201

SEC 201 (4)(a) Gates of the Arctic National Park, containing approximately seven million fifty-two thousand acres of public lands, Gates of the Arctic National Preserve, containing approximately nine hundred thousand acres of Federal lands, as generally depicted on map numbered GAAR–90,011, and dated July 1980. The park and preserve shall be managed for the following purposes, among others: To maintain the wild and undeveloped character of the area, including opportunities for visitors to experience solitude, and the natural environmental integrity and scenic beauty of the mountains, forelands, rivers, lakes, and other natural features; to provide continued opportunities, including reasonable access, for mountain climbing, mountaineering, and other wilderness recreational activities; and to protect habitat for and the populations of, fish and wildlife, including, but not limited to, caribou, grizzly bears, Dall sheep, moose, wolves, and raptorial birds. Subsistence uses by local residents shall be permitted in the park, where such uses are traditional, in accordance with the provisions of title VIII.

(b) Congress finds that there is a need for access for surface transportation purposes across the Western (Kobuk River) unit of the Gates of the Arctic National Preserve (from the Ambler Mining District to the Alaska Pipeline Haul Road) and the Secretary shall permit such access in accordance with the provisions of this subsection.

(c) Upon the filing of an application pursuant to section 1104(b), and of this Act for a right-of-way across the Western (Kobuk River) unit of the preserve, including the Kobuk Wild and Scenic River, the Secretary shall give notice in the Federal Register of a thirty-day period for other applicants to apply for access.

(d) The Secretary and the Secretary of Transportation shall jointly prepare an environmental and economic analysis solely for the purpose of determining the most desirable route for the right-of-way and terms and conditions which may be required for the issuance of that right-of-way. This analysis shall be completed within one year and the draft thereof within nine months of the receipt of the application and shall be prepared in lieu of an environmental impact statement which would otherwise be required under section 102(2)(C) of the National Environmental Policy Act. Such analysis shall be deemed to satisfy all requirements of that Act and shall not be subject to judicial review. Such environmental and economic analysis shall be prepared in accordance with the procedural requirements of section 1104(e). The Secretaries in preparing the analysis shall consider the following—

(i) Alternative routes including the consideration of economically feasible and prudent alternative routes across the preserve which would result in fewer or less severe adverse impacts upon the preserve.

(ii) The environmental and social and economic impact of the right-of-way including impact upon wildlife, fish, and their habitat, and rural and traditional lifestyles including subsistence activities, and measures which should be instituted to avoid or minimize negative impacts and enhance positive impacts.

(e) Within 60 days of the completion of the environmental and economic analysis, the Secretaries shall jointly agree upon a route for issuance of the right-of-way across the preserve. Such right-of-way shall be issued in accordance with the provisions of section 1107 of this Act.

Mr. SULLIVAN. The Biden administration, tomorrow, is going to say: We don't care about the law. We are going to take that off the table and reverse the EIS and the road that you guys have, tomorrow—for good. Again, who is going to benefit?

Who is going to benefit?

Well, I think these dictators are going to benefit—the Ayatollah, Xi Jinping. Certainly, the Alaska workers aren't going to benefit. That is a big issue.

The Presiding Officer is my friend, but I am going to say something I said on the floor many times. When it comes to national Democratic policy, when they have a choice between that guy or that woman building a pipeline—the great men and women who built this country—their interests—because everybody wants to develop resources in my State; that is the Trans-Alaska Pipeline—or the interests of the radical far left who is driving these policies to shut down my State, every time, the national Democratic leaders go with the radical far left, and they tell that young woman who is building that pipeline: Good luck. Sorry for your job that you just lost.

So the working men and women of Alaska, of America, because these are big projects, they are going to lose.

But I will tell you who else is going to get hurt really badly by this—and this is a fact—by these decisions tomorrow: These great people. These great people.

This is a picture of some of the Inupiat Native Alaskan leaders from my State. They live on the North Slope of Alaska. They have been living there for thousands of years—thousands of years. They are fully, unequivocally against this rule that Secretary Haaland and the White House are putting out tomorrow—100 percent against it—the tribal leaders, the borough leaders—that is our new borough mayor, the North Slope borough, Josiah Patkotak—the Alaska Native Corporation leaders. They are fully against this. Every Alaskan Native leader who lives up there—this is where they are going to do this. This is their homeland. And the Biden administration tomorrow is going to look at them and go: We don't care what you think. We don't care what your interests are. The lower 48 eco-colonialists are telling us what to do, so you Alaska Natives, tough luck.

Now let me tell you a story that is really infuriating. We held a press conference a couple months ago in Alaska, led by these great Alaskan Native leaders. They are wonderful, incredible people. They have been living in Alaska for tens of thousands of years. They don't like this rule, so they come to DC. They came to DC eight times—eight different times—traveling over 4,000 miles. The leaders of the North Slope, where the Biden administration is going to issue this rule tomorrow, eight times they came to DC, flew here, and asked for a meeting with Secretary Haaland to advocate: Madam Secretary, this is bad for us. Bad for our future. Bad for our economy. Bad for jobs. We do not want this rule. Hear us.

Eight times they have come here.

Do you know how many times Secretary Haaland met with them, the leaders of the North Slope, the Inupiaq Native leaders of the North Slope? Eight times they came to this city flying 4,000 miles. Guess how many times Deb Haaland, who has an Indian trust relationship with these great Americans, guess how many times she met with them?

You know the answer: Zero. Zero.

They came here. They came here eight times.

So we held a press conference with that banner: ''Secretary Haaland, Hear Our Voices.''

She doesn't want to hear their voices.

She doesn't want to hear their voices.

She won't hear their voices.

You want to talk about cancel culture?

This administration talks a big game about, oh, we are going to take care of the indigenous people of America, the people of color. But, guess what. There is a giant asterisk when it comes to that policy on the Biden administration: Not if you are an Alaskan Native. Not if you are an Alaskan Native. If you want to develop your resources, we are not going to listen to you at all.

Eight times they came to this city. Eight times Deb Haaland said: Sorry, I am not listening to you. I am not going to listen to you. I am not going to meet with you.

So what is going to happen tomorrow? The Biden administration is going to issue a rule that every single one of these leaders is adamantly opposed to, and not one official in this administration gives a damn.

Let me give you a couple of quotes from these great Alaskan Native leaders. This is Charles Lampe, President of the Kaktovik Inupiat Corporation. This is about the Department of the Interior's actions locking up their lands. These are their lands. This is not Interior's lands, not Deb Haaland's lands.

We will not succumb to eco-colonialism and become conservation refugees on our own lands.

That they have lived in for 10,000 years.

The [Inupiat] people have every right to pursue economic, social and cultural self-determination.

My community unapologetically supports the leasing program.

ANWR—that is what he is talking about.

Many people try to steer the debate to caribou. For Kaktovik, it's about our people and having an economy to survive.

Here is Nagruk Harcharek. He is the president of the Voice of the Arctic Inupiat, this great guy right here. He is talking about the NPR–A rule that Secretary Haaland won't meet with him on. In this press conference, here is what he said:

[This NPR–A rule from the Department of the Interior] is yet another blow to our right to self-determination in our ancestral homelands, which we have stewarded for over 10,000 years.

That is Nagruk Harcharek right there, talking:

Not a single organization or elected leader on the North Slope [of Alaska] which fully encompasses the [National Petroleum Reserve of Alaska] supports this proposed rule.

None of them do.

Joe Biden, Secretary Haaland, are you listening? None of these great Alaskan Native people want this rule. And you don't give a damn.

He continues:

In fact, everyone has asked the [Department of Interior and Secretary Haaland] to rescind the rule . . . [These] actions will also foreclose on future development opportunities and long-term economic security for North Slope Inupiat communities . . .

The Native communities.

You can tell I am a little mad because these great Alaskans are being canceled. Secretary Haaland will not hear their voices. We are going to see that tomorrow. They are going to issue a rule that locks up a huge chunk of their homeland.

Here is the bottom line: The Biden administration sanctions Alaskans—sanctions them—while the terrorists in Iran and the communists in China get strengthened by their policies. No wonder authoritarians are on the march.

You are sanctioning us. You are sanctioning them. The goal is to sanction the terrorists, not these great Americans whom you won't listen to.

When I say ''sanctioning Alaskans,'' I am not just talking about what we are going to see tomorrow—which, by the way, again, every American should be worried. They are going to shut down one of the biggest oil basins in America and one of the biggest critical mineral basins in America. For what? Well, I think we all know for what. Joe Biden is kowtowing to the far-left radicals because that is the way he thinks he is going to get reelected.

But how bad is it when I talk about sanctioning Alaska? Here is how bad it is: My State, since the Biden administration came into office, has had 60 Executive orders and Executive actions exclusively focused on Alaska—60. Tomorrow, it will be 61 and 62. It hits every part of our State—every resource development project, every access to Federal lands, every infrastructure project.

We got a lot done during the Trump administration, a historic amount of things done for Natives, for non-Natives—things we had been trying to get done for Alaska for decades. During the Trump administration, working with a Republican Congress, we got a ton done. The Biden administration comes in, and on day one—day one—they start their war on Alaska.

This is a tough chart to read. These are the specific 60 Executive orders and actions targeting Alaska by the Biden administration on day one.

By the way, that is the President's first day in office, January 20, 2021. He issued 10 Executive orders and Executive actions exclusively focused on Alaska—10.

So this administration loves to sanction us. It loves to sanction Alaskans. When that happens, you are hurting the country. We need Alaska's resources—our oil, our gas, our renewables. We are proud of all of it, and we have the highest standards in the world on the environment. So this is really bad for my State.

By the way, I was in the Oval Office last year, trying to convince the President not to keep crushing Alaska, and I handed him this chart. At the time, it was 46 Executive orders. Now it is 60—62 tomorrow. I handed him that.

I was respectful—I am in the Oval Office—but I said: Mr. President, do you know what you are doing to my State? Do you have any idea what you guys are doing?

At the time, it was 44 Executive orders and Executive actions singularly focused, exclusively focused on Alaska.

I handed him this. I said: Sir, this is wrong. You know it. I know it. It is wrong. If a Republican administration came in and issued 44 Executive orders and actions targeting little Delaware—sorry; it is little—and you were still a U.S. Senator, sir, you would be on the Senate floor, raising hell every day, because it is wrong. You know it, and I know it, and it is wrong.

But let me end by saying this: It is not just wrong for Alaska. It is not just wrong for Alaska. It is wrong for America. The President is making a choice not just whether to stiff the working men and women of our great Nation, which he is doing with these orders tomorrow, not just whether he is going to hurt my constituents, which he is going to do tomorrow, particularly the Native people, but whether or not to damage our national security even greater. When you shut down the great State of Alaska's potential and ability to produce natural resources for America, you are hurting the country—it doesn't matter where you live. He is making a choice to favor these terrorists over these workers, to favor these terrorists over these great Native people in my State.

Here is the message they are going to be sending—the Biden administration is going to be sending to the world tomorrow. They are going to be sending this message to the dictators in Iran, in China, in Venezuela, in Russia. President Biden is essentially going to be saying this: We won't use our resources to strengthen our country. Sorry, Alaska. You are off the table. But we are going to let you dictators develop your resources—Iran—to strengthen your country.

I will end with this: I will never forget a meeting I had many years ago with the late Senator John McCain and a very brave Russian dissident named Vladimir Kara-Murza. A lot of my colleagues know who Vladimir Kara-Murza is. As a matter of fact, a bunch of us wrote a letter on his behalf. Putin has poisoned him twice. He survived those, but now he is in jail in Moscow, and I worry about his life—a brave man, a wise man.

Senator McCain, Vladimir Kara-Murza, and I were having a meeting, and at the very end of the meeting, I said: Vladimir, one more question. What can the United States do to further undermine the Putin regime and other authoritarians around the world? What can we do?

He looked at me without even hesitating, and he said: Senator, it is easy. The No. 1 thing the United States can do to undermine Putin and other authoritarian regimes is produce more American energy. Produce more American energy.

We are not doing that tomorrow. The Biden administration is going to tell the world that we are going to shut down Alaska in terms of critical minerals and any more oil and gas development. Joe Biden is fine with our adversaries producing more energy themselves and dominating the world's critical mineral supply while shutting down our own as long as the far-left radicals he feels are key to his reelection are satisfied. So they are probably going to be satisfied tomorrow, and so are our adversaries. They are going to be gleeful. But certainly the people I represent and I would say the vast majority of Americans who understand these issues are going to be once again dismayed that this administration is selling out strong American national security interests and American strength for far-left radicals whom he listens to more than the Native people of my State or commonsense Americans.

I yield the floor.

The PRESIDING OFFICER (Mr. KAINE). The Senator from Utah.

H.R. 7888

Mr. LEE. Mr. President, over the last few hours, I have listened to debates occurring on the Senate floor over the Foreign Intelligence Surveillance Act and specifically discussions surrounding section 702 of FISA, discussions surrounding, among other things, the FISA 702 reauthorization passed last week by the House of Representatives.

That bill they passed last week is commonly known as RISA, and under RISA, there are a lot of conversations going on about what does and what doesn't concern Americans, what should or shouldn't concern Americans.

Under this bill I am going to be talking about today, RISA—it is an acronym that stands for Reforming Intelligence and Securing America Act. Like so many other bills that get passed by Congress, RISA has a really Orwellian name. It purports to do something that, upon further inspection, it doesn't do, and in some cases, it does quite the opposite of that. So there has been a lot of misinformation being peddled by the purveyors of the cult of infallibility surrounding FISA and those who implement it, so I have come to the floor to dispel some of those myths.

The first myth I would like to try to dispel today involves what exactly it is that we are talking about with the FISA 702 collection and what exactly it is that some of us find objectionable. Remember that under FISA 702, a collection that is supposed to occur under that section really doesn't trigger Fourth Amendment concerns. In fact, most of what they collect I am willing to assume and have reason to believe doesn't trigger Fourth Amendment concerns because it is there to collect information about foreign adversaries operating on foreign soil, doing things against American national security.

We are not concerned about someone plotting a terrorist attack overseas as a non-U.S. citizen—we are not concerned about that person's Fourth Amendment rights. We are concerned about that person and what that person intends to do, but that person doesn't have Fourth Amendment rights—at least not rights that are cognizable under the U.S. system of government. That is why Congress was willing to enact FISA—to allow for the acquisition of intelligence on foreign targets operating outside the United States.

But under FISA 702, there are some communications from some U.S. citizens that are, as we say, incidentally collected, that get swept up into the collection under FISA 702—meaning, if you are a U.S. citizen and you are in the United States and you have a phone call with someone, there is a possibility that that person is outside the United States and is not a U.S. citizen and might be under some sort of collection—some kind of FISA 702 collection effort. There is a possibility that when you talk to that person that that phone call is being recorded or that text message exchange or that email thread is being collected by U.S. intelligence Agencies, and we call that incidental collection.

There are a lot of people who have come down here and have the audacity to claim that the Fourth Amendment has no role to play whatsoever under FISA 702. Now, in a broad sense, they have a point in that what FISA 702 was created to do—and I assume—I certainly hope that the bulk of what it does, the bulk of what it collects has no Fourth Amendment protection attached to it, but some of it does, and how you access that information after it has been incidentally collected by our government and then stored in a U.S. Government database under FISA 702—that matters.

One of the lies that I have heard perpetuated on this very floor on this very day by some Members of this body is that somehow United States article III courts, Federal courts, have concluded that FISA 702 collection just simply isn't a problem, and therefore we have nothing to worry about here. That is misleading. It is misleading to a profound degree, especially because in some instances these arguments have been presented in a way so as to suggest that we have no Fourth Amendment interest, no reason under the Fourth Amendment to care about the querying of a specific U.S. person, a specific American citizen, to see whether or where or to what extent that person's private communications that are stored on the FISA 702 database exist—whether they exist and then what the contents of them are.

In other words, if you want to search the FISA 702 database for a specific American citizen, you can figure out, first, whether there is information there; and, secondly, when you open it, you can read the contents of it, figure out what that person said, to whom, when they said it, how long they talked, and what else transpired.

This is a question on which no Federal court in the United States has ever given its blessing, much less said that there are no Fourth Amendment ramifications from this. In fact, some of the case law that has been cited or referenced—indirectly, in some instances; directly, in others—seems to suggest the exact opposite.

Each and every circuit that has addressed this has identified a distinction. We have got, in one step, the incidental collection of communications by a U.S. person who knowingly or unknowingly was connecting with a foreign national located overseas, who happens to be under surveillance under FISA 702. That is one question, a distinct question.

We have come to accept the fact that some of that is going to happen. It is not the collection itself that presents the Fourth Amendment injury that we can remedy and must remedy here. It is, rather, the second question: whether the querying of 702 data in its 702 database for information on a specific American citizen implicates the Fourth Amendment, thus requiring a warrant in order to search for that American's stored private but incidentally collected information.

Each circuit that has identified this second step to which I refer after the incidental collection—the query—each circuit that has identified that as a separate step has acknowledged that it presents different Fourth Amendment questions from the first step, and both circuits have declined to answer that question.

It, thus, remains an open question. And it is my frustration with those who have come down to this floor and suggested directly and indirectly that this matter is closed; that it has been considered and decided by multiple circuits, no less; that we have got nothing to worry about under the Fourth Amendment here. That simply is not true.

Let me read to you an excerpt from one of the cases most frequently cited. This is the ruling from the U.S. Court of Appeals for the Second Circuit, a case called the United States v. Hasbajrami. You can find it at 945 F.3d—again, decided by the Second Circuit in 2019. Here is what they said:

> But querying the stored data does have important Fourth Amendment implications, and those implications counsel in favor of considering querying a separate Fourth Amendment event that, in itself, must be reasonable.
>
> What kinds of querying, subject to what limitations, under what procedures, are reasonable within the meaning of the Fourth Amendment, and when (if ever) such querying of one or more databases, maintained by an agency of the United States for information about a United States person, might require a warrant, are difficult and sensitive questions. We do not purport to answer them here, or even to canvass all of the considerations that may prove relevant or the various types of querying that may raise distinct problems.

Then another circuit, the Tenth Circuit—the Tenth Circuit, where I have argued dozens of cases, and that includes my home State, Utah, along with a number of other States in the West—decided another case that also recognized this distinction. This case was decided in 2021. It is called United States v. Muhtorov. It is found at 20 F.4th 558.

In this case, the Tenth Circuit says that Mr. Muhtorov's Fourth Amendment argument, specifically on this point, ''asserts the government unconstitutionally queried Section 702 databases using identifiers associated with his name without a warrant. He contends that querying led to retrieval of communications or other information that were used to support the traditional FISA applications. But this is sheer speculation. There is nothing in the record to support that evidence derived from queries was used to support the traditional FISA applications.''

The Tenth Circuit then goes on to say:

The record confirms that the relevant evidence did not arise from querying. We therefore do not address Mr. Muhtorov's second Fourth Amendment argument.

Querying might raise difficult Fourth Amendment questions that we need not address here.

So like the Second Circuit Court of Appeals, the Tenth Circuit Court of Appeals also acknowledged that that is a different question, a second question—one that almost certainly raises Fourth Amendment questions, Fourth Amendment questions that weren't addressed by that court.

Notice, by the way, some of the language used. This highlights some of the problem, some of the reason why we need to be concerned about this. They said that there is nothing in the record to support where exactly that evidence came from. That is part of the problem, you see, with the Foreign Intelligence Surveillance Court, or the FISC, as it is sometimes known. It operates in secret.

Having the FISC operate in secret for purposes limited to communications involving foreign nationals operating on foreign soil undertaking acts hostile to the United States of America, that is one thing. But we have reason to be concerned when they operate in secret and don't have additional legal requirements to follow with respect to a query specifically identifying a particular American citizen. We should all be concerned about that.

We should be even more concerned about it, given this feature that the Tenth Circuit acknowledged, which is that there is almost no way of knowing or approving what they might gain. It is one of the reasons why more exacting standards are required under the law.

The second broad misconception that I want to try to dispel—that has been thrown around a lot today, and I suspect will continue to be thrown around a lot today—is that somehow we are operating under a really, really tight timeframe—a timeframe that acknowledges that section 702 of the Foreign Intelligence Surveillance Act is going to expire at midnight tomorrow, and that if it does expire—which they are saying it will expire if we do anything other than just rubberstamp this hamfistedly drawn up and passed legislation from the House of Representatives without doing our own homework, without dotting the i's and crossing the t's and making sure that they did their job right, which they did not—that the cost of that will be certain doom and gloom because FISA 702 collection will abruptly cease at exactly midnight tomorrow night.

I would otherwise make mention here of the fact that we have known for months, since December, that April 19 at midnight this deadline was happening. You have seen a deliberate decision in both Houses of Congress. They have religiously, scrupulously avoided bringing it up until just days before that deadline occurs. So they have contrived the very deadline that they are now trying to use as leverage to manipulate our votes to prevent us from doing our jobs to make sure that the i's are dotted and that the t's are crossed and that the American people's Fourth Amendment rights aren't being steamrolled. Shame on them.

I said if I had more time, I would go into that. But I won't because there is another much better argument to make here.

They are lying. They are lying when they say that FISA 702 collection will end abruptly at midnight tomorrow. It will not. The reason we know it will not is because when they shamelessly reauthorized this thing in another eleventh-hour vote back in 2018, our foreign intelligence Agencies and the clever lawyers who work with them threw in language anticipating then that the next time around—that next time when the bill came due late last year in 2023—that there might be a moment then of hesitation because the truth would catch up to them by then that FISA 702 is rife with opportunities for abuse of Americans' Fourth Amendment rights.

Recognizing that, they built into the legislative text, which they dropped at the very last minute and passed by the thinnest of margins, language to guarantee that, even if FISA 702 were to lapse, that as long as there was a certification by the FISC, or the Foreign Intelligence Surveillance Court, a recertification of the FISA 702 collection program broadly—not specific orders regarding specific targets, just the program broadly—that that certification would allow for all FISA 702 collection to continue for 365 days following the issuance of that certification by the FISC, even if during that 365 days, whether at the beginning or near the end of it, FISA 702 had lapsed.

Now, just last week—in fact, I believe it may have been a week ago today—the FISC granted another FISA 702 program certification. What that means is that, because the language that was adopted in 2018 continued until December of last year, and, in December of last year, we punted this issue forward to April 19 of this year, they reenacted a version of that same language from 2018 into the 2023 short-term extension. So it says the same thing.

And because we got, just last week, the FISC certification, that FISC certification and all 702 collection remain lawful 365 days into that, even if FISA 702 lapses statutorily in the meantime.

Mr. SCHUMER. Would my colleague yield so I can make a brief announcement about schedule to inform the Members?

Mr. LEE. I will do so.

Mr. SCHUMER. I appreciate his courtesy. Thank you.

The PRESIDING OFFICER. The majority leader.

ORDER OF BUSINESS

Mr. SCHUMER. Mr. President, we do not expect votes this evening, but we are continuing to work on an agreement on the FISA bill. Members should expect votes tomorrow.

I yield back to my colleague and thank him for his courtesy.

H.R. 7888

Mr. LEE. Thank you.

I am glad to hear that we will be having votes tomorrow. We need votes tomorrow, for some of the reasons that I am discussing. We shouldn't fear those votes.

There is a great song by Blue Oyster Cult: ''(Don't Fear) the Reaper.''

We are lawmakers. It is what we do. We cast votes. We vote on amendments. We shouldn't fear votes. We shouldn't fear doing our jobs.

I have heard it said many times: If you don't like fires and you can't stand being in their presence, then you shouldn't become a firefighter. And if you can't handle taking tough votes, for heaven's sake, you shouldn't be a lawmaker. So that is what we need to be talking about.

One of the reasons why people are fearing the reaper here, fearing amendment votes here—even though there is nothing to fear—they are wanting people to fear those amendment votes because they say: If we cast any amendment votes, if we depart in even the slightest degree from what the House, in its supposedly infinite wisdom, passed last week—with its ham-fisted draftsmanship and its manipulated, truncated approach to voting on amendments over there—that if we depart from that to even the slightest degree, it will be Armageddon, dogs and cats living together in the streets. It will be Armageddon stuff playing out in America. We are all going to blow up. We are all going to die because all FISA 702 collection is going to come to an abrupt halt.

That is a damned lie, and they know it is a damned lie because they guaranteed that that would not be the case.

When I bring this language up to them, they have the audacity to tell me: Oh, no, but that is all great and everything, but the reason it would halt is because some of the service providers, some of the third-party companies through whom they have to work to collect a lot of this information, they are not smart enough to realize what it says. So they are going to fight it, and some of them say they are going to sue us.

Yeah. Good luck with that. Good luck with that theory. In the first place, if they are relying on the fact that they would sue the Federal Government in order to not have to participate with them, I really would like to see that because it is never going to happen. And if it did happen, they would lose. And if they did try, it would take so long to do it that it wouldn't do them any good, especially because they are wrong.

The clock is, in one sense, ticking, but we have got an entire year left before FISA 702 collection would even stop at all. Now, don't get me wrong. I am not thrilled about that. That doesn't make me happy.

It was a manipulative thing to do when they added it. It was a manipulative thing to do when they extended it using the same language. But it is the law. And if they want the benefit of it, which they clearly did just a few weeks ago—just like 3 months ago—then, you know, if you pick up that stick, you are picking up both sides of the stick. And the fact remains that the law makes abundantly clear that FISA 702 collection is not going to halt at midnight tomorrow. It is not going to halt until approximately April 10 or 11 of 2025.

Now, that does not mean we should wait until then to enact legislation addressing these issues and we need not act until then, but it sure as heck means that we can at least take the time to do our own work. There is a reason why we have a bicameral legislative branch.

Washington described the Senate as the cooling saucer; tea would come over sometimes very hot from the House, and it would have time to cool over here. This tea hasn't had any time to cool, certainly not enough time to cool, much less be aired and understood by those whose rights may be affected by it.

So let's do away with those lies at the outset. It is completely fake news; it is a complete, darned lie to say that courts have weighed in and said that there is no problem with the U.S. person queries, to go after a U.S. person's private communications incidentally collected under FISA 702 and stored on a FISA 702 database.

Now, look, I get it. That doesn't fit well onto a bumper sticker. Nobody is going to have that embroidered onto a pillow, although someone should, but it is true.

Second, FISA 702 collection is not going to end tomorrow at midnight. It is not going to end for almost a year. So let's get over ourselves, and let's get over the lies and deal with the actual truth.

All right. Let's talk about RISAA again. I want to talk specifically about RISAA and some of what RISAA does.

Now, a lot of people voted for RISAA over in the House, saying: Oh, it does so much good. I voted for it even though I have concerns with warrantless backdoor searches on Americans. I have got concerns with that, too, but it did so much good, so many reforms. Just so many reforms. Can't even count them. Reforms are so good. You can't let the perfect be the enemy of the good.

Nonsense. Most of those reforms are fake. Some of them are worse than fake. In fact, I could make an argument that RISAA amounts to a net loss for Fourth Amendment privacy interests. Those folks over there who tell themselves that to justify their votes, they are kidding themselves, absolutely kidding themselves.

Let's go through some of the reasons why. When it comes to backdoor searches of American citizens, the bulk of RISAA is just a codification of preexisting internal FBI procedures, the same procedures that continue to produce illegal queries of Americans' communications.

In fact, you know, I have been here since 2011. I have been on the Judiciary Committee the whole time, had opportunities to have conversations with FBI Directors serving under three different Presidents, different political parties. They have all told me variations of the same thing over the years: Don't worry about it. We have got procedures to stop it. These aren't the droids you are looking for. You really have nothing to worry about. In fact, you are kind of stupid for even assuming that this is a problem because, in any event, we at the FBI, we are serious about this stuff, and we have got procedures that will stop it.

Well, fool me once, shame on you. Fool me twice, shame on me. Fool me hundreds of thousands of times, that is not acceptable, not to anyone.

Look, RISAA fails to address the worst of warrantless 702 surveillance. It just does. It codifies the existing FBI requirement of having prior approval from the Deputy Director of the FBI, not from an article III court, a normal court, not from the Foreign Intelligence Surveillance Act Court—or the FISC. And it has this requirement only for sensitive queries involving a U.S.-elected official, a Presidential appointee, or an appointee of a Governor, political organization, U.S. media organizations, and so forth.

And then, for queries of religious organizations or batch queries, RISAA requires preapproval, again, internal FBI approval only, from—get this—an FBI attorney. What could go wrong? Great. So the Deputy Director of the FBI, the current occupant of the legacy position once held by Andrew McCabe. I am sure that will make a lot of Americans feel a lot better. I am sure a lot of Americans will feel a lot better also knowing that the likes of Peter Strzok and Lisa Page won't be involved in this.

Look, there are a lot of great FBI agents out there, rank-and-file FBI agents, a lot of great work that they do. The top brass at the FBI is not held in as high esteem as they once were. In fact, that is putting it really, really mildly and indeed euphemistically—not just depending on your political leanings but based on what they have done, based on the number of times we have been lied to, based on the number of times we, as Members of the U.S. Senate and members of the public, the voting public, we have been given assurances that time and time again that have just turned out to be dead wrong.

So it is as though, under RISAA, they say: Hey, Mr. Fox, come on in. Here are the keys to the henhouse. Have fun. Get stuff done, and use your power and your keys responsibly. I am sure you won't be tempted to do otherwise.

What? Do they think we are stupid? Do they think the American people are stupid? They are not. They should know better. Shame on them, and shame on our counterparts in the House of Representatives for thinking that this is anything but insulting to the American people.

They say: Oh, don't worry about it. We have FBI internal controls, FBI internal controls. We are putting the same darn people in charge of this, the same people who have manipulated and abused this over and over again. And we have said: You are in charge now. You will be employing the same sort of reviews that you have employed on the honor system in the past, knowing full well that the American public can't see anything that you do. And we are supposed to trust you with that? This is crazy.

This is the same FBI that approved the surveillance of President Trump's campaign and has failed to prevent illegal queries year after year after year, even after denying that they don't happen.

In all cases involving Americans but especially in these sensitive cases, outside checks and balances—actual checks and actual balances—on the use of surveillance authority should be firmly in place, but alas they are not, nothing like them.

In addition to narrow queried preapproval requirements, RISAA codifies additional changes to some of these internal FBI procedures regarding the abuse of 702 queries of U.S. citizens by its agents. But these internal procedures have not stopped violations, thousands of which are occurring every year. In fact, we have had hundreds of thousands. Until last year, I think we had over—it was in the hundreds of thousands, like over 200,000, occurring several years in a row until last year when they ramped down a bit. And in the meantime, all while telling us that the same darn procedures that they are now codifying, putting the same people in charge of enforcing them, of providing this oversight—that those same people are now going to be put in charge of making sure that they comply with the same requirements they have already falsely been claiming to follow.

So what exactly is this going to stop? Well, it didn't stop the FBI with the same personnel, employing the same standard from, I don't know, let's think about the guy, the unsuspecting guy who wanted to rent an apartment and, unbeknownst to him, the guy who owned the apartment was an agent who decided that he would run the would-be tenant through the FISA 702 database. Or what about the agent who had some kind of an unparticularized suspicion or hunch, something that wouldn't even most likely justify a Terry stop, that his father might be cheating on his mother, and he therefore ran his dad through the FISA 702 database. Or what about the unsuspecting 19,000 donors to a particular congressional campaign, all of whom were run through the FISA 702 database? Or what about

the Member of Congress who was run through the FISA 702 database?

These are just a few of the people we know about. Through some miracle, we have been able to learn about the existence of those very, very inappropriate, very, very unlawful, very indefensible searches—searches approved against the backdrop of the same procedures, under the supervision of the same people holding the same positions at the FBI. So forgive me if I don't think that is necessarily going to change a lot.

Now, RISAA purports to rein in warrantless searches of Americans' information by ending the practice of querying data to find evidence of a crime unrelated to national security. However, such queries represent just a tiny fraction of warrantless violations of Americans' privacy.

Keep in mind, what we are talking about here are those that are deemed solely for that purpose. They are there solely for the purpose of looking for evidence of a crime. That was never a significant percentage of the problem. It was always a tiny, tiny portion of the problem. And in any event, this is entirely within the FBI's own ability to circumvent just by recharacterizing the nature and purpose of the query in question.

(Mr. KING assumed the Chair.)

You know, of the more than 200,000 backdoor searches performed in 2022, the prohibition would have denied authority in exactly 2 instances—2 searches. And in both of those instances, the FBI could easily have gotten around them by characterizing them differently than they did. Again, this is not serious. This is not the kind of reform that the American people are demanding. It is certainly not the kind of reform that they deserve.

Now, when it comes to transparency and surveillance oversight, there are a number of purported reforms that many Members of the House of Representatives who voted for this are clinging to with all their might, insisting that ''oh, these do a lot of good; these fix the problem.''

But let's look into that. Let's look at what RISAA does to amicus participation. Remember what ''amicus'' means. ''Amicus'' is short for ''amicus curiae.'' The plural of ''amicus curiae'' is ''amici curiae.'' It means ''friends of the court.'' And ''amicus curiae'' is a ''friend of the court.''

Back in 2015, a bipartisan effort that I led on the Republican side in the Senate, called the USA FREEDOM Act, was passed by Congress and signed into law by President Obama. It imposed a number of reforms. It ended the bulk of metadata collection, among other things. It also imposed some requirements related to the FISC, allowing for the participation of an amicus curiae before the FISC in a number of circumstances—because, remember, in the FISC, unlike in ordinary court, its members consist of presidentially appointed, life-tenured article III Federal judges. But in their capacity, while they are serving in their capacity as FISC judges, they sit in a courtroom without opposing counsel. Only the government has historically been present in those circumstances. And because of the sensitive nature of some of the issues that we have described today, we created in the USA FREEDOM Act provisions requiring the participation, in a number of circumstances, for amicus curiae.

There have been no complaints about this not working well—none. I am not aware of a single instance where amicus participation before the FISC has caused a problem. And yet, consistent with its pattern and practice of scanning the horizon, looking high and low to find a solution in search of a problem, those loyal to the intelligence Agencies over on the House of Representatives side have put in place some very significant restrictions on amici before the FISC by limiting the arguments amici can raise and by limiting those who can even serve as amici in 702 proceedings.

Again, not one complaint that I am aware of has been raised on this. Not one reason has been provided as to why they shouldn't do this—not one. But they still said we have got to limit them.

RISAA's amicus provisions will actually weaken oversight, instead of adopting the reforms that passed the Senate, 77 to 19, in 2020, as part of the Lee-Leahy amendment, which would have strengthened oversight by bolstering the role of amici.

By the way, that measure passed in 2020 by the Senate, 77 to 19, was part of a legislative package expected, at the time, to move over in the House, where it would have passed by correspondingly overwhelming bipartisan supermajority margins over there, but for the fact that that vehicle, for reasons unrelated to the Lee-Leahy amendment, caused that bill to stall out. Now, 77 to 19, those are the margins by which this passed the Senate just a few years ago.

That Lee-Leahy amendment would have created a presumption that amici should participate in cases that raise critical issues—such as those involving the First Amendment-protected activity of a U.S. citizen or any other U.S. person, a request for approval of a new program, a new technology, or a new use of an existing one, a novel or significant civil liberties issue with respect to a known U.S. person or a sensitive investigative matter—while giving the FISC the ability to deny participation where there was some particularized reason why that would be inappropriate.

Amicus participation is critical, especially so where you have this kind of ex parte proceeding. An ex parte proceeding is one in which only one side is represented by counsel. It is just the government's lawyer and the judge or judges. Without an amicus, there is no one there to look out for, to protect, to advocate for the rights of the American public.

RISAA requires the government also to provide only limited and inadequate presentation of what we call exculpatory evidence, the type of evidence required by United States v. Brady in an ordinary Federal court. By contrast, the Lee-Leahy amendment would have required a full presentation to the court of all material, exculpatory evidence that might come into play there. And this is absolutely necessary.

Now, why these guys chose to weaken that, I think, is consistent with—I mean, we can only surmise what the reasons might be, but I think they have a lot to do with the fact that, of course, no government Agency wants additional responsibilities or additional burdens. It makes additional work for them.

And that is the whole point. The whole point of the Fourth Amendment is not to make the government's job more efficient. I am sure law enforcement, domestically, would be a whole heck of a lot easier if there were not a Fourth Amendment. That is not a reason to jettison the protections of the Fourth Amendment.

And even though I am sure some of the legitimate foreign intelligence gathering operations of our intelligence Agencies would be made easier, less burdensome if we just threw all of these protections to the wind and pretended that there aren't legitimate reasons related to Fourth Amendment interests to be concerned here, should that make it easier, that doesn't make it the right thing do. It doesn't mean that it is consistent with the letter and spirit of the Fourth Amendment.

Look, this requirement about exculpatory evidence, as it is contained in RISAA, just provides a mere veneer. It is a Potemkin village version of the real thing, just the illusion of protection. This provision draws near to the Fourth Amendment with its lips, but its heart is far from the Fourth Amendment.

The FISC should be given all exculpatory material evidence before a proven surveillance. We have to remember, in December of 2019, the Department of Justice IG reported 17 errors and omissions in the FBI's FISA applications, requesting authority to surveil President Trump's Presidential campaign adviser, Carter Page.

Unsurprisingly, this included the failure to disclose the unreliability of the Steele dossier, an opposition research document with largely fabricated, unsubstantiated claims.

Now, unfortunately, the April 2020 memorandum from the inspector general to FBI Director Wray proved that this was not an isolated incident.

After a sampling of 29 FBI applications for FISA's surveillance of U.S. persons, he found an average of 20 errors per application.

The Lee-Leahy amendment that passed, in 2020, with 77 votes in this Chamber would have required that the

government provide all of that material—all material, exculpatory evidence to the FISC—since the U.S. person being surveilled is excluded from the FISA proceedings.

Next, we will turn to another provision that I think persuaded, unfortunately, some Members of the House of Representatives to support this bill, even though it lacked adequate substantial Fourth Amendment reforms. I am referring, of course, to the protections directed specifically at Members of Congress.

The RISAA bill provides protections not available to others, specifically for Members of Congress. Think about this for a second. One of the reasons why a number of people felt comfortable voting for it was because of the belief—the mistaken belief, as I will explain in a minute—that this protects rank-and-file Members of the House and the Senate. I don't believe it even does that. But, even if it did, think about what that says.

Anyone persuaded by this is tacitly admitting—if not to the public, at least should admit to themselves—that, No. 1, this is enough of a concern that they ought to be worried about it, such that they ought to provide some sort of language requiring accountability for when they do 702 queries on individual Members of Congress. So they are acknowledging that there is a problem, that it can be abused. But then they are providing a type of accountability available only to Members of Congress. That is kind of creepy.

If this thing is bad such that it needs protection, why not make that protection or other similar protections available to Americans broadly—to all Americans? Why limit this to Members of Congress?

So what it does is it requires notification not to all of Congress but notification to congressional leaders—meaning to the law firm of Schumer, McConnell, Johnson, and Jeffries and to the top Republican and top Democrat of the House Intel Committee and the top Republican and top Democrat of the Senate Intel Committee. Sometimes, collectively, we refer to this as the Gang of 8.

It requires notification to them if FBI queries the name of a Member of Congress, and RISAA requires prior consent from the Member of Congress in question, but only if it wishes to perform a query on that Member for purposes of a defensive briefing. Otherwise, if it is not for the purpose of a defensive briefing, that Member doesn't get notified.

But the law firm of Schumer, McConnell, Johnson, and Jeffries gets notified, and the Intel bruhs—you know, the top heads of the Intel Committee on both sides of the Capitol—they get notified too. Nobody else does.

Now, it is not like they are going to feel inclined to notify the Member. In fact, they are probably prohibited from doing so. Who exactly does that protect? Why is that a good thing? If the querying is being done, then you are allowing a tiny handful, 8 Members out of 535 sworn and currently serving Members of the legislative branch, who have been elected by their respective States—8 of them, just 8 of them—to get to know what they are doing about any and every other Member of Congress. How is that going to help anyone?

In fact, how is that not something that could actually work to the disadvantage of those being surveilled, except in the specific context of a defensive briefing?

This is crazy. This is throwing gasoline on the fire. In addition to giving the keys of the henhouse to the fox, you are then dousing the whole thing with gasoline and then adding more gasoline to it after it is on fire.

As much as anything, these are fake reforms. And to the extent they are not fake, because they are available exclusively to Members of Congress, they are a slap in the face to our constituents, who receive no such protections—none. Including those protections shows that the drafters of RISAA knew that there is a problem. It shows that those who voted for it, who relied on this, to their detriment, understand how invasive these queries really are. And that is why they want to protect Members of Congress, even though they are failing to do that here, unless they happen to be in the Gang of 8. That is why they are claiming to protect themselves from being subjected to 702 queries focused on them.

In reality, these protections for Members of Congress aren't just self-serving, they are elusory. The consent requirement is flimsy, at best, and there is an exception that quite arguably swallows the whole rule, even where it might otherwise apply. And the FBI can, based on the way it categorizes the search in question, it can get around it, the consent requirement, even in the narrow circumstances where it might otherwise apply. So this thing is a fake. But it is worse than fake. I actually think it would be a detriment to privacy and even to the interests of most Members of Congress.

Then we get to one of the big enchiladas of this: the electronic communication service providers expansion, the so-called Turner amendment. And it was basically drawn up and thrown together and thrown into the bill at the last minute, rubberstamped by the House. This particular provision of RISAA authorizes the largest surveillance expansion of this type of surveillance on U.S. domestic soil since the PATRIOT Act.

Egregious Fourth Amendment violations against the United States and its citizens will, I am confident, increase dramatically if this thing is passed into law. RISAA, as amended by the Turner amendment, would allow the government to compel a huge range of ordinary U.S. businesses and individuals—exempting only an odd assortment of entities, including hotels, libraries, restaurants, and cafes—to assist the government in spying on U.S. persons.

Currently, the government conducts 702 surveillance with the compelled assistance of electronic communications service providers or ECSPs. Historically, the definition of ECSP included those entities with direct access to Americans' electronics communications; for example, Google, Microsoft, Verizon, et cetera. This new proposition would allow the government to compel warrantless surveillance assistance of any provider of any service that has access to equipment on which communications are routed and supported. This would include a huge number of U.S. businesses that provide Wi-Fi to their customers and, therefore, have access to routers and communications equipment.

Apparently, this provision is the result of the intelligence community's ire at being told by the Feds that data centers for cloud computing do not have to comply with FISA-compelled disclosures. House Intel Committee members claim it was a narrow fix to allow the government to compel information from a single service provider.

I don't buy it. The reason I don't buy it is because if that is what it was supposed to do, they would have written it differently. They didn't write it that way. They have smart lawyers. They are smart people. They know exactly what they are doing. But even if they didn't know what they were doing, we know what they did, and it is not good. The fix was deliberately written, you see, in really broad terms to conceal the particular provider at issue.

As written, the provision could be used to compel any service provider that could potentially access communications equipment including, potentially, janitors, people involved in repairs, plumbers, to assist NSA in spying. Nothing in the language provides any backstop, any limitation of the unfettered use of this newly, dramatically expanded authority.

Moreover, because these businesses and individuals lack the ability to turn over specific communications, they would be forced to give NSA access to the equipment itself. The NSA would then have access to all of the communications transmitted over or stored on the equipment, including a trove of wholly domestic communications. It would be up to the NSA to capture only the communications of foreign targets.

No disrespect to the fine men and women who work at the NSA, but it is one of the most impenetrable—necessarily impenetrable—Agencies that has ever existed in any government anywhere. Yet no visibility, no transparency, no oversight there that is going to make any difference. Giving the NSA access to Americans' communications on such a broad scale is a recipe for disaster, and it is contrary to the purportedly narrow focus of 702 on foreign targets.

Look, I have outlined some of the myths surrounding this whole FISA 702

debate. I explained that the collection under 702 is not going to go dark if something doesn't pass immediately, meaning we are not forced with this obstinate choice between having to accept lock, stock, and barrel with no amendments, with no opportunity to review it, to air it, to improve it, to make it better, to address the disaster that is the Turner amendment, to address the hypocrisy and the sham that is the Member of Congress exclusive protection; to address any of the glaring omissions, including the failure to add any type of a warrant requirement for communications—private communications—of U.S. citizens incidentally collected and stored on a 702 database.

These are all lies that we can't address any of those to try to include in this thing because FISA 702 collection is going to end abruptly, tragically, at midnight tomorrow.

We already established this language that was first adopted in 2018 then reupped, renewed, and reenacted in December of last year to extend this deadline to April 19. It makes clear that once the FISC has issued a recertification of the program, 702 collection may continue unabated, undisturbed even if FISA 702, itself, expires in the meantime, as long as it is still valid at the time of the certification. That certification was renewed a week ago, and so we have a year. We have a year before that ends. Let's get rid of this nonsensical, unbelievable lie that is being told that we are all going to die if we don't do it.

What do we need to do? First, we have to have an amendment process. We have to have an amendment process that, among other things, allows for a probable cause warrant to be the backstop of any U.S. person query. We have language that I support that is being offered in a Durbin amendment that would require that. And it would attach at the moment they want to review the content, they want to do a U.S. person query, to figure out whether it is there in an emergency or in some other circumstance for some reason. Even if they do that, before they open it, before they review the substantive content after doing a U.S. person-specific query, they would have to get a warrant.

Mr. President, I ask unanimous consent that I be allowed to finish my remarks within the next 15 minutes.

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

Mr. LEE. So we need a probable cause warrant requirement. Now, all of the sky-is-falling predictions about why that would be so bad to have a probable cause warrant requirement is really not addressing the facts here.

Look, I think we would have been just fine had we adopted what is known as the Biggs amendment—you know, the amendment that failed by a tied vote 212 to 212. And it failed, I believe, because they gaveled out the second they saw that it was tied, even though there were still more Members coming to the floor to vote—more Members coming to the floor to vote—I was over there at the time—who were believed to be intending to support it. They gaveled out the second they thought they could get away with it and make it fail.

One of the reasons why it didn't get more votes is because of the scare tactics associated with that and overblown, exaggerated concerns that it would just make it impossible. You know, I heard members of the intelligence community argue that it would just necessarily bring an abrupt halt to everything we do in this area. It is not credible. It is not true.

But even if that were true, let's indulge that for purposes of this discussion. The same concerns are minimized by the warrant requirement in the Durbin amendment. In the Durbin amendment, the warrant requirement would be triggered not at the moment of the query itself, but at the moment they want to open the results of the query so they could see whether the particular U.S. person, the U.S. citizen addressed in the search, triggered some kind of response. But then before they could open the search result, read the contents of the email, listen to the contents of the phone calls, read the text messages, whatever it is, then they would have to go get a warrant, unless they make the same argument here and scare people yet again because this is what they do and they get away with it because they are the spies, the spy Agencies: Trust me, trust me, people are going to die unless Congress does exactly what I say.

That is what they say over and over again. You know, it gets really irritating when they say the same thing year after year.

But lest they gain any advantage here by coming up with that, it would affect such a tiny, tiny portion of all—you know, U.S. person queries are a tiny fraction of all queries run on the FISA 702 database. I am told it is, likewise, a tiny percentage of all U.S. person queries, something like 1 or 2 percent, that would be implicated by the Durbin amendment's warrant requirement.

According to Senator DURBIN, I believe the estimate he provided was about eight queries a month would trigger that. That is not hard to comply with at all. Those of us who have been prosecutors know it is not hard to get a warrant, especially in a program as huge as FISA 702. To suggest that it is just unduly oppressive for them to get up to eight warrants per month when querying specifically for the private communications of U.S. citizens on the 702 database, no, don't tell me that is unduly burdensome. That is not credible.

So we need that amendment. It is not the only amendment we need, but we definitely need that one. Without that one, I think this bill is an absolute mistake without adopting that amendment.

There are other amendments as well. One that I will focus on is the amendment I am running providing necessary reforms to the amicus curiae process requiring the government to disclose exculpatory evidence. Yes, it is essentially the same amendment. It does exactly the same thing as the Lee-Leahy amendment but introduced now as the Lee-Welch amendment. With a certain degree of poetic symmetry, I have united now with the Senator from Vermont who took the place of our dear former colleague Senator Pat Leahy. Peter Welch is now cosponsoring this measure with me, and we introduced what is the Lee-Welch amendment, which would do as I described a moment ago.

It would beef up the amicus curiae process participation, which has been badly weakened and undermined by RISAA, and it would restore it, making it just a little bit more like the adversarial process that is the hallmark of our country's legal system, designed to protect our individual rights.

It would require, among other things, that at least one of the court-appointed amici have expertise in privacy and civil liberties unless the court found that such qualifications were inappropriate in a particular case.

It would also require the FISC to appoint an amicus in cases presenting a novel or a significant interpretation of law or significant concerns with First Amendment-protected activities of a U.S. person, a sensitive investigative matter, a request for approval of a new program, new technology, or a new use of an existing technology with novel or significant civil liberties issues with respect to a known U.S. person.

All of these things are important, and it is also important that they be required to provide the full panoply of material exculpatory evidence to the FISC as they are going before the FISC in cases involving U.S. person queries under 702.

It is really important that we have these reforms because, again, remember, we suspend what would otherwise be significant restrictions in this arena. We suspend those. Because we suspend them and because this is a secret court, it is that much more important to be careful.

We still understand that because of the risks associated with it, it is still not a court that would operate in a public way, but at least there would be another set of eyes in there looking at it. A set of eyes under some circumstances is allowed to be in there now but maybe not as often as they should be, and that will be weakened if we just pass RISAA reflexively. RISAA would actually weaken transparency in surveillance oversight, very significantly and very dangerously.

So, look, I am about out of time, and so I need to wrap this up. Let me just close by saying this: We can't fall for the lie every time, and we certainly can't fall for the lie every time and then claim surprise when it gets abused again.

The American people have seen over and over again that there is some risk in this. Sure, these things have made us safer, and we like those things that have made us safe.

I don't personally know any American who is concerned—who stays up late at night worrying about FISA 702 surveillance of a foreign adversary operating on U.S. soil. That is not a zone where Fourth Amendment interests are cognizable in our legal system, and it is not something that Americans I know spend time worrying about. But they are worried when they learn that a number of innocent, unsuspecting Americans have their own private communications incidentally collected or swept up in what might well be legitimate operations associated with FISA 702. It is the querying of their name, of their personal identifiers, their phone numbers, the email addresses of a known U.S. citizen, looking for them—it is a great cause of concern to many.

That is my principal focus, and it is why I am focused so heavily on the Lee-Welch amendment and on the Durbin amendment, of which I am also a cosponsor, requiring a warrant for them to access the contents of those private communications of U.S. persons when they are queried on the FISA 702 database.

That doesn't mean these are the only reforms that are necessary. There are a handful of our other colleagues who have introduced other reforms. One of them addresses the Turner amendment.

This breathtakingly broad expansion of FISA was written in a ham-fisted way. I understand that there is a legitimate reason for it, but the way it is written, one has to wonder about what the subjective motives of those writing it may have been. But even if you assume for purposes of argument that they were pure, their draftsmanship sure wasn't pure, and we have to fix that. We have to fix that.

There are some other amendments that also need to be considered. You know, I am not sure how I feel about every one of these amendments, but, you know, when you get elected to the United States Senate, one of the things that differentiates this body from other legislative bodies—we pride ourselves on supposedly being the world's most deliberative legislative body. We need to act like it.

Our rules and nearly 2½ centuries of tradition, precedent, custom, and practice are such that we are expected to vote on each other's amendments even when we don't necessarily agree with them. Even those amendments that I don't feel great about, that I might well oppose, perhaps even vigorously, I want them to have votes too.

We can't fall for fake scare tactics telling us that Armageddon will be upon us if we get past tomorrow night at midnight because it is just not true. Nor can we fall for the lie that has been repeated on this floor today that Federal courts have addressed this issue and concluded that this issue raises no Fourth Amendment concerns. That is a lie.

To the extent that it is being spun innocently or just negligently, then I guess in that circumstance, we wouldn't call it a lie; we would call it a badly, badly mistaken argument. But it is not something that should persuade us. Just let us vote.

We have to end this practice of filing cloture and filling the tree. That is fancy Senate parlance for preventing people from offering up amendments and having those amendments voted on. Every time you do that, you bolster the disproportionate, hegemonic power of the law firm of Schumer, McConnell, Johnson, and Jeffries so that you make them superlegislators while subordinating all of us and, more importantly, those who elected us from a pretty important legislative process.

I implore my colleagues to think about them—those who voted for us and those who didn't vote for us but those to whom we stand accountable—before reflexively enacting this again. And I implore our Senate majority leader to just let the people's elected lawmakers vote.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

STRENGTHENING COASTAL COMMUNITIES ACT OF 2023

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 213, S. 2958.

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

The legislative clerk read as follows:

A bill (S. 2958) to amend the Coastal Barrier Resources Act to make improvements to that Act, 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.

Mr. SCHUMER. I further ask that the Carper substitute amendment at the desk be agreed to and that the bill, as amended, be considered read a third time.

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

The amendment (No. 1835), in the nature of a substitute, was agreed to.

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

The bill, as amended, 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 PRESIDING OFFICER. Is there further debate on the bill?

Hearing none, the bill having been read the third time, the question is, Shall the bill pass?

The bill (S. 2958), as amended, was passed.

Mr. SCHUMER. I ask that the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

NATIONAL ASSISTIVE TECHNOLOGY AWARENESS DAY

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration and the Senate now proceed to consideration of S. Res. 594.

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

The legislative clerk read as follows:

A resolution (S. Res. 594) designating April 17, 2024, as ''National Assistive Technology Awareness Day''.

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

Mr. SCHUMER. I ask unanimous consent that the resolution be agreed to, that 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 PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 594) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of March 19, 2024, under ''Submitted Resolutions.'')

HONORING THE LIFE OF JOSEPH ISADORE LIEBERMAN, FORMER SENATOR FOR THE STATE OF CONNECTICUT

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 655, which was submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 655) honoring the life of Joseph Isadore Lieberman, former Senator for the State of Connecticut.

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

Mr. SCHUMER. I ask unanimous consent that the resolution be agreed to, that 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 PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 655) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

MORNING BUSINESS

TRIBUTE TO AUSTIN T. FRAGOMEN, JR.

Mr. SCHUMER. Mr. President, I rise today to recognize Austin T. Fragomen, Jr., who for more than five decades has made extraordinary contributions to the field of immigration law and policy and who has dedicated his life to serving the underprivileged in New York City and across the United States.

Austin T. Fragomen is chairman emeritus of Fragomen, Del Rey, Bernsen & Loewy, a global immigration law firm based in New York City with more than 60 offices worldwide. He began his legal career over five decades ago as counsel on the House subcommittee on immigration, citizenship, and international law. Since then,

he has remained a leader in the New York immigration law community and played a leading role in shaping U.S. and global migration policy. Most notably for New Yorkers, Austin Fragomen served as chairman of the New York City Bar's Justice Center and, since 2007, has provided at least one attorney to provide fulltime pro bono immigration services through the City Bar Justice Center to help with the underprivileged in New York to seek refuge from political and religious persecution or reunite with family members.

Austin Fragomen played a pivotal role in shaping the landscape of U.S. and global immigration policy and practice. He has testified numerous times before the House and Senate, including the Senate Subcommittee on Immigration, Border Security, and Citizenship while I sat on that subcommittee. He chaired and/or taught at the annual Immigration and Naturalization Institute of the New York City-based Practising Law Institute for the past quarter of a century. He has written many treatises on different subspecialties of immigration law published through Thomson Reuters/West, chaired the American Council on International Personnel which later became the Council on Global Immigration, served as vice chair of the Center for Migration Studies and on the editorial board of the International Migration Review. Currently, Austin serves as chairman of the Business Mechanism of the Global Forum on Migration and Development and has participated at a number of GFMD and U.N. sponsored events and proceedings, including the Global Compact on Migration. The list goes on and on but suffice it to say that Austin Fragomen has shaped immigration law and policy and has served the underprivileged immigrant community of New York, in ways that very few if any has paralleled.

On April 20, 2024, Austin Fragomen is being honored on Ellis Island, NY, for his lifetime achievements and contributions. I congratulate him on his exemplary leadership and dedication to the principles of justice and equality. Austin Fragomen has made enduring contributions to the field of immigration law and has earned the respect and admiration of his peers, colleagues, and clients alike. His legacy as a visionary immigration thought leader continues to inspire and guide efforts to create a more just, compassionate, and equitable immigration system for all. I am proud to call him a fellow New Yorker.

TRIBUTE TO COLONEL DEBORAH J. McDONALD

Mr. REED. Mr. President, it is my honor to pay tribute to a great leader and exceptional officer of the U.S. Army, COL Deborah ''Debbie'' J. McDonald, as she retires after nearly 40 years of service to the Army and our Nation.

A proud Rhode Islander, Debbie grew up in Newport and graduated from Rogers High School. Upon graduating from the U.S. Military Academy at West Point in 1985, Colonel McDonald commissioned as a second lieutenant in the Transportation Corps. She served in a variety of field assignments, including Fort Sill, OK; Fort Devens, MA; Fort Campbell, KY; and Fort Leonard Wood, MO. Notably, as the commander of the 104th Medium Truck Company, she deployed as a separate company in support of Operations Desert Shield / Desert Storm. Her company provided long-haul transportation, primarily hauling water, ammunition, and food in support of XVIII Airborne Corps operations in theater.

In addition to her bachelor of science degree from West Point, Colonel McDonald holds a master's degree in information management from Oklahoma City University and a doctorate in education from the University of Florida. Her military education includes the Transportation Officer Basic and Advanced Courses, the Master Fitness Course, the Combined Arms Staff Services School, the Army Inspector General Course, the Army Operations Research and Systems Analysis Course, and the United States Army Command and General Staff College.

For the past 15 years, Colonel McDonald served as the director of admissions for the U.S. Military Academy. In this capacity, she ensured West Point identified, recruited, and appointed capable and accomplished individuals. Colonel McDonald challenged her team and every element of the Army that supported her mission to seek new and better ways to inspire scholars, leaders, and athletes to choose West Point. Her tireless efforts to building a corps of cadets that mirrors the geographic, gender, racial, and ethnic diversity of the Nation has resulted in the most talented classes in the academy's 221-year history. Embracing her role in supporting the mission of the U.S. Military Academy at West Point ''to build, educate, train, and inspire the Corps of Cadets,'' Colonel McDonald has had a profound impact on a generation of future Army leaders.

She used all her skills and experience to modernize the admissions process: improving the experience for candidates and their families; creating a convenient online application process; and saving the academy millions of dollars in printing and mailing costs. Recognizing the broader requirements of the Army, Debbie improved the relationship between West Point and the U.S. Army Cadet Command, which ultimately enhanced Cadet Command's scholarship pool and helped the U.S. Army to meet its annual goal of assessing 6,000 to 7,000 second lieutenants into the force.

Married to her West Point classmate, LTC Kenneth ''Kenny'' W. McDonald, U.S. Army, Retired, Debbie is also the proud mother of MAJ Anna Mendoza, U.S. Army, and CPT Joshua McDonald, U.S. Army. On behalf of the Senate and the United States of America, I thank Colonel McDonald, her husband Kenny, their daughter and son, and their entire family for their commitment, sacrifice, and contributions to our Nation. I join my colleagues in wishing her a long and joyful retirement. Well done.

REMEMBERING RABBI MENACHEM M. SCHNEERSON

Mr. THUNE. Mr. President, today I recognize the life and leadership of Rabbi Menachem M. Schneerson, known as ''the Rebbe,'' the head of the Chabad-Lubavitch movement. Since 1978, every U.S. President has commemorated this day as Education and Sharing Day in recognition of the Rebbe's commitment to bettering the education of all people.

Through decades of service and leadership, the Rebbe emphasized that education should not just be about imparting knowledge, but must instill values essential for living a meaningful life, fostering moral character, and contributing to the betterment of individuals and society at large.

The Rebbe promoted America's unique role as a superpower and had meaningful relationships with several of our Nation's leaders who saw him as the moral guide of so many. For the Rebbe, America was a beacon of light to be utilized in influencing the moral betterment of all humanity, and he often pointed to the words ''In God We Trust'' enshrined on our currency as a defining element of the great American story.

Under the Rebbe's leadership, Chabad-Lubavitch became the largest Jewish educational organization and fastest growing Jewish movement 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, including in my home State of South Dakota.

The Rebbe envisioned that the world would come to a state of peace. He exemplified how humanity, through moral education, charitable deeds, and acts of kindness, can bring our world to the time when ''swords are turned into plowshares,'' with peace and prosperity for all.

On the Rebbe's birthday, today, April 18, it is fitting that we honor him by striving to apply his teachings with greater diligence, embodying his vision of a world illuminated by compassion and goodwill for all.

TRIBUTE TO LIEUTENANT GENERAL A.C. ROPER

Mr. TUBERVILLE. Mr. President, I rise today to honor the career of LTG A.C. Roper, the deputy commander of the United States Northern Command—USNORTHCOM—and United States Element, North American Aerospace Defense Command—NORAD. Lieutenant General Roper is a native of the great State of Alabama, where

he graduated from the University of Alabama at Birmingham. He and Edith, his wife of 39 years, are also the proud parents of two daughters. I know that after over 40 years of distinguished military service, your family is looking forward to your retirement.

In capacity as a civilian, Lieutenant General Roper has over 33 years of law enforcement experience, culminating with his 10-year tenure as the chief of police of the Birmingham Police Department, the largest municipal police department in the State of Alabama. A dedicated law enforcement professional, he is a graduate of the Federal Bureau of Investigation—FBI—National Academy, the FBI National Executive Institute, and is an adjunct professor of criminal justice. He specialized in protecting critical infrastructure and served on the executive board of the FBI Joint Terrorism Task Force.

Lieutenant General Roper is a role model for aspiring servicemembers and law enforcement officers. He has demonstrated the power of passion and purpose in fulfilling a life of service. Lieutenant General Roper, thank you for your long and distinguished career in service to our Nation. On the occasion of your retirement, I wish you and your entire family the best. Congratulations on a job well done.

TRIBUTE TO DAVID BEARDEN

Ms. CAPITO. Mr. President, I rise to honor Mr. David M. Bearden for his lengthy career of public service to the U.S. Congress and the American people. After more than 33 years at the Congressional Research Service, or CRS, Mr. Bearden recently retired at the end of March as a specialist in environmental policy

Mr. Bearden hails from Guntersville, AL. After graduating from the University of the South in Sewanee, TN, with a theology degree and backpacking around Europe, he moved to Washington, DC. In August 1990, Mr. Bearden was hired as a clerk at the Library of Congress, where he began to gradually climb the ranks. In 1991, Mr. Bearden served in the CRS inquiry unit, where he earned the prestigious Award for Meritorious Service for his work during the Persian Gulf War. Following his stint with the inquiry unit, Mr. Bearden became a production assistant, helping colleagues to prepare reports and memoranda in varied subject areas. After several years as a production assistant, Mr. Bearden became an environmental information analyst and began to specifically focus on environmental issues. Mr. Bearden became an analyst in environmental policy in 2002 and continued to amass a wealth of knowledge on the topics he covered.

As an analyst, Mr. Bearden primarily focused on the implementation of the Comprehensive Environmental Response, Compensation, and Liability Act, also known as the Superfund law. His extensive research of individual contaminated sites was immensely beneficial for Members' offices representing their impacted constituents and communities. It was in this capacity that I first interacted with Mr. Bearden professionally. I relied on his expertise in the aftermath of the 2014 Elk River chemical spill in Charleston, WV, and I was not shy do to so again in the future. Beyond Superfund, Mr. Bearden specialized in some of the most complex environmental laws on the books, including the Emergency Planning and Community Right-to-Know Act, Resource Conservation and Recovery Act, Surface Mining Control and Reclamation Act, National Environmental Policy Act, among others.

With decades of experience, Mr. Bearden became the go-to-analyst and coordinator for high-profile cross-cutting environmental issues that involved clean-up or contamination, including concerns over specific chemicals such as per- and polyfluoroalkyl substances or PFAS. Much of his work involved direct support of the legislative process by providing expert analysis and consultative support for a wide range of environmental policy issues. Through it all, Mr. Bearden approached each request with a high level of consistency in objectivity, nonpartisanship, authoritativeness, and timeliness, the core values of the Congressional Research Service. He has a particular quality of breaking down complex topics into easy-to-understand narratives that intersperse facts-of-the-matter with the law and relevant legislative history. Members and staff appreciated his practical explanation of issues and how the Federal Government can address them, evidenced by his requested testimony in several hearings, ranging from the topic of addressing radioactive contamination at the Marshall Islands to the Federal and State relationship in implementing the Superfund law.

While members of my own staff have personally benefited Mr. Bearden's mentorship and expertise, his talents for teaching and professional development also benefitted his fellow colleagues at CRS. Over the last few years, Mr. Bearden was a mentor to new and less experienced colleagues, sharing the wisdom and expertise he has accumulated. A point he emphasizes to mentees is that the work is never about those who work for CRS, but always about who CRS serves: Members of Congress and their staff. His style of mentoring reflects the objectivity, balance, and authoritativeness of CRS work, but also comes with unique wit that brings some humanity to the job.

Mr. Bearden is retiring as an expert in his field. On behalf of the U.S. Senate and the American people, I wish to express gratitude for the contributions of Mr. Bearden during his over three decades at CRS. I thank him and wish him all the best in retirement.

TRIBUTE TO DIANNE RENNACK

Mr. CARDIN. Mr. President, I rise today to honor Dianne E. Rennack, specialist in foreign policy at the Congressional Research Service—CRS—for her distinguished career in service to Congress. Ms. Rennack retired on March 29 after more than 39 years with CRS, during which time she has made exceptional contributions to Congress as an expert on sanctions policy and foreign affairs legislation. Ms. Rennack has called Maryland home for many decades, making it a home for her family. She has dedicated her time to Maryland through volunteer work at Shephard's Table and the Potomac Appalachian Trail Club, once being named Volunteer of the Year.

Since 1985, Ms. Rennack has informed Congress on some of the most important foreign policy issues of our time. Congressional committees have relied on her nonpartisan sanctions policy expertise to shape legislation and inform their oversight activities. Her knowledge of executive-legislative branch relations and general foreign policy authorities has been a critical resource for Congress and long made her a pillar of the institutional memory of Congress

For years, Ms. Rennack was the driving force behind updates to the Legislation on Foreign Relations compendium, a resource used across the foreign policy community. She provided leadership at crucial times in CRS history, serving 3 years as head of FDT's foreign policy management and global issues section. Ms. Rennack is also known among her colleagues for her commitment to substantive collaboration and mentoring. Her dedication to sharing with junior colleagues the expertise she has earned over nearly four decades of service will have a lasting impact on the work of Congress.

Throughout her career, Ms. Rennack has personified CRS's mission of providing authoritative, objective, nonpartisan, and timely service to Congress. In recognition of her wide-ranging achievements on behalf of the Congress, she received the CRS Directors Award in 2019 and the Distinguished Service Award in 2024.

In conclusion, I extend my heartfelt gratitude to Dianne Rennack for her outstanding contributions to the Senate community and the country and offer her best wishes in her retirement.

ADDITIONAL STATEMENTS

FAITH MONTH

● Mrs. HYDE-SMITH. Mr. President, Americans across the country, led by Concerned Women for America, CWA—the Nation's largest public policy organization for women—and other faith-based organizations will again celebrate April as Faith Month. I commend this noble effort calling on all people of faith to join in prayer, to give thanks, and to celebrate their faith.

Faith is at the very core of who we are as Americans. Every nation before us was based on either a shared ethnicity, a common language, or a unifying monarch. But the United States of America was the first nation in history founded on the belief that every human being has inherent value and natural rights granted to them not by any earthly government, but by an all-powerful God. In the words of our Declaration, we are ''endowed by [our] Creator with certain unalienable Rights,'' based on ''the Laws of Nature and of Nature's God,'' acknowledging our ''reliance on the protection of divine Providence.''

Many of our Nation's earliest settlers were people of faith, seeking a land in which they could freely practice their beliefs. The Puritans of New England, the Pennsylvania Quakers, and the Catholic founders of the Maryland Colony were all men and women who came to these shores in search of a haven for religious freedom. The Founding Fathers after them carried on that faithful torch by enshrining that freedom of religion in the very First Amendment to the U.S. Constitution, as well as ''the free exercise thereof.'' They knew that a nation founded on the belief in a higher power must encourage a faithful population.

When religious freedom is protected, communities thrive. Ample research shows that faith strengthens the family unit, promotes stable marriages, and discourages drug abuse and violence. Regular church attendance is linked to lifting young people in inner cities out of poverty, and faithful people tend to be happier and more satisfied in life.

The role of religious organizations in America is invaluable. An estimated 350,000 religious congregations operate schools, pregnancy resource centers, soup kitchens, drug addiction programs, homeless shelters, and adoption agencies throughout the Nation, with more than 2,600 of them in my state of Mississippi alone. These organizations selflessly care for their communities and deserve to be celebrated and uplifted for the work that they do.

Today, it is distressing that attacks against particular faith communities have become all too common. Individuals and charities alike have been forced to compromise their sincerely held beliefs to keep their jobs or participate in certain government programs. Worse, some Federal Agencies are promoting policies and regulations that make it harder for faith-based charities and social service organizations to care for the need.

It is a sad fact that, today, too many people of faith feel unsafe on their college campuses, in their workplaces, or where they worship as attacks against their communities rise. No religious American should be afraid to openly practice their faith in the land of the free. It is imperative that the American Government clearly state that such discriminatory actions and hateful attacks are intolerable and that they must be met with speech that unwaveringly speaks the truth and calls out evil for what it is. Attacks against faith, against the freedom of conscience, undermine the very foundation of America.

In a 2023 Gallup Poll, nearly three out of four Americans said they practice some kind of religious faith. This rich, diverse religious heritage is to our credit and should be encouraged. This Faith Month, I join millions of Americans in honoring the right to worship freely and openly, with public displays and celebrations, unashamed to share in our common American heritage as a people of faith. In this manner, we reaffirm our commitment to the religious liberty principles of our founding.●

TRIBUTE TO DR. JOLENE KOESTER

● Mr. PADILLA. Mr. President, on Thursday, April 4, the California State University, Northridge's—CSUN—''Soraya'' performing arts center honored the four-decade career of former CSUN president, Dr. Jolene Koester. I rise today to celebrate the tremendous contributions she has made to the California State University community and to California at large.

Dr. Jolene Koester was born in Plato, MN, as the eldest of five children. Dr. Koester was the daughter of an auto mechanic and a stay-at-home mom; both her parents had never finished high school. But even in a rural town where, as she says, girls ''were never encouraged to consider a future outside of the home,'' Dr. Koester dreamed bigger.

Early on, it was in the classroom where Dr. Koester found mentors, friends, and a passion for learning that would last her a lifetime. It is that same passion that carried her through her studies to earn a bachelor's degree from the University of Minnesota, a master's degree from the University of Wisconsin-Madison, and a Ph.D. in speech communication after returning home to Minnesota.

Despite hailing from a small, Midwest town that wouldn't even fill half of the performing arts center she would one day help build, Dr. Koester set out on what would become a 40-year career with the California State University system.

After starting as an assistant professor at California State University, Sacramento, Dr. Koester quickly rose through the ranks, holding various positions in the academic affairs division before being appointed to serve as provost and vice president for academic affairs in 1993. In 2000, Dr. Koester was appointed to become the fourth president of CSUN, one of the largest campuses in the CSU system and the only public university in the San Fernando Valley.

Under her leadership as president, she helped expand CSUN's student population by over 25 percent, increased retention and graduation rates, and opened their brandnew, state-of-the-art 1,700-seat performing arts center.

After retiring as president of CSUN in 2011, Dr. Koester made her return to the CSU system in 2022, when she was appointed to serve as the interim chancellor of the entire CSU system, the second woman ever to lead the 23-university system.

On a personal note, as a proud San Fernando Valley-native, I have seen Dr. Koester's genuine commitment to the San Fernando Valley. Appointed in the wake of the Northridge earthquake and following a decade of social and political unrest, Dr. Koester brought a vision and a resilience to campus that matched the hopes of our community. Her service and dedication to our community has made us proud.

Whether in a small town in Minnesota or at the largest 4-year public university system in the Nation, the guidance of one mentor or leader can change the trajectory of countless students' lives. For tens of thousands of students in California, Dr. Jolene Koester has been that leader.

CSU Northridge, the CSU system, and the entire State of California will always be grateful for her contributions.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Stringer, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 12:03 p.m., a message from the House of Representatives, delivered by Mrs. Alli, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 33. Concurrent resolution authorizing the use of the rotunda of the Capitol for the lying in honor of the remains of Ralph Puckett, Jr., the last surviving Medal of Honor recipient for acts performed during the Korean conflict.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4639. An act to amend section 2702 of title 18, United States Code, to prevent law enforcement and intelligence agencies from obtaining subscriber or customer records in exchange for anything of value, to address communications and records in the possession of intermediary internet service providers, and for other purposes.

H.R. 6323. An act to modify the availability of certain waiver authorities with respect to sanctions imposed with respect to the financial sector of Iran, and for other purposes.

ENROLLED BILL SIGNED

The message further announced that the Speaker has signed the following enrolled bill:

S. 382. An act to take certain land in the State of Washington into trust for the benefit of the Puyallup Tribe of the Puyallup Reservation, and for other purposes.

The bill was subsequently signed by the Acting President pro tempore (Ms. CANTWELL).

MEASURES REFERRED

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

H.R. 6323. An act to modify the availability of certain waiver authorities with respect to sanctions imposed with respect to the financial sector of Iran, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, April 18, 2024, she had presented to the President of the United States the following enrolled bill:

S. 382. An act to take certain land in the State of Washington into trust for the benefit of the Puyallup Tribe of the Puyallup Reservation, and for other purposes.

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–4109. A communication from the Chief of the Branch of Domestic Listing, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Threatened Species Status With Section 4(d) Rule for the Silverspot Butterfly'' (RIN1018–BE98) received in the Office of the President of the Senate on April 16, 2024; to the Committee on Environment and Public Works.

EC–4110. A communication from the Chief of the Branch of Domestic Listing, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Endangered Florida Bonneted Bat'' (RIN1018–BE10) received in the Office of the President of the Senate on April 16, 2024; to the Committee on Environment and Public Works.

EC–4111. A communication from the Biologist of the Branch of Domestic Listing, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Enhancement of Survival and Incidental Take Permits'' (RIN1018–BF99) received in the Office of the President of the Senate on April 11, 2024; to the Committee on Environment and Public Works.

EC–4112. A communication from the Manager of Delisting and Foreign Species, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Regulations Pertaining to Endangered and Threatened Wildlife and Plants'' (RIN1018–BF88) received in the Office of the President of the Senate on April 11, 2024; to the Committee on Environment and Public Works.

EC–4113. A communication from the Attorney Advisor, Great Lakes St. Lawrence Seaway Development Corp., Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Tariff of Tolls'' (RIN2135–AA56) received in the Office of the President of the Senate on April 11, 2024; to the Committee on Environment and Public Works.

EC–4114. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Advanced Reactor Content of Application Project/Technology-Inclusive Content of Application Project Guidance'' received in the Office of the President of the Senate on April 11, 2024; to the Committee on Environment and Public Works.

EC–4115. A communication from the Chair of the United States Nuclear Regulatory Commission, transmitting, pursuant to law, the Commission's Congressional Budget Justification for fiscal year 2025 received in the Office of the President pro tempore; to the Committee on Environment and Public Works.

EC–4116. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, a report entitled ''Updated Residential Soil Lead Guidance for CERCLA Sites and RCRA Corrective Action Facilities''; to the Committee on Environment and Public Works.

EC–4117. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, a report entitled ''Climate Pollution Reduction Grants Program: Formula Grants for Planning. Program Guidance for States, Municipalities, and Air Pollution Control Agencies''; to the Committee on Environment and Public Works.

EC–4118. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, a report entitled ''Climate Pollution Reduction Grants Program: Formula Grants for Planning. Program Guidance for Federally Recognized Tribes, Tribal Consortia, and U.S. Territories''; to the Committee on Environment and Public Works.

EC–4119. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, a report entitled ''Fiscal Year 2024 Allotments for the State Revolving Fund Provisions of the Bipartisan Infrastructure Law Base Program Funding''; to the Committee on Environment and Public Works.

EC–4120. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, a report entitled ''Interim Guidance on the Destruction and Disposal of Perfluoroalkyl and Polyfluoroalkyl Substances and Materials Containing Perfluoroalkyl and Polyfluoroalkyl Substances - Version 2 (2024)''; to the Committee on Environment and Public Works.

EC–4121. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, a report entitled ''Guidance for Vessel Sewage No-Discharge Zone Applications (Clean Water Act Section 312(f))''; to the Committee on Environment and Public Works.

EC–4122. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, a report entitled ''Guidance for Developing and Maintaining a Service Line Inventory''; to the Committee on Environment and Public Works.

EC–4123. A communication from the Chief of Legislative and Regulatory Staff, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Emergency Assistance for Livestock, Honey Bees, and Farm-Raised Fish Program (ELAP) Programs'' (RIN0560–AI63) received in the Office of the President of the Senate on April 11, 2024; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4124. A communication from the Chief of Legislative and Regulatory Staff, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Changes Related to Reserve Account Administration in Multi-Family Housing Direct Loan Programs'' (RIN0560–AD23) received in the Office of the President of the Senate on April 11, 2024; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4125. A communication from the Chief of Legislative and Regulatory Staff, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Section 538 Guaranteed Rural Rental Housing Program Change in Priority Projects Criteria'' (RIN0560–AD31) received in the Office of the President of the Senate on April 11, 2024; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4126. A communication from the Chief of Legislative and Regulatory Staff, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Hazelnuts Grown in Oregon and Washington; Decreased Assessment Rate'' (Docket No. AMS–SC–23–0034) received in the Office of the President of the Senate on April 11, 2024; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4127. A communication from the Chief of Legislative and Regulatory Staff, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Voluntary Labeling of FSIS–Regulated Products With U.S.-Origin Claims'' (RIN0560–AD87) received in the Office of the President of the Senate on April 11, 2024; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4128. A communication from the Chief of Legislative and Regulatory Staff, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Revision to Electric Program Operating Policies and Procedures'' (RIN0560–AC64) received in the Office of the President of the Senate on April 11, 2024; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4129. A communication from the Chief of Legislative and Regulatory Staff, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Highly Erodible Land and Wetland Conservation'' (RIN0560–AA65) received in the Office of the President of the Senate on April 11, 2024; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4130. A communication from the General Counsel, Farm Credit Administration, transmitting, pursuant to law, the report of a rule entitled ''Risk-Weighting of High Volatility Commercial Real Estate Exposures''

(RIN3052–AD42) received in the Office of the President of the Senate on April 17, 2024; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4131. A communication from the Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Local Food for Schools Cooperative Agreement Program'' (Docket No. USDA–AMS–10185–CPLFS000–22–0001) received in the Office of the President of the Senate on April 11, 2024; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4132. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Cyclaniliprole; Pesticide Tolerance'' (FRL No. 11855–01–OCSPP) received in the Office of the President of the Senate on April 17, 2024; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4133. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Silane, Hexadecyltrimethoxy-, Hydrolysis Products with Silica In Pesticide Formulations; Pesticide Tolerance Exemption'' (FRL No. 11813–01–OCSPP) received in the Office of the President of the Senate on April 16, 2024; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4134. A communication from the Program Analyst of Budget and Program Analysis, Food and Nutrition Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Special Supplemental Nutrition Program for Women, Infants, and Children (WIC): Revisions in the WIC Food Packages'' (RIN0584–AE82) received in the Office of the President of the Senate on April 16, 2024; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4135. A communication from the Chief of Legislative and Regulatory Staff, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Supplemental Dairy Margin Coverage Payment; Conservation Reserve Program; Dairy Indemnity Payment Program; Marketing Assistance Loans, Loan Deficiency Payments; Sugar Loans; and Oriental Fruit Fly Program'' (RIN0560–AI59) received in the Office of the President of the Senate on April 11, 2024; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4136. A communication from the Chief of Legislative and Regulatory Staff, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Agricultural Conservation Easement Program'' (RIN0578–AA66) received in the Office of the President of the Senate on April 11, 2024; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4137. A communication from the Chief of Legislative and Regulatory Staff, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Conservation Stewardship Program'' (RIN0578–AA67) received in the Office of the President of the Senate on April 11, 2024; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4138. A communication from the Chief of Legislative and Regulatory Staff, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Regional Conservation Partnership Program'' (RIN0578–AA70) received in the Office of the President of the Senate on April 11, 2024; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4139. A communication from the Chief of Legislative and Regulatory Staff, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Environmental Quality Incentives Program'' (RIN0578–AA68) received in the Office of the President of the Senate on April 11, 2024; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4140. A communication from the Chief of Legislative and Regulatory Staff, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Debt Management'' (RIN0560–AI16) received in the Office of the President of the Senate on April 11, 2024; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4141. A communication from the Chief of Legislative and Regulatory Staff, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Farm Loan Programs; Direct and Guaranteed Loan Changes, Certified Mediation Program, and Guaranteed Loans Maximum Interest Rates'' (RIN0560–AI59) received in the Office of the President of the Senate on April 11, 2024; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4142. A communication from the Chief of Legislative and Regulatory Staff, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Pandemic Assistance Programs and Agricultural Disaster Assistance Programs'' (RIN0503–AA75) received in the Office of the President of the Senate on April 11, 2024; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4143. A communication from the Chief of Legislative and Regulatory Staff, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Payment Limitation and Payment Eligibility'' (RIN0560–AI49) received in the Office of the President of the Senate on April 11, 2024; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4144. A communication from the Chief of Legislative and Regulatory Staff, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Agricultural Disaster Indemnity Programs - Quality Loss Adjustment Program'' (RIN0560–AI55) received in the Office of the President of the Senate on April 11, 2024; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4145. A communication from the Chief of Legislative and Regulatory Staff, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Milk Loss and Emergency Relief Program'' (RIN0560–AI64) received in the Office of the President of the Senate on April 11, 2024; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4146. A communication from the Chief of Legislative and Regulatory Staff, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Common Crop Insurance Regulations; Canola and Rapeseed Crop Insurance Provisions'' (RIN0563–AC66) received in the Office of the President of the Senate on April 11, 2024; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4147. A communication from the Chief of Legislative and Regulatory Staff, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Area Risk Protection Regulations; Common Crop Insurance Policy Basic Provisions; Coarse Grains Crop Insurance Provisions'' (RIN0563–AC69) received in the Office of the President of the Senate on April 11, 2024; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4148. A communication from the Chief of Legislative and Regulatory Staff, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Common Crop Insurance Regulations; Dry Pea Crop Insurance Provisions'' (RIN0563–AC68) received in the Office of the President of the Senate on April 11, 2024; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4149. A communication from the Chief of Legislative and Regulatory Staff, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Area Risk Protection Insurance Regulations; Common Crop Insurance Policy Basic Provisions; Common Crop Insurance Regulations, Sunflower Seed Crop Insurance Provisions; and Common Crop Insurance Regulations, Dry Pea Crop Insurance Provisions'' (RIN0563–AC70) received in the Office of the President of the Senate on April 11, 2024; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4150. A communication from the Chief of Legislative and Regulatory Staff, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Northern Potato Crop Insurance - Quality Endorsement; Northern Potato Crop Insurance - Processing Quality Endorsement; Potato Crop Insurance - Certified Seed Endorsement; and Northern Potato Crop Insurance - Storage Coverage Endorsement'' (RIN0563–AC71) received in the Office of the President of the Senate on April 11, 2024; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4151. A communication from the Chief of Legislative and Regulatory Staff, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Common Crop Insurance Regulations; Dry Pea Crop Insurance Provisions and Dry Beans Crop Insurance Provisions'' (RIN0563–AC72) received in the Office of the President of the Senate on April 11, 2024; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4152. A communication from the Chief of Legislative and Regulatory Staff, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Common Crop Insurance Regulations; Small Grain Crop Insurance Provisions'' (RIN0563–AC73) received in the Office of the President of the Senate on April 11, 2024; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4153. A communication from the Chief of Legislative and Regulatory Staff, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Area Risk Protection Insurance Regulations and Common Crop Insurance Policy Basic Provisions'' (RIN0563–AC74) received in the Office of the President of the Senate on April 11, 2024; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4154. A communication from the Chief of Legislative and Regulatory Staff, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''General Administrative Regulations, Administrative Remedies for Non-Compliance; Area Risk Protection Insurance Regulations; Common Crop Insurance Policy, Basic Provisions; Common Crop Insurance Regulations, Sunflower Seed Crop Insurance Provisions; Common Crop Insurance Regulations, Coarse

Grains Crop Insurance Provisions; and Common Crop Insurance Regulations, Dry Bean Crop Insurance Provisions'' (RIN0563–AC76) received in the Office of the President of the Senate on April 11, 2024; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4155. A communication from the Chief of Legislative and Regulatory Staff, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Pandemic Cover Crop Program'' (RIN0563–AC77) received in the Office of the President of the Senate on April 11, 2024; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4156. A communication from the Chief of Legislative and Regulatory Staff, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Increasing Crop Insurance Flexibility for Sugar Beets'' (RIN0563–AC81) received in the Office of the President of the Senate on April 11, 2024; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4157. A communication from the Chief of Legislative and Regulatory Staff, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Crop Insurance Reporting and Other Changes'' (RIN0563–AC79) received in the Office of the President of the Senate on April 11, 2024; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4158. A communication from the Chief of Legislative and Regulatory Staff, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Small Grains and Processing Sweet Corn Crop Insurance Improvements'' (RIN0563–AC82) received in the Office of the President of the Senate on April 11, 2024; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4159. A communication from the Chief of Legislative and Regulatory Staff, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Walnut Crop Insurance Provisions'' (RIN0560–AC80) received in the Office of the President of the Senate on April 11, 2024; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4160. A communication from the Chief of Legislative and Regulatory Staff, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Heirs' Property Relending Program, Improving Farm Loan Program Delivery, and Streamlining Oversight Activities'' (RIN0560–AI44) received in the Office of the President of the Senate on April 11, 2024; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4161. A communication from the Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Inclusive Competition and Market Integrity Under the Packers and Stockyards Act'' ((RIN0581–AE05) (Docket No. AMS–FTPP–21–0045)) received in the Office of the President of the Senate on April 11, 2024; to the Committee on Agriculture, Nutrition, and Forestry.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. DURBIN for the Committee on the Judiciary.

Nancy L. Maldonado, of Illinois, to be United States Circuit Judge for the Seventh Circuit.

Georgia N. Alexakis, of Illinois, to be United States District Judge for the Northern District of Illinois.

Krissa M. Lanham, of Arizona, to be United States District Judge for the District of Arizona.

Angela M. Martinez, of Arizona, to be United States District Judge for the District of Arizona.

Sparkle L. Sooknanan, of the District of Columbia, to be United States District Judge for the District of Columbia.

Claria Horn Boom, of Kentucky, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2029.

John Gleeson, of New York, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2029.

Matthew L. Gannon, of Iowa, to be United States Attorney for the Northern District of Iowa for the term of four years.

David C. Waterman, of Iowa, to be United States Attorney for the Southern District of Iowa for the term of four years.

Gary D. Grimes, Sr., of Arkansas, to be United States Marshal for the Western District of Arkansas for the term of four years.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Ms. DUCKWORTH (for herself and Mr. BOOKER):

S. 4156. A bill to require the Bureau of Prisons to submit to Congress an annual summary report of disaster damage, and for other purposes; to the Committee on the Judiciary.

By Mr. PADILLA (for himself and Mr. TILLIS):

S. 4157. A bill to amend the Water Resources Development Act of 1986 to improve compensatory mitigation, and for other purposes; to the Committee on Environment and Public Works.

By Mr. PETERS (for himself, Ms. STABENOW, Ms. BALDWIN, Mr. SCHATZ, Mr. BLUMENTHAL, Ms. KLOBUCHAR, and Mr. CARDIN):

S. 4158. A bill to direct the Federal Communications Commission to take certain actions to increase diversity of ownership in the broadcasting industry, and for other purposes; to the Committee on Finance.

By Mr. CORNYN (for himself and Mr. MURPHY):

S. 4159. A bill to amend the Public Health Service Act to encourage qualified individuals to enter the forensic pathology workforce, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. LUMMIS (for herself, Ms. HASSAN, Mr. BARRASSO, and Mrs. SHAHEEN):

S. 4160. A bill to limit the closure or consolidation of any United States Postal Service processing and distribution center in States, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Ms. ROSEN:

S. 4161. A bill to authorize the Attorney General to make grants to States, units of local government, and Indian Tribes to reduce the financial and administrative burden of expunging convictions for cannabis offenses, and for other purposes; to the Committee on the Judiciary.

By Mr. RUBIO (for himself and Mr. SCOTT of Florida):

S. 4162. A bill to ensure that certain permit approvals by the Environmental Protection Agency have the force and effect of law, and for other purposes; to the Committee on Environment and Public Works.

By Mr. RISCH (for himself, Mr. COTTON, Mr. CRAPO, Mr. CASSIDY, Mr. KENNEDY, Mr. CRAMER, Mr. DAINES, Mr. RUBIO, Mr. HAGERTY, Mrs. FISCHER, Mr. CORNYN, Mr. SCOTT of Florida, and Mr. ROUNDS):

S. 4163. A bill to require a report on the United States supply of nitrocellulose; to the Committee on Armed Services.

By Mr. DURBIN (for himself and Ms. DUCKWORTH):

S. 4164. A bill to authorize the Secretary of the Interior to conduct a special resource study of the Cahokia Mounds and surrounding land in the States of Illinois and Missouri, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. COTTON (for himself, Mr. TILLIS, Ms. ERNST, Ms. LUMMIS, and Mr. BOOZMAN):

S. 4165. A bill to require the national instant criminal background check system to notify U.S. Immigration and Customs Enforcement and the relevant State and local law enforcement agencies whenever information contained in the system indicates that an alien who is illegally or unlawfully in the United States attempted to receive a firearm; to the Committee on the Judiciary.

By Ms. KLOBUCHAR (for herself and Mr. YOUNG):

S. 4166. A bill to authorize reimbursement to applicants for uniformed military service for co-payments of medical appointments required as part of the Military Entrance Processing Station (MEPS) process; to the Committee on Armed Services.

By Mr. BLUMENTHAL (for himself, Mr. MERKLEY, Ms. HIRONO, Mr. WELCH, Mr. WYDEN, Mr. WHITEHOUSE, and Mr. BOOKER):

S. 4167. A bill to amend title 28, United States Code, to provide an Inspector General for the judicial branch, and for other purposes; to the Committee on the Judiciary.

By Ms. BUTLER (for herself, Ms. COLLINS, Mr. KING, Mr. HEINRICH, Mr. BOOKER, Mr. LUJÁN, Mr. BENNET, Mr. WELCH, Mr. SANDERS, and Mr. PADILLA):

S. 4168. A bill to amend the Specialty Crops Competitiveness Act of 2004 to extend and enhance the specialty crop block grants program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. KAINE:

S. 4169. A bill to establish and support primary care team education centers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WARNOCK:

S. 4170. A bill to amend the Agricultural Act of 2014 to modify provisions relating to base acres, loan rates, and textile mills, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BLUMENTHAL:

S. 4171. A bill to amend the Natural Gas Act to protect consumers from excessive rates, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KELLY (for himself, Mr. PADILLA, Ms. SINEMA, Mr. HEINRICH, and Ms. ROSEN):

S. 4172. A bill to provide for water conservation, drought operations, and drought resilience at water resources development projects, and for other purposes; to the Committee on Environment and Public Works.

By Mrs. GILLIBRAND:

S. 4173. A bill to establish effluent limitations guidelines and standards and water

quality criteria for perfluoroalkyl and polyfluoroalkyl substances under the Federal Water Pollution Control Act, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SCHMITT (for himself and Mr. OSSOFF):

S. 4174. A bill to amend title IV of the Public Health Service Act to direct the Secretary of Health and Human Services to establish a clearinghouse on intellectual disabilities, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEE (for himself and Mr. ROMNEY):

S. 4175. A bill to reauthorize the Radiation Exposure Compensation Act; to the Committee on the Judiciary.

By Mr. TESTER (for himself, Mr. MORAN, Mrs. MURRAY, Mr. CORNYN, Mr. BLUMENTHAL, Mr. MURPHY, Ms. ROSEN, Ms. CORTEZ MASTO, Mr. WYDEN, Mr. MERKLEY, Mr. PADILLA, and Ms. BUTLER):

S. 4176. A bill to authorize major medical facility projects for the Department of Veterans Affairs for fiscal year 2024, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. FISCHER (for herself, Mr. WICKER, and Mr. KING):

S. 4177. A bill to implement the recommendations of the final report of the Congressional Commission on the Strategic Posture of the United States, and for other purposes; to the Committee on Armed Services.

By Ms. CANTWELL (for herself, Mr. YOUNG, Mr. HICKENLOOPER, and Mrs. BLACKBURN):

S. 4178. A bill to establish artificial intelligence standards, metrics, and evaluation tools, to support artificial intelligence research, development, and capacity building activities, to promote innovation in the artificial intelligence industry by ensuring companies of all sizes can succeed and thrive, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CORNYN (for himself, Mrs. SHAHEEN, Mr. COONS, and Mr. SCOTT of South Carolina):

S. 4179. A bill to extend and modify the lend-lease authority to Ukraine; to the Committee on Foreign Relations.

By Mr. SULLIVAN (for himself and Mr. KELLY):

S. 4180. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to allow for brownfield revitalization funding eligibility for Alaska Native Tribes, and for other purposes; to the Committee on Environment and Public Works.

By Mr. PETERS (for himself and Mr. CASSIDY):

S. 4181. A bill to require the development of a workforce plan for the Federal Emergency Management Agency; to the Committee on Homeland Security and Governmental Affairs.

By Mr. MERKLEY (for himself and Mr. WYDEN):

S. 4182. A bill to authorize appropriations for certain agricultural research of the Department of Agriculture, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CORNYN (for himself and Mr. CASEY):

S. 4183. A bill to amend the Homeland Security Act of 2002 relating to authority of U.S. Customs and Border Protection to consolidate, modify, or reorganize Customs revenue functions; to the Committee on Finance.

By Mr. LEE:

S. 4184. A bill to amend the Federal Land Policy and Management Act of 1976 to authorize the Secretary of the Interior and the Secretary of Agriculture to enter into cooperative agreements with States to provide for State administration of allotment management plans; to the Committee on Energy and Natural Resources.

By Mr. MERKLEY (for himself, Mr. MARKEY, and Mr. SANDERS):

S. 4185. A bill to authorize appropriations for climate financing, and for other purposes; to the Committee on Foreign Relations.

By Mr. WELCH (for himself, Mr. MERKLEY, Mr. BOOKER, and Mr. VAN HOLLEN):

S. 4186. A bill to eliminate toxic substances in beverage containers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DURBIN:

S. 4187. A bill to phase out production of nonessential uses of perfluoroalkyl or polyfluoroalkyl substances, to prohibit releases of all perfluoroalkyl or polyfluoroalkyl substances, and for other purposes; to the Committee on Environment and Public Works.

By Ms. WARREN (for herself, Mr. MERKLEY, Mr. MARKEY, and Mr. SANDERS):

S. 4188. A bill to amend the Commodity Exchange Act to prohibit trading of water and water rights for future delivery, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. BUTLER (for herself and Mr. MARKEY):

S. 4189. A bill to establish youth advisory councils for the purpose of providing recommendations to the Environmental Protection Agency, Department of the Interior, Department of Energy, Department of Agriculture, and Department of Commerce with respect to environmental issues as those issues relate to youth communities, and for other purposes; to the Committee on Environment and Public Works.

By Ms. CORTEZ MASTO:

S. 4190. A bill to require the Federal Energy Regulatory Commission to promulgate regulations that accelerate the interconnection of electric generation and storage resources to the transmission system through more efficient and effective interconnection procedures; to the Committee on Energy and Natural Resources.

By Mr. LUJÁN (for himself and Mr. SULLIVAN):

S. 4191. A bill to require the Secretary of Commerce to create regional wildland fire research centers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. STABENOW (for herself and Ms. COLLINS):

S. 4192. A bill to amend title II of the Social Security Act to permit disabled individuals to elect to receive disability insurance benefits during the disability insurance benefit waiting period, and for other purposes; to the Committee on Finance.

By Mr. HEINRICH:

S. 4193. A bill to amend the Food Security Act of 1985 to improve wildlife habitat connectivity and wildlife migration corridors, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BOOKER (for himself, Mr. MERKLEY, Mr. VAN HOLLEN, Mr. SANDERS, Mr. DURBIN, Mr. WELCH, and Mr. MARKEY):

S. 4194. A bill to require the Administrator of the Environmental Protection Agency to carry out certain activities to protect communities from the harmful effects of plastics, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SANDERS (for himself, Mr. BOOKER, and Mr. WELCH):

S. 4195. A bill to require warning labels on sugar-sweetened foods and beverages, foods and beverages containing non-sugar sweeteners, ultra-processed foods, and foods high in nutrients of concern, such as added sugar, saturated fat, or sodium, to restrict junk food advertising to children, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. COONS (for himself and Mr. YOUNG):

S. 4196. A bill to amend the National and Community Service Act of 1990 to establish an Office of Civic Bridgebuilding within the Corporation for National and Community Service, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. RUBIO (for himself, Mr. COTTON, Mr. MARSHALL, Mr. HAWLEY, Mr. SCOTT of Florida, Mrs. BRITT, Mrs. HYDE-SMITH, and Mrs. BLACKBURN):

S.J. Res. 73. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the multiple agencies relating to ''Partnerships With Faith-Based and Neighborhood Organizations''; to the Committee on Homeland Security and Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MARKEY:

S. Res. 648. A resolution proclaiming a Declaration of Environmental Rights for Incarcerated People; to the Committee on the Judiciary.

By Mr. WELCH:

S. Res. 649. A resolution raising awareness of lake sturgeon (Acipenser fulvescens); to the Committee on Environment and Public Works.

By Mr. WHITEHOUSE (for himself, Mr. WICKER, Mr. REED, and Mrs. HYDE-SMITH):

S. Res. 650. A resolution recognizing the anniversary of the establishment of the United States Naval Construction Force, known as the ''Seabees'', and the tremendous sacrifices and contributions by the Seabees who have fought and served on behalf of our country; to the Committee on Armed Services.

By Mr. SCHATZ (for himself, Mr. FETTERMAN, Mr. BLUMENTHAL, Ms. CANTWELL, Mr. PADILLA, Mr. WELCH, Ms. KLOBUCHAR, Mr. WYDEN, Mr. DURBIN, Mr. WARNER, Mr. KELLY, Mr. KING, and Ms. BUTLER):

S. Res. 651. A resolution designating April 2024 as ''Preserving and Protecting Local News Month'' and recognizing the importance and significance of local news; to the Committee on the Judiciary.

By Ms. KLOBUCHAR (for herself and Mr. CRAMER):

S. Res. 652. A resolution designating April 2024 as ''Second Chance Month''; to the Committee on the Judiciary.

By Ms. BALDWIN (for herself, Mr. BLUMENTHAL, Mr. KING, Ms. DUCKWORTH, and Ms. BUTLER):

S. Res. 653. A resolution recognizing the 54th anniversary of Earth Day and the leadership of its founder, Senator Gaylord Nelson; to the Committee on Environment and Public Works.

By Mr. CARDIN (for himself, Ms. DUCKWORTH, Mr. MERKLEY, Mr. BOOKER, and Mr. VAN HOLLEN):

S. Res. 654. A resolution expressing concern about the elevated levels of lead in one-

third of the world's children and the global causes of lead exposure, and calling for the inclusion of lead exposure prevention in global health, education, and environment programs abroad; to the Committee on Foreign Relations.

By Mr. BLUMENTHAL (for himself, Mr. MURPHY, Mr. SCHUMER, Mr. MCCONNELL, Ms. BALDWIN, Mr. BARRASSO, Mr. BENNET, Mrs. BLACKBURN, Mr. BOOKER, Mr. BOOZMAN, Mr. BRAUN, Mrs. BRITT, Mr. BROWN, Mr. BUDD, Ms. BUTLER, Ms. CANTWELL, Mrs. CAPITO, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CASSIDY, Ms. COLLINS, Mr. COONS, Mr. CORNYN, Ms. CORTEZ MASTO, Mr. COTTON, Mr. CRAMER, Mr. CRAPO, Mr. CRUZ, Mr. DAINES, Ms. DUCKWORTH, Mr. DURBIN, Ms. ERNST, Mr. FETTERMAN, Mrs. FISCHER, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mr. HAGERTY, Ms. HASSAN, Mr. HAWLEY, Mr. HEINRICH, Mr. HICKENLOOPER, Ms. HIRONO, Mr. HOEVEN, Mrs. HYDE-SMITH, Mr. JOHNSON, Mr. KAINE, Mr. KELLY, Mr. KENNEDY, Mr. KING, Ms. KLOBUCHAR, Mr. LANKFORD, Mr. LEE, Mr. LUJÁN, Ms. LUMMIS, Mr. MANCHIN, Mr. MARKEY, Mr. MARSHALL, Mr. MENENDEZ, Mr. MERKLEY, Mr. MORAN, Mr. MULLIN, Ms. MURKOWSKI, Mrs. MURRAY, Mr. OSSOFF, Mr. PADILLA, Mr. PAUL, Mr. PETERS, Mr. REED, Mr. RICKETTS, Mr. RISCH, Mr. ROMNEY, Ms. ROSEN, Mr. ROUNDS, Mr. RUBIO, Mr. SANDERS, Mr. SCHATZ, Mr. SCHMITT, Mr. SCOTT of Florida, Mr. SCOTT of South Carolina, Mrs. SHAHEEN, Ms. SINEMA, Ms. SMITH, Ms. STABENOW, Mr. SULLIVAN, Mr. TESTER, Mr. THUNE, Mr. TILLIS, Mr. TUBERVILLE, Mr. VAN HOLLEN, Mr. VANCE, Mr. WARNER, Mr. WARNOCK, Ms. WARREN, Mr. WELCH, Mr. WHITEHOUSE, Mr. WICKER, Mr. WYDEN, and Mr. YOUNG):

S. Res. 655. A resolution honoring the life of Joseph Isadore Lieberman, former Senator for the State of Connecticut; considered and agreed to.

By Mr. PETERS (for himself and Ms. CANTWELL):

S. Res. 656. A resolution supporting the goals and ideals of National Safe Digging Month; to the Committee on Commerce, Science, and Transportation.

ADDITIONAL COSPONSORS

S. 173

At the request of Mr. BLUMENTHAL, the name of the Senator from Georgia (Mr. WARNOCK) was added as a cosponsor of S. 173, a bill to amend chapter 44 of title 18, United States Code, to require the safe storage of firearms, and for other purposes.

S. 363

At the request of Mrs. FISCHER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 363, a bill to award a Congressional Gold Medal, collectively, to the individuals and communities who volunteered or donated items to the North Platte Canteen in North Platte, Nebraska, during World War II from December 25, 1941, to April 1, 1946.

S. 662

At the request of Ms. ROSEN, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of S. 662, a bill to amend the Workforce Innovation and Opportunity Act to create a new national program to support mid-career workers, including workers from underrepresented populations, in reentering the STEM workforce, by providing funding to small- and medium-sized STEM businesses so the businesses can offer paid internships or other returnships that lead to positions above entry level.

S. 740

At the request of Mr. BOOZMAN, the name of the Senator from Georgia (Mr. OSSOFF) was added as a cosponsor of S. 740, a bill to amend title 38, United States Code, to reinstate criminal penalties for persons charging veterans unauthorized fees relating to claims for benefits under the laws administered by the Secretary of Veterans Affairs, and for other purposes.

S. 789

At the request of Mr. VAN HOLLEN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 789, a bill to require the Secretary of the Treasury to mint a coin in recognition of the 100th anniversary of the United States Foreign Service and its contribution to United States diplomacy.

S. 815

At the request of Mr. TESTER, the name of the Senator from Florida (Mr. SCOTT) 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. 1007

At the request of Mr. MARKEY, the name of the Senator from Nevada (Ms. CORTEZ MASTO) was added as a cosponsor of S. 1007, a bill to establish in the Bureau of Democracy, Human Rights, and Labor of the Department of State a Special Envoy for the Human Rights of LGBTQI+ Peoples, and for other purposes.

S. 1064

At the request of Mrs. CAPITO, the names of the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Delaware (Mr. COONS) and the Senator from Vermont (Mr. WELCH) were added as cosponsors of S. 1064, a bill to direct the Secretary of Health and Human Services to carry out a national project to prevent and cure Parkinson's, to be known as the National Parkinson's Project, and for other purposes.

S. 1206

At the request of Mr. BOOKER, the name of the Senator from California (Ms. BUTLER) was added as a cosponsor of S. 1206, a bill to amend the Religious Freedom Restoration Act of 1993 to protect civil rights and otherwise prevent meaningful harm to third parties, and for other purposes.

S. 1274

At the request of Mrs. FISCHER, the name of the Senator from Georgia (Mr. WARNOCK) was added as a cosponsor of S. 1274, a bill to permanently exempt payments made from the Railroad Unemployment Insurance Account from sequestration under the Balanced Budget and Emergency Deficit Control Act of 1985.

S. 1829

At the request of Mr. RUBIO, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 1829, a bill to impose sanctions with respect to persons engaged in the import of petroleum from the Islamic Republic of Iran, and for other purposes.

S. 1924

At the request of Mr. MARKEY, the name of the Senator from Nevada (Ms. CORTEZ MASTO) was added as a cosponsor of S. 1924, a bill to protect human rights and enhance opportunities for LGBTQI people around the world, and for other purposes.

S. 2223

At the request of Mr. CORNYN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2223, a bill to amend the Food, Conservation, and Energy Act of 2008 to provide families year-round access to nutrition incentives under the Gus Schumacher Nutrition Incentive Program, and for other purposes.

S. 2407

At the request of Mr. CARPER, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 2407, a bill to amend title XVIII of the Social Security Act to provide for the coordination of programs to prevent and treat obesity, and for other purposes.

S. 2488

At the request of Mr. SANDERS, the name of the Senator from California (Ms. BUTLER) was added as a cosponsor of S. 2488, a bill to provide for increases in the Federal minimum wage, and for other purposes.

S. 2626

At the request of Mr. RUBIO, the name of the Senator from Wisconsin (Ms. BALDWIN) 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. 2682

At the request of Mr. WARNOCK, the name of the Senator from Georgia (Mr. OSSOFF) was added as a cosponsor of S. 2682, a bill to amend the Agricultural Act of 2014 with respect to the tree assistance program, and for other purposes.

S. 2768

At the request of Mr. MANCHIN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2768, a bill to protect hospital personnel from violence, and for other purposes.

S. 2791

At the request of Mr. CRUZ, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 2791, a bill to amend title 14,

United States Code, to make appropriations for Coast Guard pay in the event an appropriations Act expires before the enactment of a new appropriations Act, and for other purposes.

S. 2901

At the request of Ms. KLOBUCHAR, the names of the Senator from Maine (Mr. KING) and the Senator from West Virginia (Mrs. CAPITO) were added as cosponsors of S. 2901, a bill to amend the Higher Education Act of 1965 to require institutions of higher education to disclose hazing incidents, and for other purposes.

S. 2936

At the request of Ms. BALDWIN, the name of the Senator from California (Mr. PADILLA) was added as a cosponsor of S. 2936, a bill to establish as a permanent program the organic market development grant program of the Department of Agriculture.

S. 3071

At the request of Ms. HASSAN, the name of the Senator from South Dakota (Mr. ROUNDS) was added as a cosponsor of S. 3071, a bill to amend section 324 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act to incentivize States, Indian Tribes, and Territories to close disaster recovery projects by authorizing the use of excess funds for management costs for other disaster recovery projects.

S. 3348

At the request of Mr. SULLIVAN, the names of the Senator from California (Ms. BUTLER), the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Louisiana (Mr. CASSIDY) were added as cosponsors of S. 3348, a bill to amend the Harmful Algal Blooms and Hypoxia Research and Control Act of 1998 to address harmful algal blooms, and for other purposes.

S. 3362

At the request of Mr. TILLIS, the name of the Senator from Florida (Mr. SCOTT) was added as a cosponsor of S. 3362, a bill to amend the Higher Education Act of 1965 to require additional information in disclosures of foreign gifts and contracts from foreign sources, restrict contracts with certain foreign entities and foreign countries of concern, require certain staff and faculty to report foreign gifts and contracts, and require disclosure of certain foreign investments within endowments.

S. 3556

At the request of Ms. KLOBUCHAR, the names of the Senator from West Virginia (Mr. MANCHIN), the Senator from Alaska (Mr. SULLIVAN) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 3556, a bill to direct the Federal Communications Commission to issue reports after activation of the Disaster Information Reporting System and to make improvements to network outage reporting, to categorize public safety telecommunicators as a protective service occupation under the Standard Occupational Classification system, and for other purposes.

S. 3561

At the request of Ms. ROSEN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 3561, a bill to protect consumers from price gouging of residential rental and sale prices, and for other purposes.

S. 3755

At the request of Mr. RUBIO, the names of the Senator from Kansas (Mr. MARSHALL) and the Senator from Kansas (Mr. MORAN) were added as cosponsors of S. 3755, a bill to amend the CARES Act to remove a requirement on lessors to provide notice to vacate, and for other purposes.

S. 3766

At the request of Mr. TILLIS, the names of the Senator from Louisiana (Mr. CASSIDY) and the Senator from Minnesota (Ms. SMITH) were added as cosponsors of S. 3766, a bill to amend title XVIII of the Social Security Act to provide for outreach and education to Medicare benefeciaries to simplify access to information for family caregivers through 1–800–MEDICARE, and for other purposes.

S. 3775

At the request of Ms. COLLINS, the names of the Senator from Massachusetts (Mr. MARKEY), the Senator from Georgia (Mr. WARNOCK), the Senator from Idaho (Mr. CRAPO) and the Senator from South Dakota (Mr. ROUNDS) 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. 3834

At the request of Mr. RUBIO, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 3834, a bill to direct the Secretary of Veterans Affairs to ensure veterans may obtain a physical copy of a form for reimbursement of certain travel expenses by mail or at medical facilities of the Department of Veterans Affairs, and for other purposes.

S. 3874

At the request of Mr. RUBIO, the name of the Senator from Missouri (Mr. HAWLEY) was added as a cosponsor of S. 3874, a bill to impose sanctions with respect to foreign support for terrorist organizations in Gaza and the West Bank, and for other purposes.

S. 3953

At the request of Mr. TESTER, the name of the Senator from New Mexico (Mr. LUJÁN) was added as a cosponsor of S. 3953, a bill to make demonstration grants to eligible local educational agencies or consortia of eligible local educational agencies for the purpose of increasing the numbers of school nurses in public elementary schools and secondary schools.

S. 4047

At the request of Mr. TESTER, the name of the Senator from Nevada (Ms. CORTEZ MASTO) was added as a cosponsor of S. 4047, a bill to increase, effective as of December 1, 2024, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes.

S. 4051

At the request of Mr. LEE, the name of the Senator from Alabama (Mr. TUBERVILLE) 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. 4072

At the request of Mr. CRAPO, the name of the Senator from South Dakota (Mr. ROUNDS) was added as a cosponsor of S. 4072, a bill to prohibit the use of funds to implement, administer, or enforce certain rules of the Environmental Protection Agency.

S. 4153

At the request of Mr. BOOKER, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 4153, a bill to require the Environmental Protection Agency to assess the lifecycle greenhouse gas emissions associated with the forest biomass combustion for electricity when developing relevant rules and regulations and to carry out a study on the impacts of the forest biomass industry, and for other purposes.

S.J. RES. 63

At the request of Mr. CASSIDY, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S.J. Res. 63, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Labor relating to ''Employee or Independent Contractor Classification Under the Fair Labor Standards Act''.

S.J. RES. 70

At the request of Mr. SCOTT of South Carolina, the names of the Senator from Alabama (Mr. TUBERVILLE) and the Senator from Utah (Mr. LEE) were added as cosponsors of S.J. Res. 70, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Bureau of Consumer Financial Protection relating to ''Credit Card Penalty Fees (Regulation Z)''.

S.J. RES. 72

At the request of Mr. SCOTT of South Carolina, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S.J. Res. 72, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Securities and Exchange Commission relating to ''The Enhancement and Standardization of Climate-Related Disclosures for Investors''.

S. RES. 158

At the request of Mr. PETERS, the name of the Senator from Pennsylvania (Mr. FETTERMAN) was added as a cosponsor of S. Res. 158, a resolution condemning the deportation of children from Ukraine to the Russian Federation and the forcible transfer of children within territories of Ukraine that are temporarily occupied by Russian forces.

S. RES. 466

At the request of Ms. MURKOWSKI, the name of the Senator from Indiana (Mr. YOUNG) was added as a cosponsor of S. Res. 466, a resolution calling upon the United States Senate to give its advice and consent to the ratification of the United Nations Convention on the Law of the Sea.

At the request of Ms. HIRONO, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. Res. 466, supra.

S. RES. 569

At the request of Mr. COONS, the names of the Senator from Hawaii (Ms. HIRONO) and the Senator from Florida (Mr. RUBIO) were added as cosponsors of S. Res. 569, a resolution recognizing religious freedom as a fundamental right, expressing support for international religious freedom as a cornerstone of United States foreign policy, and expressing concern over increased threats to and attacks on religious freedom around the world.

S. RES. 599

At the request of Mr. TILLIS, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of S. Res. 599, a resolution protecting the Iranian political refugees, including female former political prisoners, in Ashraf-3 in Albania.

S. RES. 628

At the request of Mr. SCHATZ, the name of the Senator from California (Mr. PADILLA) was added as a cosponsor 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 LGBTIQI+ young people, in K–12 schools.

S. RES. 638

At the request of Mr. MCCONNELL, the names of the Senator from Alabama (Mrs. BRITT), the Senator from North Carolina (Mr. BUDD), the Senator from West Virginia (Mrs. CAPITO), the Senator from Idaho (Mr. CRAPO), the Senator from Montana (Mr. DAINES), the Senator from Nebraska (Mrs. FISCHER), the Senator from South Carolina (Mr. GRAHAM), the Senator from Tennessee (Mr. HAGERTY), the Senator from North Dakota (Mr. HOEVEN), the Senator from Oklahoma (Mr. LANKFORD), the Senator from Kansas (Mr. MORAN), the Senator from Idaho (Mr. RISCH), the Senator from South Dakota (Mr. ROUNDS) and the Senator from North Carolina (Mr. TILLIS) were added as cosponsors 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.

AMENDMENT NO. 1820

At the request of Mr. WYDEN, the names of the Senator from Massachusetts (Mr. MARKEY), the Senator from Kansas (Mr. MARSHALL), the Senator from New Jersey (Mr. BOOKER), the Senator from Utah (Mr. LEE), the Senator from Hawaii (Ms. HIRONO) and the Senator from Missouri (Mr. HAWLEY) were added as cosponsors of amendment No. 1820 intended to be proposed to H.R. 7888, a bill to reform the Foreign Intelligence Surveillance Act of 1978.

AMENDMENT NO. 1822

At the request of Mr. MERKLEY, the name of the Senator from Kansas (Mr. MARSHALL) was added as a cosponsor of amendment No. 1822 intended to be proposed to H.R. 7888, a bill to reform the Foreign Intelligence Surveillance Act of 1978.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PADILLA (for himself and Mr. TILLIS):

S. 4157. A bill to amend the Water Resources Development Act of 1986 to improve compensatory mitigation, and for other purposes; to the Committee on Environment and Public Works.

Mr. PADILLA. Madam President, I rise to introduce bipartisan legislation that aims to improve flexibility around compensatory and environmental mitigation for U.S Army Corps of Engineers Civil Works infrastructure projects. This legislation would provide the Army Corps with the authority to contract with a third-party provider for the full-scale delivery of compensatory mitigation for Civil Works projects.

Compensatory mitigation refers to the restoration, establishment, enhancement, or preservation of wetlands, streams, or other aquatic resources for the purpose of offsetting unavoidable adverse impacts authorized by Clean Water Act section 404 permits and other Department of the Army permits. Not only does the Army Corps require Clean Water Act permittees to mitigate for discharges into U.S. waters, the Corps itself must also mitigate for impacts from Civil Works flood control, navigation, and water supply projects

U.S. Army Corps of Engineers Civil Works projects often impact jurisdictional waters under the Clean Water Act or terrestrial and aquatic species which require mitigation offsets. However, since 2015, the Corps has started or completed an average of just 58 percent of its required annual mitigation, which means about 42 percent of Civil Works projects have been constructed without their impacts timely addressed through mitigation, according to annual status reports on construction projects requiring mitigation.

The urgent need to improve the delivery and durability of mitigation alongside Civil Works projects is even greater in California's Sacramento region, which is one of the most at-risk areas for flooding in the United States due to its location at the confluence of and within the floodplain of the American and Sacramento Rivers.

American River Common Features is a Corps Civil Works flood control project that is critical to protect the growing city of Sacramento and surrounding areas. However, due to a mitigation bank credit shortage in the Sacramento Region, there are no available credits to offset the projects impacts for the Corps, and the inability to directly contract with a third-party risks delaying construction of this critical public safety project.

This legislation would allow the Corps to directly contract with a third-party for the use of permittee-responsible compensatory mitigation, mitigation banks, and in-lieu programs, and apply performance standards and criteria outlined by the U.S. Army Corps of Engineers, DoD, and U.S. Environmental Protection Agency regulations issued in 2008 to improve the quality and success of compensatory mitigation projects for activities authorized by Department of the Army permits.

As stated in the Federal Register, ''This rule improves the planning, implementation and management of compensatory mitigation projects by emphasizing a watershed approach in selecting compensatory mitigation project locations, requiring measurable, enforceable ecological performance standards and regular monitoring for all types of compensation and specifying the components of a complete compensatory mitigation plan, including assurances of long-term protection of compensation sites, financial assurances, and identification of the parties responsible for specific project tasks.''

While the bill does not require Corps Civil Works to utilize this authority, clarifying the Corps' authority to directly contract with third-parties, as this legislation does, would improve the delivery and durability of compensatory mitigation projects for Civil Works projects across the country to ensure the construction of critical flood control, navigation, and water supply projects.

I thank my colleague Senator TILLIS from North Carolina for introducing this bill with me, and I look forward to its consideration for the 2024 Water Resources Development Act.

By Mr. DURBIN (for himself and Ms. DUCKWORTH):

S. 4164. A bill to authorize the Secretary of the Interior to conduct a special resource study of the Cahokia Mounds and surrounding land in the States of Illinois and Missouri, and for other purposes; to the Committee on Energy and Natural Resources.

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. 4164

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 ''Cahokia Mounds Mississippian Culture Study Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the city of Cahokia—

(A) was inhabited from approximately A.D. 700 to 1400; and

(B) at its peak from A.D. 1050 to 1200—

(i) covered nearly 6 square miles; and

(ii) was home to 10,000 to 20,000 people;

(2) more than 120 mounds were built over time at the site of the city of Cahokia;

(3) the site of the city of Cahokia is named for the Cahokia subtribe of the Illinois Confederation, who moved into the area in the 1600s;

(4) the city of Cahokia was the central hub and largest city of the Mississippian culture that ruled and traded across half of North America, more than 1,250,000 square miles;

(5) the city of Cahokia—

(A) was the first known organized urbanization and government north of Mexico; and

(B) at its peak, was larger than most European cities, including London;

(6) some of the Cahokia Mounds, which were built from A.D. 900 to 1400, still stand as earthen monuments and remnants of Mississippian culture, which is the greatest prehistoric ancient culture in North America, the people of which are ancestors to many of today's First People and Nations; and

(7) the Cahokia Mounds are designated as—

(A) a National Historic Landmark;

(B) an Illinois State Historic Site; and

(C) a United Nations Educational, Scientific, and Cultural Organization World Heritage Site.

SEC. 3. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(2) STUDY AREA.—The term ''Study Area'' means—

(A) the Cahokia Mounds site;

(B) land in Collinsville and Monroe, Madison, and St. Clair Counties, Illinois, and St. Louis County, Missouri, surrounding the Cahokia Mounds site;

(C) satellite sites thematically connected to the Cahokia Mounds site; and

(D) Mitchell Mound, Sugarloaf Mound, Emerald Mound, Pulcher Mounds, East St. Louis Mounds, and the St. Louis Mound Group.

SEC. 4. SPECIAL RESOURCE STUDY.

(a) STUDY.—The Secretary shall conduct a special resource study of the Study Area.

(b) CONTENTS.—In conducting the study under subsection (a), the Secretary shall—

(1) evaluate the national significance of the Study Area;

(2) determine the suitability and feasibility of designating the Study Area as a unit of the National Park System;

(3) consider other alternatives for preservation, protection, and interpretation of the Study Area by—

(A) Federal, State, or local governmental entities; or

(B) private and nonprofit organizations;

(4) consult with—

(A) interested entities of the Federal Government or State or local governmental entities;

(B) private and nonprofit organizations; or

(C) any other interested individuals; and

(5) identify cost estimates for any Federal acquisition, development, interpretation, operation, and maintenance associated with the alternatives considered under paragraph (3).

(c) APPLICABLE LAW.—The study required under subsection (a) shall be conducted in accordance with section 100507 of title 54, United States Code.

(d) REPORT.—Not later than 1 year after the date on which funds are first made available to conduct the study required under subsection (a), the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report containing—

(1) the results of the study; and

(2) any conclusions and recommendations of the Secretary.

(e) FUNDING.—The study required under subsection (a) shall be carried out using existing funds of the National Park Service.

By Mr. DURBIN:

S. 4187. A bill to phase out production of nonessential uses of perfluoroalkyl or polyfluoroalkyl substances, to prohibit releases of all perfluoroalkyl or polyfluoroalkyl substances, and for other purposes; to the Committee on Environment and Public Works.

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. 4187

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 ''Forever Chemical Regulation and Accountability Act of 2024''.

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

SEC. 2. DEFINITIONS.

In this Act:

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

(2) CENTERS OF EXCELLENCE.—The term ''Centers of Excellence'' means—

(A) the Center of Excellence for Assessing Perfluoroalkyl and Polyfluoroalkyl Substances in Water Sources and Perfluoroalkyl and Polyfluoroalkyl Substance Remediation Solutions established under section 201(c)(1)(A); and

(B) the Rural Center of Excellence for Assessing Perfluoroalkyl and Polyfluoroalkyl Substances in Water Sources and Perfluoroalkyl and Polyfluoroalkyl Substance Remediation Solutions established under section 201(c)(1)(B).

(3) ESSENTIAL USE.—The term ''essential use'', with respect to a perfluoroalkyl or polyfluoroalkyl substance, means a use of the perfluoroalkyl or polyfluoroalkyl substance that is designated under section 102(c), as reflected under a review or recommendation under any applicable report under section 101(h) (including a subsequent report), as being an essential use because the use of the perfluoroalkyl or polyfluoroalkyl substance in an item or process is—

(A) critical for the health, safety, or functioning of society;

(B) necessary for the item or process to function; and

(C) a use for which a safer alternative is not available.

(4) MANUFACTURER.—

(A) IN GENERAL.—The term ''manufacturer'' means any person who—

(i) imports into the United States, a territory of the United States, or a Freely Associated State a perfluoroalkyl or polyfluoroalkyl substance;

(ii) exports from the United States, a territory of the United States, or a Freely Associated State a perfluoroalkyl or polyfluoroalkyl substance;

(iii) produces a perfluoroalkyl or polyfluoroalkyl substance;

(iv) manufactures a perfluoroalkyl or polyfluoroalkyl substance; or

(v) processes a perfluoroalkyl or polyfluoroalkyl substance.

(B) INCLUSIONS.—The term ''manufacturer'' includes importers and exporters of products that are known to contain perfluoroalkyl or polyfluoroalkyl substances.

(C) EXCLUSION.—The term ''manufacturer'' does not include an entity that neither manufactures nor uses perfluoroalkyl or polyfluoroalkyl substances, but receives perfluoroalkyl or polyfluoroalkyl substances in the normal course of operations of the entity, including a solid waste management facility, a composting facility, a public water system (as defined in section 1401 of the Safe Drinking Water Act (42 U.S.C. 300f)), and a publicly or privately owned or operated treatment works (as defined in section 212 of the Federal Water Pollution Control Act (33 U.S.C. 1292)).

(5) NATIONAL ACADEMIES.—The term ''National Academies'' means the National Academies of Sciences, Engineering, and Medicine.

(6) NONESSENTIAL USE.—The term ''nonessential use'' means a use of a perfluoroalkyl or polyfluoroalkyl substance that is not an essential use.

(7) PERFLUOROALKYL OR POLYFLUOROALKYL SUBSTANCE.—The term ''perfluoroalkyl or polyfluoroalkyl substance'' means a substance that is a perfluoroalkyl substance or a polyfluoroalkyl substance (as those terms are defined in section 7331(2)(B) of the PFAS Act of 2019 (15 U.S.C. 8931(2)(B))), including a mixture of those substances.

(8) PROCESS.—The term ''process'', with respect to a perfluoroalkyl or polyfluoroalkyl substance, means the preparation of the perfluoroalkyl or polyfluoroalkyl substance, including preparation that includes the mixture of multiple perfluoroalkyl or polyfluoroalkyl substances, after the manufacture of that perfluoroalkyl or polyfluoroalkyl substance for distribution in commerce—

(A) in the same form or physical state as, or in a different form or physical state from, that in which the perfluoroalkyl or polyfluoroalkyl substance was received by the person so preparing the perfluoroalkyl or polyfluoroalkyl substance; or

(B) as part of an article containing the perfluoroalkyl or polyfluoroalkyl substance.

(9) SAFER ALTERNATIVE.—The term ''safer alternative'', with respect to the use of a perfluoroalkyl or polyfluoroalkyl substance, means a use that—

(A) does not require the use of a perfluoroalkyl or polyfluoroalkyl substance to achieve the intended function;

(B) demonstrates adequate performance for the intended use;

(C) does not pose an unreasonable chronic or acute risk to the environment or public health as compared to the substance being replaced, including any harm that may result from persistence, bioaccumulation, and toxicity in any environment or human system, either by itself or cumulatively with other substances that cause similar harms; and

(D) has other risk characteristics that the Administrator determines appropriate, in consultation with the heads of relevant Federal agencies and stakeholders as the Administrator determines to be appropriate.

(10) STATE.—The term ''State'' means—

(A) each State;

(B) a territory of the United States;

(C) a Freely Associated State;

(D) an Indian Tribe included on the list most recently published by the Secretary of the Interior under section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131); and

(E) the District of Columbia.

(11) USER.—

(A) IN GENERAL.—Subject to subparagraphs (B) and (C), the term ''user'', with respect to a perfluoroalkyl or polyfluoroalkyl substance, has the meaning given the term by the Administrator.

(B) CONSIDERATIONS.—In determining the definition of the term ''user'' under subparagraph (A), the Administrator shall consider—

(i) the volume of a perfluoroalkyl or polyfluoroalkyl substance used by an entity;

(ii) risks associated with releases of or exposure to a perfluoroalkyl or polyfluoroalkyl substance as a result of actions of an entity, including—

(I) toxicity;

(II) bioaccumulative properties;

(III) persistence in the environment;

(IV) interactions with other perfluoroalkyl or polyfluoroalkyl substances and other toxic chemicals;

(V) contamination and pollution burden of impacted communities; and

(VI) associated human health effects;

(iii) past or possible future releases of a perfluoroalkyl or polyfluoroalkyl substance into the environment by an entity; and

(iv) the use and fate of a perfluoroalkyl or polyfluoroalkyl substance used by an entity.

(C) EXCLUSION.—The term ''user'' does not include an entity that neither manufactures nor uses perfluoroalkyl or polyfluoroalkyl substances, but receives perfluoroalkyl or polyfluoroalkyl substances in the normal course of operations of the entity, including a solid waste management facility, a composting facility, a public water system (as defined in section 1401 of the Safe Drinking Water Act (42 U.S.C. 300f)), and a publicly or privately owned or operated treatment works (as defined in section 212 of the Federal Water Pollution Control Act (33 U.S.C. 1292)).

TITLE I—PHASEOUT OF NONESSENTIAL PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES AND ALL RELEASES

SEC. 101. AGREEMENT WITH THE NATIONAL ACADEMIES CONCERNING THE ESSENTIAL USES OF PERFLUOROALKYL OR POLYFLUOROALKYL SUBSTANCES.

(a) PURPOSES.—The purposes of this section are to provide for the National Academies, an independent nonprofit scientific organization with appropriate expertise that is not part of the Federal Government—

(1) to review and evaluate the available scientific evidence regarding categories of essential uses of perfluoroalkyl or polyfluoroalkyl substances; and

(2) to provide guidance on designating perfluoroalkyl or polyfluoroalkyl substances as essential or nonessential.

(b) AGREEMENT.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Administrator (in consultation, as the Administrator determines appropriate, with the heads of other Federal departments and agencies with relevant expertise regarding the essential uses of perfluoroalkyl or polyfluoroalkyl substances) shall seek to enter into a 10-year agreement to carry out the duties described in this section.

(2) EXTENSION.—The Administrator and the National Academies may extend the agreement described in paragraph (1) in 5-year increments.

(c) REVIEW OF SCIENTIFIC EVIDENCE.—

(1) IN GENERAL.—Under an agreement under subsection (b), the National Academies shall, in accordance with the policy described in section 103(a), review and summarize the scientific evidence, and assess the strength of that scientific evidence, with respect to—

(A) uses of perfluoroalkyl or polyfluoroalkyl substances that should be designated as essential uses; and

(B) the criteria for designating essential uses.

(2) INCLUSIONS.—In carrying out the review described in paragraph (1), the National Academies shall—

(A) analyze the definition of the term ''essential use'' under section 2(3) as it relates to perfluoroalkyl or polyfluoroalkyl substances;

(B) conduct an assessment of how perfluoroalkyl or polyfluoroalkyl substances are integrated into the society of the United States, in which sectors of the economy of the United States perfluoroalkyl or polyfluoroalkyl substances are used, and in which sectors those uses are essential uses;

(C) describe any research gaps with respect to the uses of perfluoroalkyl or polyfluoroalkyl substances, including consideration of mitigation strategies and safer alternatives; and

(D) develop recommendations with respect to—

(i) the research and development activities necessary to transition the United States from the use of perfluoroalkyl or polyfluoroalkyl substances; and

(ii) how the Federal Government may—

(I) best ensure the conduct of the research and development activities described in clause (i) to ensure that safer alternatives minimize health, safety, and environmental risks; and

(II) best address the research gaps identified under subparagraph (C) and the research and development needs identified under clause (i) through collaboration or coordination of programs and other efforts with State, local, and Tribal governments and nongovernmental organizations, including private sector organizations.

(3) TIMING.—The initial review carried out under paragraph (1) pursuant to an agreement under subsection (b) shall conclude not later than 3 years after the date on which the review begins.

(d) SCIENTIFIC DETERMINATIONS OF ESSENTIAL USES.—For each essential use, the National Academies shall, to the extent that available scientific data permit meaningful determinations, determine—

(1) categories of uses of perfluoroalkyl or polyfluoroalkyl substances that can inform regulatory requirements under this title and amendments made by this title;

(2) a framework to guide decisionmakers in making designations of essential uses under section 102(c), which shall include—

(A) the integration of findings with respect to perfluoroalkyl or polyfluoroalkyl substances, including findings on human health effects that have sufficient or limited evidence of an association, from authoritative reviews (such as reviews by national or international bodies) and high-quality systematic reviews; and

(B) a review of emerging evidence with respect to perfluoroalkyl or polyfluoroalkyl substances that is impactful in decisionmaking; and

(3)(A) whether certain perfluoroalkyl or polyfluoroalkyl substances in certain consumer products pose an unreasonable risk to consumers, such as risks due to perfluoroalkyl or polyfluoroalkyl substance toxicity, persistence, or bioaccumulation;

(B) the contribution of the uses identified under subparagraph (A) to the cumulative impact of perfluoroalkyl or polyfluoroalkyl substances on the environment and public health; and

(C) recommendations for possible methods to eliminate perfluoroalkyl or polyfluoroalkyl substances from consumer products described in subparagraph (A).

(e) COMMUNITY ENGAGEMENT.—In carrying out reviews and studies under this section, the National Academies shall integrate robust, transparent, meaningful, and public community outreach.

(f) COOPERATION OF FEDERAL AGENCIES.—The head of each relevant Federal agency, including the Administrator, shall cooperate fully with the National Academies in carrying out the agreement under subsection (b).

(g) RECOMMENDATIONS FOR ADDITIONAL STUDIES.—

(1) IN GENERAL.—The National Academies shall make any recommendations for additional scientific studies determined appropriate by the National Academies to resolve areas of continuing scientific uncertainty relating to essential uses of perfluoroalkyl or polyfluoroalkyl substances.

(2) REQUIREMENTS.—In making recommendations under paragraph (1), the National Academies shall consider—

(A) the scientific information that is available at the time of the recommendation;

(B) the value and relevance of the information that could result from additional studies; and

(C) the cost and feasibility of carrying out those additional studies.

(h) REPORTS.—

(1) INITIAL REPORT.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the National Academies shall submit to the Administrator, the Committee on Environment and Public Works of the Senate, and the Committee on Energy and Commerce of the House of Representatives an initial report on the activities of the National Academies under the agreement under subsection (b).

(B) INCLUSIONS.—The report required under subparagraph (A) shall include—

(i)(I) a description of the determinations, if any, made under subsection (d); and

(II) a full explanation of the scientific evidence and reasoning that led to those determinations; and

(ii) any recommendations made under subsection (g).

(2) SUBSEQUENT REPORTS.—Not less frequently than once every 2 years after the date on which the initial report under paragraph (1) is submitted, the National Academies shall submit to the Administrator, the Committee on Environment and Public Works of the Senate, and the Committee on Energy and Commerce of the House of Representatives an update of that report.

(i) ADDITIONAL STUDIES.—

(1) IN GENERAL.—Beginning on the date that is 2 years after the date that the National Academies completes the review under subsection (c), the Administrator may initiate not more than 5 additional studies with the National Academies—

(A) to update the review carried out under subsection (c) based on new evidence; and

(B) to address the recommendations made under subsection (g).

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator such sums as are necessary to carry out this subsection.

(j) ALTERNATIVE CONTRACTING SCIENTIFIC ORGANIZATION.—

(1) IN GENERAL.—If the Administrator is unable to enter into an agreement under subsection (b) with the National Academies within the 60-day period described in that subsection on terms acceptable to the Administrator, the Administrator shall seek to enter into an agreement for purposes of carrying out this section with another appropriate scientific organization that—

(A) is not part of the Federal Government;

(B) operates as a not-for-profit entity; and

(C) has expertise and objectivity comparable to that of the National Academies.

(2) EFFECT OF ALTERNATIVE ORGANIZATION.—If the Administrator enters into an agreement with an alternative scientific organization under paragraph (1), any reference in this title to ''the National Academies'' shall be deemed to be a reference to that alternative scientific organization.

SEC. 102. MANUFACTURING AND USE PHASEOUT PROGRAM.

(a) ANNUAL PERFLUOROALKYL OR POLYFLUOROALKYL SUBSTANCE MANUFACTURER AND USER MONITORING AND REPORTING REQUIREMENTS.—

(1) PURPOSE.—The purposes of the amendments made by this subsection are—

(A) to make available and accessible data to inform a nationwide phaseout of the use and environmental release of perfluoroalkyl or polyfluoroalkyl substances;

(B) to put in place a process for that phaseout; and

(C) to increase transparency for the public and interested stakeholders with respect to the use, release, and prevalence of perfluoroalkyl or polyfluoroalkyl substances.

(2) AMENDMENTS.—Section 8(a)(7) of the Toxic Substances Control Act (15 U.S.C. 2607(a)(7)) is amended—

(A) by striking ''Not later'' and inserting the following:

''(A) IN GENERAL.—Not later''; and

(B) by adding at the end the following:

''(B) ANNUAL SUPPLEMENTS.—

''(i) DEFINITIONS OF ESSENTIAL USE; MANUFACTURER; PERFLUOROALKYL OR POLYFLUOROALKYL SUBSTANCE; SAFER ALTERNATIVE; USER.—In this subparagraph, the terms 'essential use', 'manufacturer', 'perfluoroalkyl or polyfluoroalkyl substance', 'safer alternative', and 'user' have the meanings given those terms in section 2 of the Forever Chemical Regulation and Accountability Act of 2024.

''(ii) MANUFACTURER AND USER REPORT REQUIRED.—Not later than 3 years after the date of enactment of this subparagraph but in a manner that does not otherwise delay the implementation of this paragraph (as in effect on the day before the date of enactment of this subparagraph), the Administrator shall require each manufacturer and user of perfluoroalkyl or polyfluoroalkyl substance to submit a report described in subparagraph (A) if that manufacturer or user was not required to do so on the day before the date of enactment of this subparagraph.

''(iii) SUPPLEMENTAL REPORTS REQUIRED.—Not later than 18 months after the date on which the Administrator publishes the final rule carrying out this subparagraph and not less frequently than annually thereafter, subject to clause (v), each manufacturer or user of a perfluoroalkyl or polyfluoroalkyl substance shall—

''(I) supplement the report required described in subparagraph (A) (including a report submitted pursuant to clause (ii)) by—

''(aa) including, as applicable, any updates to the information included in the report under that subparagraph; and

''(bb) including in the report—

''(AA) a description of any essential uses of perfluoroalkyl or polyfluoroalkyl substances carried out by the manufacturer or user;

''(BB) any safer alternatives for uses of perfluoroalkyl or polyfluoroalkyl substances used by the manufacturer or user;

''(CC) any environmental releases of a perfluoroalkyl or polyfluoroalkyl substance, at any detectable level;

''(DD) any use of a perfluoroalkyl or polyfluoroalkyl substance that is required pursuant to Federal law (including regulations), Federal standards, or Federal Government specifications; and

''(EE) any additional information that the Administrator may require; and

''(II) submit the supplemental report to the Administrator in such a manner and at such time as the Administrator requires.

''(iv) USE OF REPORTS.—

''(I) PUBLICATION.—Not later than 180 days after the date on which the Administrator receives a supplemental report from a manufacturer or user under clause (iii), the Administrator shall publish the supplemental report for a period of public comment and review of not less than 90 days.

''(II) DATA QUALITY.—The Administrator shall conduct data quality assurance and scientific integrity reviews of supplemental reports received under clause (iii)—

''(aa) to ensure the quality of reported data; and

''(bb) to provide comment on the validity of the supplemental reports of the manufacturer.

''(III) CONFIDENTIAL BUSINESS INFORMATION.—The Administrator shall carry out this clause in accordance with section 14.

''(v) NO FURTHER REPORTS REQUIRED.—

''(I) IN GENERAL.—No further supplemental reports under clause (iii) shall be required from a manufacturer or user if the manufacturer or user—

''(aa) permanently ceases use of all perfluoroalkyl or polyfluoroalkyl substances; and

''(bb) notifies the Administrator in writing that the requirement under item (aa) has been met.

''(II) FINAL REPORT.—Notwithstanding the submission of a notice under subclause (I)(bb), a manufacturer or user shall submit to the Administrator a final supplemental report under clause (iii) if, at any time during the 1-year period beginning on the date on which the manufacturer or user submitted the previous supplemental report under that clause, the manufacturer or user used a perfluoroalkyl or polyfluoroalkyl substance.

''(III) PUBLIC NOTICE OF CESSATION.—The Administrator shall issue a public notice describing each notification received under subclause (I)(bb).''.

(3) SAVINGS PROVISION.—Nothing in paragraph (2) or the amendments made by paragraph (2) affects the requirements under subparagraph (A) of section 8(a)(7) of the Toxic Substances Control Act (15 U.S.C. 2607(a)(7)) or any timeline established for the implementation of that section (as in effect on the day before the date of enactment of this Act).

(b) PRODUCTION AND CONSUMPTION PHASEOUTS REQUIRED.—

(1) GENERAL RULE.—Not later than 10 years after the date of enactment of this Act, manufacturers and users shall complete the full phaseout of nonessential uses of perfluoroalkyl or polyfluoroalkyl substances.

(2) PLANS REQUIRED.—

(A) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, each manufacturer and user shall submit to the Administrator, in such a manner as the Administrator may require, a plan and schedule for the full phaseout of nonessential uses of perfluoroalkyl and polyfluoroalkyl substances within the 10-year period described in paragraph (1).

(B) INCLUSION.—

(i) IN GENERAL.—A plan submitted by a manufacturer or user under subparagraph (A) may include verifiable transfer of perfluoroalkyl or polyfluoroalkyl substance stocks in the possession of the manufacturer or user to an accredited research consortium, including Centers of Excellence, National Laboratories of the Department of Energy, institutions of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), and other relevant entities, as determined by the Administrator, for the purposes of—

(I) research into the destruction, detection, and remediation of perfluoroalkyl or polyfluoroalkyl substances; and

(II) other related research.

(ii) SAVINGS PROVISION.—Nothing in this subparagraph—

(I) affects an obligation of a manufacturer or user to comply with a regulation or requirement associated with the removal, disposal, or destruction of a perfluoroalkyl or polyfluoroalkyl substance; or

(II) prohibits a manufacturer or user from using a method of removal, disposal, or destruction of a perfluoroalkyl or

polyfluoroalkyl substance in accordance with applicable law.

(C) PUBLIC AVAILABILITY.—The Administrator shall make the plans submitted by manufacturers and users under subparagraph (A) publicly available in accordance with section 14 of the Toxic Substances Control Act (15 U.S.C. 2614).

(3) ACCELERATED SCHEDULE.—

(A) IN GENERAL.—The Administrator may, after a period of notice and opportunity for public comment of not less than 180 days, require that the full phaseout of nonessential uses of perfluoroalkyl or polyfluoroalkyl substances required under paragraph (1) occur on a schedule that is more stringent than the schedule required under that paragraph.

(B) PETITION.—

(i) IN GENERAL.—Any person may petition the Administrator to establish a more stringent schedule under subparagraph (A).

(ii) REQUIREMENTS.—A petition submitted under clause (i) shall—

(I) be made at such time, in such manner, and containing such information as the Administrator shall require; and

(II) include a showing by the petitioner that there are scientific data with respect to nonessential uses of perfluoroalkyl or polyfluoroalkyl substances to support the petition.

(iii) RESPONSE TIMELINE.—

(I) IN GENERAL.—If the Administrator receives a petition under clause (i), the Administrator shall—

(aa) not later than 180 days after the date on which the Administrator receives the petition—

(AA) make the complete petition available to the public; and

(BB) when making the petition available pursuant to subitem (AA), propose and seek public comment, for a period of not less than 90 days, on the proposal of the Administrator to grant or deny the petition; and

(bb) not later than 1 year after the date on which the Administrator receives the petition, take final action on the petition.

(II) REVISED PLANS AND SCHEDULES.—

(aa) IN GENERAL.—If, after receiving public comment with respect to a petition received under clause (i), the Administrator grants the petition, each manufacturer and user shall revise and submit to the Administrator an update to the plan and schedule required under paragraph (2)(A) to reflect the more stringent schedule described in the petition.

(bb) REQUIREMENT.—A revised plan and schedule under item (aa) shall be submitted in accordance with paragraph (2).

(4) ACCELERATED PHASE-OUT IN CERTAIN PRODUCTS.—

(A) PHASE-OUT WITHIN 1 YEAR.—

(i) IN GENERAL.—Notwithstanding any other provision of this Act but subject to clause (ii), beginning on the date that is 1 year after the date of enactment of this Act, no person may sell, offer for sale, or distribute for sale in interstate commerce—

(I) a carpet or rug that contains perfluoroalkyl or polyfluoroalkyl substances;

(II) a fabric treatment that contains perfluoroalkyl or polyfluoroalkyl substances;

(III) food packaging and containers that contains perfluoroalkyl or polyfluoroalkyl substances;

(IV) a juvenile product that contains perfluoroalkyl or polyfluoroalkyl substances; or

(V) an oil or gas product that contains perfluoroalkyl or polyfluoroalkyl substances.

(ii) EXCEPTION FOR RESALE.—The prohibition under clause (i) does not apply to the sale or resale of used products described in subclauses (I), (II), and (IV) of that clause.

(B) PHASE-OUT WITHIN 2 YEARS.—

(i) IN GENERAL.—Notwithstanding any other provision of this Act but subject to clause (ii), beginning on the date that is 2 years after the date of enactment of this Act, no person may sell, offer for sale, or distribute for sale in interstate commerce—

(I) a cosmetic that contains perfluoroalkyl or polyfluoroalkyl substances;

(II) an indoor textile furnishing that contains perfluoroalkyl or polyfluoroalkyl substances;

(III) indoor upholstered furniture that contains perfluoroalkyl or polyfluoroalkyl substances;

(IV) an accessory or handbag that contains perfluoroalkyl or polyfluoroalkyl substances; or

(V) except for a product described in subparagraph (D), indoor and outdoor apparel that contains perfluoroalkyl or polyfluoroalkyl substances.

(ii) EXCEPTION FOR RESALE.—The prohibition under clause (i) does not apply to the sale or resale of used products described in each of subclauses (II) through (V) of that clause.

(C) PHASE-OUT WITHIN 4 YEARS.—

(i) IN GENERAL.—Notwithstanding any other provision of this Act but subject to clause (ii), beginning on the date that is 4 years after the date of enactment of this Act, no person may sell, offer for sale, or distribute for sale in interstate commerce—

(I) an outdoor textile furnishing that contains perfluoroalkyl or polyfluoroalkyl substances; or

(II) outdoor upholstered furniture that contains perfluoroalkyl or polyfluoroalkyl substances.

(ii) EXCEPTION FOR RESALE.—The prohibition under clause (i) does not apply to the sale or resale of used products described in that clause.

(D) PHASEOUT WITHIN 5 YEARS.—

(i) IN GENERAL.—Notwithstanding any other provision of this Act but subject to clause (ii), beginning on the date that is 5 years after the date of enactment of this Act, no person may sell, offer for sale, or distribute for sale in interstate commerce outdoor apparel for severe wet conditions that contain intentionally used perfluoroalkyl or polyfluoroalkyl substances.

(ii) EXCEPTION FOR RESALE.—The prohibition under clause (i) does not apply to the sale or resale of used products described in that clause.

(c) DESIGNATIONS OF NONESSENTIAL AND ESSENTIAL USES.—

(1) 10-YEAR REQUIREMENT.—Beginning on the date that is 10 years after the date of enactment of this Act—

(A) all nonessential uses of a perfluoroalkyl or polyfluoroalkyl substance shall be prohibited; and

(B) any use of a perfluoroalkyl or polyfluoroalkyl substance shall be considered a nonessential use unless the Administrator, consistent with applicable recommendations or other analysis, if any, under a report under section 101(h) (including a subsequent report), has designated the use as an essential use under paragraph (2) or (3).

(2) PETITION.—

(A) IN GENERAL.—A person may submit to the Administrator a petition to designate a use of a perfluoroalkyl or polyfluoroalkyl substance as a nonessential use or an essential use at such time (including on a 1-time, periodic, or continuing basis within such timeframe as the Administrator may require), in such manner, and containing such information as the Administrator may require.

(B) BURDEN OF PROOF.—In submitting a petition under subparagraph (A)—

(i) the burden of proof shall be on the petitioner to demonstrate that a use of a perfluoroalkyl or polyfluoroalkyl substance is a nonessential use or an essential use; and

(ii) the petitioner shall provide any information requested by the Administrator, on a 1-time, periodic, or continuous basis within such timeframe as the Administrator may require, to inform a determination under subparagraph (C).

(C) DETERMINATION.—

(i) BEST AVAILABLE SCIENCE.—The determination of the Administrator to grant or deny a petition submitted under subparagraph (A) shall be based on—

(I) the best available science; and

(II) the applicable recommendations or other analysis, if any, under a report under section 101(h) (including a subsequent report).

(ii) TIMELINE.—

(I) IN GENERAL.—Subject to subclause (II), the Administrator shall finalize a determination to grant or deny a petition submitted under subparagraph (A) by not later than 270 days after the date of receipt of the petition.

(II) REQUIREMENT.—The Administrator may not finalize a determination to grant or deny a petition submitted under subparagraph (A) before the date that is 1 year after the date on which the first report under subsection (h) of section 101 is submitted after the date on which the review under subsection (c) of that section is completed.

(iii) PUBLIC AVAILABILITY.—

(I) IN GENERAL.—In making a determination to grant or deny a petition submitted under subparagraph (A), the Administrator shall—

(aa) make all materials submitted with the petition available for public review and comment for a period of not less than 180 days; and

(bb) consider all public comments submitted with respect to the materials made available under item (aa).

(II) CONFIDENTIAL BUSINESS INFORMATION.—Subclause (I) shall be carried out in accordance with section 14 of the Toxic Substances Control Act (15 U.S.C. 2613).

(D) EXPEDITED CONSIDERATION.—The Administrator shall, to the maximum extent practicable, expedite the consideration of petitions submitted under subparagraph (A) from a Federal agency.

(E) TERMINATION OF PETITION PROCESS.—The Administrator shall continue to accept petitions under this paragraph until such time as all perfluoroalkyl or polyfluoroalkyl substances and uses of perfluoroalkyl or polyfluoroalkyl substances are eliminated in accordance with the policy described in section 103(a).

(3) ALTERNATIVE DESIGNATION PROCESS.—

(A) IN GENERAL.—On a continuing basis and in consultation with relevant Federal agencies as the Administrator determines necessary, the Administrator may review and, through a public rulemaking, designate as a nonessential use or an essential use a use of a perfluoroalkyl or polyfluoroalkyl substance.

(B) REQUIREMENT.—The decision of the Administrator to designate a use of a perfluoroalkyl or polyfluoroalkyl substance as a nonessential use or an essential use under subparagraph (A) shall be consistent with—

(i) the best available science; and

(ii) the applicable recommendations or other analysis, if any, under a report under section 101(h) (including a subsequent report).

(C) TIMELINE.—

(i) REPORT REQUIRED.—The Administrator may not designate a use of a perfluoroalkyl

or polyfluoroalkyl substance as a nonessential use or an essential use under subparagraph (A) before the date that is 1 year after the date on which the first report under subsection (h) of section 101 is submitted after the date on which the review under subsection (c) of that section is completed.

(ii) PUBLIC REVIEW.—Before designating a use of a perfluoroalkyl or polyfluoroalkyl substance as a nonessential use or an essential use under subparagraph (A), the Administrator shall publish the proposed designation for public review and comment for a period of not less than 180 days.

(iii) FINAL DESIGNATION.—The Administrator shall publicly issue a final designation of a use of a perfluoroalkyl or polyfluoroalkyl substance as a nonessential use or an essential use under subparagraph (A) by not later than 270 days after the date on which the public review and comment period under clause (ii) ends.

(4) DATA TRANSPARENCY.—The Administrator may, to inform a designation under paragraph (2) or (3), require a manufacturer, user, person who manufacturers equipment for a manufacturer or user, person who the Administrator believes may have necessary information to inform a designation under paragraph (2) or (3), or a person subject to the requirements of this title or an amendment made by this title to provide relevant information (on a 1-time, periodic, or continuing basis for such timeframe as the Administrator determines appropriate).

(5) REQUIRED PETITIONS.—

(A) IN GENERAL.—Stakeholders shall use the petition process under paragraph (2) to identify and list products and processes that use a perfluoroalkyl or polyfluoroalkyl substance that have a use in a product that is required to be used under Federal law (including regulations), Federal standards, or Federal Government specifications.

(B) SUBMISSION TO OTHER AGENCIES.—If the Administrator receives a petition under paragraph (2) or begins to carry out the alternative designation process under paragraph (3) with respect to a use described in subparagraph (A), the Administrator shall, on receipt of the petition, share the petition with the head of the Federal agency that required the use for a review and comment period of not less than 30 days.

(6) REVIEW OF PREVIOUS DESIGNATIONS.—The Administrator may, pursuant to a petition from a petitioner or at the discretion of the Administrator, review the designation of a use of a perfluoroalkyl or polyfluoroalkyl substance as a nonessential use or an essential use and redesignate that use as a nonessential use or an essential use in accordance with the process under which the designation was originally made.

(d) ADMINISTRATOR PRIORITIZATION DISCRETION.—The Administrator may prioritize the establishment of a report under this section or a designation of the use of a class or subclass perfluoroalkyl or polyfluoroalkyl substances as a nonessential use or an essential use under subsection (c) in accordance with—

(1) the National PFAS Testing Strategy of the Environmental Protection Agency (or a successor strategy); or

(2) any other method that is based on the best available science.

(e) PROHIBITION OF SALES OF NONESSENTIAL PERFLUOROALKYL OR POLYFLUOROALKYL SUBSTANCES.—

(1) IN GENERAL.—Beginning on the date that is 10 years after the date of enactment of this Act, a manufacturer or user shall not engage in the sale of perfluoroalkyl or polyfluoroalkyl substances that remain in the possession of the manufacturer or user on that date for nonessential uses.

(2) PERFLUOROALKYL OR POLYFLUOROALKYL SUBSTANCE STOCKS.—The Administrator may approve verifiable transfers of perfluoroalkyl or polyfluoroalkyl substance stocks in the possession of a manufacturer or user to an accredited research consortium, including Centers of Excellence, National Laboratories of the Department of Energy, institutions of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), and other relevant entities that contribute to the achievement of the policy described in section 103(a).

(3) SAVINGS PROVISION.—Nothing in this subsection—

(A) affects an obligation of a manufacturer or user to comply with a regulation or requirement associated with the removal, disposal, or destruction of a perfluoroalkyl or polyfluoroalkyl substance; or

(B) prohibits a manufacturer or user from using a method of removal, disposal, or destruction of a perfluoroalkyl or polyfluoroalkyl substance in accordance with applicable law.

SEC. 103. UNITED STATES PERFLUOROALKYL OR POLYFLUOROALKYL SUBSTANCE POLICY.

(a) GENERAL POLICY.—It is the policy of the United States that, to the maximum extent practicable and as permitted under applicable law—

(1) contamination of any environmental media by a perfluoroalkyl or polyfluoroalkyl substance should be remediated to levels that do not present an unreasonable risk to public health and the environment;

(2) the destruction and disposal of perfluoroalkyl or polyfluoroalkyl substances—

(A) is considered most essential to the elimination of perfluoroalkyl or polyfluoroalkyl substances, which are also known as ''forever chemicals''; and

(B) should be prioritized as part of any perfluoroalkyl or polyfluoroalkyl substance remediation strategy in a manner that presents the lowest risk of environmental release and the lowest risk to public health and the environment;

(3) the use of perfluoroalkyl or polyfluoroalkyl substances in consumer products should be eliminated; and

(4) in cases in which the use of perfluoroalkyl or polyfluoroalkyl substances is essential, in accordance with any applicable report under section 101(h) (including a subsequent report), and no safer alternative for that use is available, those perfluoroalkyl or polyfluoroalkyl substances should be removed or replaced by chemicals, product substitutes, or alternative manufacturing processes that reduce overall risk to human health and the environment, including risks due to chronic, acute, and cumulative impacts.

(b) FEDERAL PROCUREMENT.—

(1) IN GENERAL.—Beginning on the date of enactment of this Act, the heads of Federal agencies, in coordination with the Administrator and the Administrator of General Services, shall, to the maximum extent practicable, eliminate the procurement of products known to contain perfluoroalkyl or polyfluoroalkyl substances.

(2) SURVEY.—In carrying out paragraph (1), the heads of Federal agencies may—

(A) carry out surveys of the products procured by the Federal agency to determine whether the products contain perfluoroalkyl or polyfluoroalkyl substances; and

(B) pause or cease procurement of products that have not been identified as not containing perfluoroalkyl or polyfluoroalkyl substances within a reasonable timeline that accounts for—

(i) survey completion and product return; and

(ii) identifying and securing safer alternatives for the product.

(c) BEST AVAILABLE SCIENCE.—A determination that an action complies with the policy described in subsection (a) or an action taken under subsection (b) shall be based on the best available science.

(d) SAVINGS PROVISION.—Nothing in this section affects any other duty or obligation under Federal law.

SEC. 104. PERFLUOROALKYL OR POLYFLUOROALKYL SUBSTANCE RELEASE PHASEOUT.

(a) IN GENERAL.—Beginning on the date that is 10 years after the date of enactment of this Act, it shall be unlawful for any manufacturer or user to release any quantity of perfluoroalkyl or polyfluoroalkyl substance above the threshold of detection of a detection method for perfluoroalkyl or polyfluoroalkyl substances that is validated by the Administrator in a manner that permits that perfluoroalkyl or polyfluoroalkyl substance to enter the environment.

(b) RULEMAKING REQUIRED.—

(1) IN GENERAL.—Not later than 7 years after the date of enactment of this Act and after a period of notice and opportunity for public comment, the Administrator shall finalize a rule that—

(A) establishes a schedule for the phaseout of the releases above the threshold of detection described in subsection (a) by the date described in that subsection; and

(B) establishes applicable detection methods and relevant thresholds.

(2) UPDATE.—The Administrator may update, in whole or in part, the schedule required under subparagraph (A) of paragraph (1) in accordance with that paragraph.

(3) EARLY ADOPTION.—The Administrator may, in accordance with the policy described in section 103(a) and after a period of notice and opportunity for public comment, finalize a rule before the rule required under paragraph (1) that—

(A) establishes a schedule for the phaseout or banning of releases of individual perfluoroalkyl or polyfluoroalkyl substances, mixtures of perfluoroalkyl or polyfluoroalkyl substances, or subclasses of perfluoroalkyl or polyfluoroalkyl substances above the threshold of detection described in subsection (a) by the date described in that subsection; and

(B) establishes applicable detection methods and relevant thresholds.

(c) SAVINGS PROVISION.—Nothing in this section affects any other duty or obligation under any other Federal law.

SEC. 105. USE FOR RESEARCH.

(a) IN GENERAL.—Notwithstanding any other provision of this title, the Administrator may allow the use and detectable release of perfluoroalkyl or polyfluoroalkyl substances described in subsections (b) and (c) that do not place unreasonable risk on human health or the environment for research, development, testing, and other similar purposes to assist in the achievement of the policy described in section 103(a).

(b) REMAINING STOCKS OF PERFLUOROALKYL OR POLYFLUOROALKYL SUBSTANCES.—

(1) IN GENERAL.—A manufacturer or user with remaining stocks of perfluoroalkyl or polyfluoroalkyl substances in the possession of the manufacturer or user following cessation of the manufacture or use of perfluoroalkyl or polyfluoroalkyl substances may enter into an agreement with the Administrator, an accredited research consortium, including Centers of Excellence, National Laboratories of the Department of Energy, institutions of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), and other relevant entities, as determined by the Administrator, in order for such stocks to be available for use in accordance with subsection (a).

(2) REQUIREMENT.—The Administrator may only enter into an agreement under paragraph (1) if the actions to be carried out under that agreement directly contribute to the achievement of the policy described in section 103(a), as determined by the Administrator.

(3) SAVINGS PROVISION.—Nothing in this subsection—

(A) affects an obligation of a manufacturer or user to comply with a regulation or requirement associated with the removal, disposal, or destruction of a perfluoroalkyl or polyfluoroalkyl substance; or

(B) prohibits a manufacturer or user from using a method of removal, disposal, or destruction of a perfluoroalkyl or polyfluoroalkyl substance in accordance with applicable law.

(c) PROHIBITION.—It shall be unlawful to develop or produce a perfluoroalkyl or polyfluoroalkyl substance solely for the purposes of activities authorized under subsection (a) unless the Administrator determines it necessary to comply with the policy described in section 103(a).

SEC. 106. INSPECTIONS, MONITORING, AND ENTRY.

(a) IN GENERAL.—For the purpose of determining whether a person is in violation of this title or an amendment made by this title or for the purposes of carrying out any provision of this title or an amendment made by this title—

(1) the Administrator may require any manufacturer, user, person who manufactures equipment for a manufacturer or user, person who the Administrator believes may have information necessary for the purposes described in this paragraph, or person who is subject to the requirements of this title or an amendment made by this title, on a 1-time, periodic, or continuous basis—

(A) to install, use, and maintain such monitoring equipment, and use such audit procedures or methods, as the Administrator may require;

(B) to sample such releases (in accordance with such procedures or methods, at such locations, at such intervals, during such periods, and in such manner as determined by the Administrator) as the Administrator may require;

(C) to keep such records on control equipment parameters, production variables, or other equivalent indirect data as the Administrator may require when direct monitoring of releases is impractical;

(D) to provide such other information as the Administrator may require; and

(E) to provide records and reports within 30 days of the date of a request by the Administrator for that record or report; and

(2) the Administrator (including an authorized representative of the Administrator), on presentation of the credentials of the Administrator (or authorized representative of the Administrator) shall—

(A) have a right of entry to, on, or through any premises of the person or any premises in which any records required to be maintained under paragraph (1) are located; and

(B) at reasonable times, have a right to access and copy any records, to inspect any monitoring equipment or method required under paragraph (1), and to sample any releases that the person is required to sample under that paragraph.

(b) PUBLIC AVAILABILITY.—Any record, report, or information obtained by the Administrator under subsection (a) shall, subject to section 14 of the Toxic Substances Control Act (15 U.S.C. 2613), be made available to the public as soon as reasonably practicable.

SEC. 107. ENFORCEMENT.

(a) COMPLIANCE ORDERS.—

(1) IN GENERAL.—Except as provided in paragraph (2), whenever, on the basis of any information, the Administrator determines that a person may have violated, or may be in violation of, any requirement of this title or an amendment made by this title, the Administrator may—

(A) issue an order—

(i) assessing a civil penalty for any past or current violation in an amount that the Administrator determines would remove any economic benefit from the violation;

(ii) requiring compliance with that requirement, either immediately or within a specified period of time; or

(iii) that both assesses a civil penalty in accordance with clause (i) and requires compliance in accordance with clause (ii); or

(B) commence a civil action for appropriate relief, including a temporary or permanent injunction, in the United States district court for—

(i) the district in which the violation is alleged to have occurred, or is occurring; or

(ii) the district in which the defendant resides or in which the principal place of business of the defendant is located.

(2) NOTICE TO STATE.—Before issuing an order or commencing an action under paragraph (1) for a violation of a requirement of this title or an amendment made by this title, the Administrator shall give notice to the State in which the violation is alleged to have occurred.

(3) SUSPENSION AND REVOCATION.—An order issued pursuant to this subsection—

(A) may include a suspension or revocation of any use of a perfluoroalkyl or polyfluoroalkyl substance authorized under this title by the Administrator or a State; and

(B) shall state with reasonable specificity the nature of the violation for which the order was issued.

(4) CIVIL PENALTY.—

(A) FACTORS.—In assessing a civil penalty under paragraph (1)(A)(i), the Administrator shall take into account, as applicable—

(i) the seriousness of the violation;

(ii) the full compliance history of the defendant and any good faith efforts to comply;

(iii) the size of the business of the defendant;

(iv) the economic impact of the penalty on the business of the defendant;

(v) the duration of the violation, as established by credible evidence (including evidence other than the applicable test method);

(vi) the amount of penalties previously assessed for the same violation;

(vii) the economic benefit of the violation;

(viii) the cumulative impacts of—

(I) the full compliance history of the defendant and any good faith efforts to comply; and

(II) other environmental contaminant exposures in impacted communities and ecosystems; and

(ix) any other factor that justice may require.

(B) SAVINGS PROVISION.—Nothing in this paragraph affects the existing authority of the Administrator to exercise enforcement discretion, including consideration of supplemental environmental projects.

(b) VIOLATION OF COMPLIANCE ORDERS.—If a person subject to an order issued under subsection (a)(1) fails to take corrective action within the period specified in that order, the Administrator may assess a civil penalty in an amount that the Administrator determines would remove any economic benefit from the violation for each day of continuing violation in accordance with subsection (a)(4).

(c) CRIMINAL PENALTIES.—A person who recklessly violates any material condition or requirement of any applicable standard under this title (including regulations) or an amendment made by this title shall, on conviction, be subject to—

(1) a fine in an amount that the Administrator determines removes any economic benefit of the violation for each day of continuing violation;

(2) imprisonment for a period of not more than 5 years; or

(3) both a fine under paragraph (1) and imprisonment under paragraph (2).

(d) RELATIONSHIP TO OTHER LAWS.—The Administrator shall carry out this title and amendments made by this title in accordance with—

(1) the Clean Air Act (42 U.S.C. 7401 et seq.);

(2) the Toxic Substances Control Act (15 U.S.C. 2601 et seq.);

(3) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(4) the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1401 et seq.);

(5) the Safe Drinking Water Act (42 U.S.C. 300f et seq.); and

(6) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) (commonly known as the ''Resource Conservation and Recovery Act of 1976'').

SEC. 108. CITIZEN SUITS.

(a) CITIZEN SUITS AUTHORIZED.—

(1) IN GENERAL.—Except as provided in subsections (b) and (c), any person may commence a civil action on their own behalf against—

(A) any manufacturer or user subject to the requirements of this title or an amendment made by this title (including a manufacturer, user, the United States, and, to the extent permitted by the 11th Amendment of the Constitution of the United States, any other governmental instrumentality or agency) that is alleged to be in violation of any standard, regulation, condition, requirement, prohibition, schedule, deadline, or order under this title;

(B) any manufacturer or user subject to the requirements of this title or an amendment made by this title (including the United States and, to the extent permitted by the 11th Amendment of the Constitution of the United States, any other governmental instrumentality or agency) that is using a perfluoroalkyl or polyfluoroalkyl substance that may present an imminent and substantial endangerment to human health or the environment; or

(C) the Administrator, if the Administrator is alleged to have failed to perform any act or duty under this title that is not discretionary.

(2) JURISDICTION.—

(A) APPROPRIATE COURTS.—

(i) VIOLATIONS AND ENDANGERMENT CLAIMS.—An action brought under subparagraph (A) or (B) of paragraph (1) shall be brought in the district court for the district in which the alleged violation or endangerment occurred.

(ii) CLAIMS AGAINST THE ADMINISTRATOR.—An action brought under paragraph (1)(C) may be brought in—

(I) the United States district court for the district in which the alleged violation occurred; or

(II) the United States District Court for the District of Columbia.

(B) AUTHORITY.—A district court described in subparagraph (A) shall have jurisdiction—

(i) with respect to an action described in paragraph (1)(A), to enforce the standard, regulation, condition, requirement, prohibition, schedule, deadline, or order described in that paragraph;

(ii) with respect to an action described in paragraph (1)(B), to order a person described in that paragraph—

(I) to refrain from the use of the perfluoroalkyl or polyfluoroalkyl substance that may be contributing to the imminent and substantial endangerment;

(II) to take any action as may be necessary to prevent the imminent and substantial endangerment described in that paragraph; or

(III) to carry out any combination of actions described in subclauses (I) and (II);

(iii) with respect to an action described in paragraph (1)(C), to order the Administrator to perform the act or duty referred to in that paragraph; and

(iv) with respect to any action described in paragraph (1), to apply any appropriate civil remedy under this title.

(b) ADDITIONAL REQUIREMENTS.—

(1) ACTIONS FOR ENFORCEMENT OF REQUIREMENTS.—

(A) NOTICE OF VIOLATION.—

(i) IN GENERAL.—No action may be brought under subsection (a)(1)(A) unless, not less than 60 days before the date on which the action is brought, notice of the violation of the standard, regulation, condition, requirement, prohibition, schedule, deadline, or order for which the action would be brought is provided to—

(I) the Administrator;

(II) the State in which the alleged violation occurred; and

(III) except as provided in clause (ii), the alleged violator of the applicable standard, regulation, condition, requirement, prohibition, schedule, deadline, or order.

(ii) EXCEPTION.—Notwithstanding clause (i)(III), an action may be brought under subsection (a)(1)(A) immediately after the notice described in that clause is provided to the alleged violator if the action is for a violation of this title.

(B) NO ACTION IF SUIT ONGOING.—No action may be brought under subsection (a)(1)(A) if the Administrator or a State has commenced and is diligently prosecuting a civil or criminal action in a court of the United States or a State to require compliance with the standard, regulation, condition, requirement, prohibition, schedule, deadline, or order for which the action under subsection (a)(1)(A) would be brought.

(C) INTERVENTION AS MATTER OF RIGHT.—In an action under brought under subsection (a)(1)(A) in a court of the United States, any person may intervene as a matter of right.

(2) ACTIONS FOR ENDANGERMENT.—

(A) NOTICE OF ENDANGERMENT.—No action may be brought under subsection (a)(1)(B) unless, not less than 90 days before the date on which the action is brought, notice of the imminent and substantial endangerment to human health or the environment is provided to—

(i) the Administrator;

(ii) the State in which the endangerment may occur; and

(iii) the person that is alleged to be contributing to the use of the perfluoroalkyl or polyfluoroalkyl substance causing the endangerment.

(B) NO ACTION IF SUIT IS ONGOING.—No action may be commenced under subsection (a)(1)(B) if the Administrator, in order to restrain or abate acts or conditions that may have contributed or are contributing to the activities which may present the alleged endangerment, has commenced and is diligently acting on an authority provided under an applicable law.

(C) INTERVENTION AS MATTER OF RIGHT.—In an action under brought under subsection (a)(1)(B) in a court of the United States, any person may intervene as a matter of right.

(D) NOTICE OF ACTION.—A person bringing an action under subsection (a)(1)(B) in a court of the United States shall serve a copy of the complaint on—

(i) the Attorney General; and

(ii) the Administrator.

(3) ACTIONS AGAINST THE ADMINISTRATOR.—

(A) NOTICE TO ADMINISTRATOR.—No action may be brought under subsection (a)(1)(C) unless, not less than 60 days before the date on which the action is brought, the person bringing the action has given notice to the Administrator of the intent to bring the action.

(B) FORM.—The Administrator shall prescribe the form in which the notice under subparagraph (A) shall be provided.

(c) COSTS.—

(1) ATTORNEY AND EXPERT WITNESS FEES.—A court, in issuing any final order in an action brought pursuant to this section, may award the costs of litigation (including reasonable attorney and expert witness fees) to the prevailing or substantially prevailing party, as the court determines to be appropriate.

(2) BOND.—A court, in any action brought pursuant to this section in which a temporary restraining order or preliminary injunction is sought, may require the filing of a bond or equivalent security in accordance with the Federal Rules of Civil Procedure.

SEC. 109. IMMINENT HAZARD.

(a) AUTHORITY OF THE ADMINISTRATOR.—Notwithstanding any other provision of this title or an amendment made by this title, on receipt of evidence that the use of any perfluoroalkyl or polyfluoroalkyl substance presents an imminent and unreasonable risk of serious or widespread injury to public health or environment, without consideration of costs or other nonrisk factors, the Administrator may issue an order to or bring suit against any manufacturer or user subject to the requirements of this title or an amendment made by this title that is determined by the Administrator to be causing the imminent and unreasonable risk—

(1) to restrain that manufacturer or user from that use;

(2) to order that manufacturer or user to take such other action as may be necessary; or

(3) for the purposes described in paragraphs (1) and (2).

(b) VIOLATIONS.—A manufacturer or user who willfully violates, or fails or refuses to comply with, any order of the Administrator under subsection (a) may, in an action brought in the appropriate United States district court to enforce that order, be fined in an amount that the Administrator determines removes any economic benefit of noncompliance for each day in which the violation occurs or the failure to comply continues.

(c) IMMEDIATE NOTICE.—On receipt of information that there is a perfluoroalkyl or polyfluoroalkyl substance that presents an imminent and substantial endangerment to human health or the environment, the Administrator shall require the violating manufacturer or user, at cost to the violating manufacturer or user—

(1) to provide immediate and public notice, within an estimated radius of impact as determined appropriate by the Administrator, to—

(A) the appropriate local government agencies and public services, including impacted utilities, including drinking water treatment plants, and public health, law enforcement, and environmental protection officials; and

(B) the community in which the endangerment is occurring, including publicly accessible areas of community congregation, including community recreation and health centers, public libraries, public schools, government offices, online message boards, listservs, and social media used by members of that community, and not-for-profit community services;

(2) to require—

(A) immediate and public notice to impacted members of the community that is provided across communication media and is easily accessible; and

(B) public meetings, in partnership with the Administrator and local authorities and leaders, for direct community engagement to provide health, safety, and additional information to the community and to field questions and concerns; and

(3) to provide regular updates with respect to the endangerment in accordance with the methods described in paragraphs (1) and (2).

SEC. 110. APPLICATION OF FEDERAL, STATE, AND LOCAL LAW TO FEDERAL AGENCIES.

(a) DEFINITIONS.—In this section:

(1) COVERED AGENCY.—The term ''covered agency'' means a department, agency, or instrumentality of the executive, legislative, or judicial branch of the Federal Government that—

(A) has jurisdiction over a facility that manufactures a perfluoroalkyl or polyfluoroalkyl substance; or

(B) is engaged in any activity that results, or may result, in the treatment, disposal, or release of a perfluoroalkyl or polyfluoroalkyl substance into the environment.

(2) REASONABLE SERVICE CHARGE.—The term ''reasonable service charge'', with respect to a requirement under Federal, State, interstate, or local law, includes—

(A) fees or charges assessed in connection with enforcement, compliance, and investigation activities with respect to that requirement; and

(B) any other nondiscriminatory charge that is assessed in connection with a Federal, State, interstate, or local perfluoroalkyl or polyfluoroalkyl regulatory program.

(b) APPLICABILITY OF LAWS.—

(1) IN GENERAL.—Each covered agency shall be subject to, and comply with, all Federal, State, interstate, and local laws regulating perfluoroalkyl or polyfluoroalkyl substances, including substantive and procedural requirements, in the same manner and to the same extent as any person that is subject to those requirements, including any requirements for the payment of reasonable service charges.

(2) INCLUSIONS.—The Federal, State, interstate, and local requirements, including substantive and procedural requirements, described in paragraph (1) include—

(A) an administrative order; and

(B) a civil or administrative penalty or fine, regardless of whether that penalty or fine is—

(i) punitive or coercive in nature; or

(ii) imposed for isolated, intermittent, or continuing violations.

(c) WAIVER OF IMMUNITY.—

(1) IN GENERAL.—The United States expressly waives any immunity otherwise applicable to the United States with respect to a Federal, State, interstate, or local requirement described in subsection (b)(1), including any immunity with respect to injunctive relief, an administrative order, or a civil or administrative penalty or fine described in subsection (b)(2)(B).

(2) NO EXEMPTION.—Neither the United States nor an agent, employee, or officer of the United States shall be immune or exempt from any process or sanction of any Federal or State court with respect to the enforcement of any injunctive relief described in paragraph (1).

(3) NO PERSONAL LIABILITY.—No agent, employee, or officer of the United States shall be personally liable for any civil penalty under any Federal, State, interstate, or local law regulating perfluoroalkyl or polyfluoroalkyl substances with respect to

any act or omissions that is within the scope of the official duties of the agent, employee, or officer.

(4) CRIMINAL LIABILITY.—An agent, employee, or officer of the United States shall be subject to any criminal sanction (including fine or imprisonment) under any Federal or State law regulating perfluoroalkyl or polyfluoroalkyl substances, but no department, agency, or instrumentality of the Federal Government shall be subject to such a criminal sanction.

(d) EXEMPTION.—

(1) IN GENERAL.—Subject to paragraph (4), the President may exempt, in direct consultation with the Administrator, any department, agency, or instrumentality of the executive branch of the Federal Government from compliance with a requirement under a Federal, State, interstate, or local law regulating perfluoroalkyl or polyfluoroalkyl substances if the President determines that the exemption is in the paramount interest of the United States.

(2) REQUIREMENTS.—

(A) TERM.—An exemption under paragraph (1) shall be for a period of not to exceed 1 year.

(B) RENEWAL.—The President may, in accordance with paragraph (1), renew an exemption under that paragraph for a period not to exceed 1 year for each renewal.

(C) REPORT TO CONGRESS.—Not later than January 31 of each year, the President shall submit to Congress a report that describes all exemptions granted under paragraph (1) during the previous calendar year, including a description of the reason for each exemption.

(3) PUBLIC NOTICE OF EXEMPTION.—

(A) IN GENERAL.—Subject to subparagraph (B), the President, the Administrator, and the head of the department, agency, or instrumentality subject to an exemption under paragraph (1) shall immediately make public the exemption, including any renewal of an exemption under paragraph (2)(B).

(B) WAIVER OF PUBLIC NOTICE REQUIREMENT.—The President, in consultation with the Administrator, may waive the requirement under subparagraph (A) if the President, in consultation with the Administrator, determines that the waiver is in the paramount interest of national security.

(4) NO EXEMPTION FOR LACK OF APPROPRIATIONS.—The President may not grant an exemption under paragraph (1) due to a lack of appropriation of amounts to comply with a requirement described in that paragraph.

SEC. 111. JUDICIAL REVIEW.

(a) REVIEW OF FINAL REGULATIONS AND CERTAIN PETITIONS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), any judicial review of a final regulation promulgated pursuant to this title or an amendment made by this title or a denial by the Administrator for a petition for the promulgation, amendment, or repeal of a regulation under this title or an amendment made by this title shall be in accordance with this title and any amendments made by this title.

(2) LIMITATIONS ON BRINGING CLAIMS.—

(A) IN GENERAL.—A petition for the judicial review of an action of the Administrator in promulgating any regulation or requirement under this title or an amendment made by this title, or the denial of any petition for the promulgation, amendment, or repeal of a regulation under this title or an amendment made by this title, may only be brought—

(i) in the United States Court of Appeals for the District of Columbia; and

(ii) subject to subparagraph (B), not later than 90 days after the date on which the promulgation or denial occurred.

(B) EXCEPTION.—A petition described in subparagraph (A) may be brought after the 90-day period described in clause (ii) of that subparagraph if the petition is based solely on grounds that arose after the end of that 90-day period.

(C) NO REVIEW.—An action of the Administrator with respect to which review could have been obtained under this subsection within the 90-day period described in subparagraph (A)(ii), but was not, shall not be subject to judicial review in any civil or criminal proceeding for enforcement of this title or an amendment made by this title.

(3) PROCEEDINGS FOR ACTIONS FOR WHICH NOTICE AND COMMENT IS REQUIRED.—

(A) IN GENERAL.—With respect to a petition for the judicial review of a determination for which this title or an amendment made by this title requires notice and opportunity for hearing, if the party seeking the judicial review applies to the court for leave to adduce additional evidence, and demonstrates to the satisfaction of the court that the evidence is material and that there were reasonable grounds for the failure to adduce that evidence in the proceeding before the Administrator, the court may order that—

(i) additional evidence (and any rebuttal evidence) be taken before the Administrator; and

(ii) the Administrator adduce that evidence in the hearing in such a manner and on such terms and conditions as the court determines to be appropriate.

(B) REVISION.—Based on any evidence adduced pursuant to subparagraph (A)(ii), the Administrator—

(i) may—

(I) modify the findings of the Administrator as to the facts; or

(II) make new findings; and

(ii) if applicable, shall file with the court—

(I) any modified or new findings made; and

(II) the recommendation of the Administrator, if any, regarding whether to modify or set aside the determination of the Administrator being reviewed.

(C) RETURN OF EVIDENCE.—On filing the findings and recommendations required under subparagraph (B)(ii), the Administrator shall return any additional evidence that had been adduced.

(b) REVIEW OF OTHER ACTIONS.—

(1) IN GENERAL.—Any interested person may, in the court of appeals of the United States for the judicial circuit in which the person resides or transacts business, apply for review of the actions of the Administrator in carrying out any mandatory duties required under this title or an amendment made by this title.

(2) TIME LIMITATIONS.—

(A) IN GENERAL.—Subject to subparagraph (B), an application for review under paragraph (1) shall be made not later than 90 days after the date of the applicable issuance, denial, modification, revocation, grant, or withdrawal.

(B) EXCEPTION.—An application for review under paragraph (1) may be made after the date described in subparagraph (A) only if the application is based solely on grounds that arose after the end of the 90-day period described in that subparagraph.

(3) NO LATER REVIEW.—An action of the Administrator with respect to which review could have been obtained under paragraph (1) within the 90-day period described in paragraph (2)(B), but was not, shall not be subject to judicial review in any civil or criminal proceeding for enforcement of this title or an amendment made by this title.

(4) REQUIREMENT.—A review under paragraph (1) shall be carried out in accordance with chapter 7 of title 5, United States Code.

(c) STATUTORY OR COMMON LAW RIGHTS NOT RESTRICTED.—Nothing in this title or an amendment made by this title restricts any right that a person or class of persons may have under statutory or common law to seek enforcement of this title or an amendment made by this title or to seek any other relief (including relief against the Administrator or a State agency).

(d) NONRESTRICTION OF OTHER RIGHTS.—Nothing in this title or an amendment made by this title or in any other law of the United States prohibits, excludes, or restricts any State, local, or interstate authority from bringing any enforcement action or obtaining any judicial remedy or sanction in any State or local court with respect to the manufacture or release of perfluoroalkyl or polyfluoroalkyl substances.

SEC. 112. REGULATORY AUTHORITY.

(a) GENERAL AUTHORITY.—The Administrator may promulgate such regulations as are necessary to carry out this title and the amendments made by this title consistent with the policy described in section 103(a).

(b) REQUIREMENT.—In carrying out any rulemaking under this title or an amendment made by this title that requires a period of notice and opportunity for public comment, that rulemaking shall be carried out in accordance with section 553 of title 5, United States Code.

SEC. 113. FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator such sums as may be necessary to carry out this title and the amendments made by this title, except for section 101(i), for each of fiscal years 2024 through 2033.

(b) FEE COLLECTION.—

(1) DEFINITIONS.—In this subsection:

(A) PETITION FEE.—The term ''petition fee'' means the fee established by the Administrator under paragraph (2)(B)(i)(II) to submit a petition to designate a use of a perfluoroalkyl substance as a nonessential use or an essential use under section 102(c).

(B) SMALL MANUFACTURER.—The term ''small manufacturer'' has the meaning given the term in section 704.3 of title 40, Code of Federal Regulations (or successor regulations).

(C) SUPPLEMENTAL REPORT FEE.—The term ''supplemental report fee'' means the fee established by the Administrator under paragraph (2)(B)(i)(I) to submit a supplemental report under subparagraph (B) of section 8(a)(7) of the Toxic Substances Control Act (15 U.S.C. 2607(a)(7)).

(2) ESTABLISHMENT OF FEES.—

(A) WORKLOAD ASSESSMENT ANALYSIS.—Not later than 180 days after the date of enactment of this Act, the Administrator shall complete a workload assessment analysis with respect to the costs expected on the Administrator to carry out this title and the amendments made by this title, which may include an examination of the impacts of a reduced fee for small manufacturers under subparagraph (C).

(B) RULEMAKING.—

(i) IN GENERAL.—Not later than 1 year after the date on which the Administrator completes the workload assessment analysis under subparagraph (A), and using that workload assessment analysis, the Administrator shall complete a public and transparent rulemaking to establish the requirements and fees necessary to submit—

(I) the supplemental reports under subparagraph (B) of section 8(a)(7) of the Toxic Substances Control Act (15 U.S.C. 2607(a)(7)), including any necessary requirements for supplemental reports under that subparagraph; and

(II) a petition to designate a use of a perfluoroalkyl or polyfluoroalkyl substance as a nonessential use or an essential use under section 102(c), which shall include—

(aa) a separate fee for each use for which a designation is requested in the petition; and

(bb) any necessary requirements for the petition process under that section.

(ii) PUBLIC REVIEW AND COMMENT.—The 1-year period described in clause (i) shall include not less than 90 days for public review and comment on the proposed rulemaking under that clause.

(iii) FACTORS.—In determining the amount of the supplemental report fee and the petition fee in the rulemaking required under clause (i), the Administrator—

(I) shall consider—

(aa) usage of perfluoroalkyl or polyfluoroalkyl substances;

(bb) the volume of used perfluoroalkyl or polyfluoroalkyl substances; and

(cc) the known toxicological risks of individual perfluoroalkyl or polyfluoroalkyl substances, mixtures of perfluoroalkyl or polyfluoroalkyl substances, and subclasses of perfluoroalkyl or polyfluoroalkyl substances, as determined by sources of information determined relevant by the Administrator, including the National PFAS Testing Strategy and the Computational Toxicology Chemicals Dashboard of the Environmental Protection Agency; and

(II) may consider the expected total annual costs of administering the non-discretionary provisions of this title, including collecting, processing, reviewing, providing access to, and protecting from disclosure confidential business information that is subject to section 14 of the Toxic Substances Control Act (15 U.S.C. 2613).

(C) SMALL MANUFACTURERS.—The Administrator may, in the rulemaking required under subparagraph (B)(i), reduce the supplemental report fee and the petition fee for small manufacturers.

(D) TIMELINE; REQUIRED MINIMUM FEES.—

(i) IN GENERAL.—The Administrator shall finalize the amount of the supplemental report fee and the petition fee, including any reduced fees for small manufacturers under subparagraph (C), by the date that is not later than 2 years after the date of enactment of this Act.

(ii) REQUIRED FEE.—If the Administrator fails to finalize the amount of the supplemental report fee and the petition fee within the 2-year period described in clause (i)—

(I) the amount of the supplemental report fee shall be $100,000 for each supplemental report submitted under subparagraph (B) of section 8(a)(7) of the Toxic Substances Control Act (15 U.S.C. 2607(a)(7)), which may be lower for small manufacturers as determined by the Administrator; and

(II) the amount of the petition fee shall be $100,000 for each petition submitted under section 102(c), which may be lower for small manufacturers as determined by the Administrator.

(iii) FINALIZATION OF AMOUNTS.—Nothing in this subparagraph requires the Administrator to use the minimum fee amounts imposed by clause (ii) after completion of the rulemaking process required under subparagraph (B), even if that rulemaking process is not completed within the 2-year period described in clause (i).

(3) ADJUSTMENT OF FEE AMOUNTS.—

(A) ADJUSTMENT FOR INFLATION.—

(i) IN GENERAL.—On the date that is 3 years after the date on which the Administrator establishes the amount of the supplemental report fee and the petition fee, and every 3 years thereafter, the Administrator shall adjust the amount of the supplemental report fee and the petition fee to reflect changes for the 36-month period ending the preceding November 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistic of the Department of Labor.

(ii) ADJUSTMENT OF MANDATORY MINIMUMS.—If the minimum fee amounts under paragraph (2)(D)(ii) are in effect, clause (i) shall be applied by substituting ''the date on which the Administrator establishes the amount of the supplemental report fee and the petition fee'' for ''the date on which minimum fee amounts under paragraph (2)(D)(ii) come into effect'' until such time as the Administrator completes the rulemaking process required under paragraph (2)(B).

(B) ADDITIONAL ADJUSTMENT.—In addition to the adjustment required under subparagraph (A), the Administrator may, after a period of notice and opportunity for public comment, further adjust the amount of the supplemental report fee and the petition fee.

(4) WAIVER OF FEES.—The Administrator shall waive the petition fee for any petition from a Federal agency or a State agency to designate a use of a perfluoroalkyl substance as a nonessential use or an essential use under section 102(c).

(5) FUNDS.—

(A) PFAS REPORT ASSESSMENT FUND.—

(i) ESTABLISHMENT.—There is established in the Treasury a fund, to be known as the ''PFAS Report Assessment Fund'', to be administered by the Administrator.

(ii) DEPOSITS.—Each fiscal year, the Secretary of the Treasury shall deposit into the PFAS Report Assessment Fund an amount equal to all supplemental report fees collected during the previous fiscal year.

(iii) CONTENTS.—The PFAS Report Assessment Fund shall consist of—

(I) amounts deposited by the Secretary of the Treasury under clause (ii); and

(II) any appropriations made by Congress.

(iv) USE OF FUNDS.—Amounts in the PFAS Report Assessment Fund may be used, without further appropriation, to carry out subparagraph (B) of section 8(a)(7) of the Toxic Substances Control Act (15 U.S.C. 2607(a)(7)).

(B) PFAS PETITION ASSESSMENT FUND.—

(i) ESTABLISHMENT.—There is established in the Treasury a fund, to be known as the ''PFAS Petition Assessment Fund'', to be administered by the Administrator.

(ii) DEPOSITS.—Each fiscal year, the Secretary of the Treasury shall deposit into the PFAS Petition Assessment Fund an amount equal to all petition fees collected during the previous fiscal year.

(iii) CONTENTS.—The PFAS Petition Assessment Fund shall consist of—

(I) amounts deposited by the Secretary of the Treasury under clause (ii); and

(II) any appropriations made by Congress.

(iv) USE OF FUNDS.—Amounts in the PFAS Petition Assessment Fund may be used, without further appropriation, to carry out section 102(c).

(C) INTERFUND TRANSFERS.—The Administrator may, at the discretion of the Administrator and without further appropriation, transfer amounts between the PFAS Report Assessment Fund and the PFAS Petition Assessment Fund.

(6) TERMINATION OF FEES.—The Administrator may terminate collection of the supplemental report fee and the petition fee only after the Administrator determines, using a rulemaking with a public comment period of not less than 90 days, a science-based reason that the fee program is no longer necessary.

SEC. 114. SEVERABILITY.

If any provision of this title, an amendment made by this title, or the application of that provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this title and the amendments made by this title, and the application of the provision or amendment to any other person or circumstance, shall not be affected.

SEC. 115. RETENTION OF STATE AUTHORITY.

(a) GENERAL POLICY.—

(1) IN GENERAL.—Except as provided in paragraph (2), beginning on the effective date of the regulations to carry out this title or an amendment made by this title, no State or political subdivision of a State may impose any requirement that is less stringent than the requirements under this title (including regulations) or an amendment made by this title with respect to the same matters that are regulated under this title (including regulations) or amendment.

(2) EXCEPTION.—If the application of any requirement under this title (including regulations) or an amendment made by this title is postponed or enjoined by action of a court, a State or political subdivision of a State may impose requirements described in paragraph (1) until such time as the requirements under this title (including amendments made by this title) take effect.

(b) SAVINGS PROVISION.—Nothing in this title or an amendment made by this title prohibits a State or political subdivision of a State from imposing requirements that are more stringent than those imposed by this title (including regulations) or an amendment made by this title.

TITLE II—OTHER MATTERS WITH RESPECT TO PERFLUOROALKYL OR POLYFLUOROALKYL SUBSTANCES

SEC. 201. CENTERS OF EXCELLENCE FOR ASSESSING PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES IN WATER SOURCES AND PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCE REMEDIATION SOLUTIONS.

(a) PURPOSE.—The purpose of this section is to dedicate resources to advancing, and expanding access to, perfluoroalkyl or polyfluoroalkyl substance detection and remediation science, research, and technologies through Centers of Excellence for Assessing Perfluoroalkyl and Polyfluoroalkyl Substances in Water Sources and Perfluoroalkyl and Polyfluoroalkyl Substance Remediation Solutions.

(b) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the congressional defense committees (as defined in section 101(a) of title 10, United States Code);

(B) the Committee on Environment and Public Works, the Committee on Energy and Natural Resources, and the Committee on Veterans' Affairs of the Senate; and

(C) the Committee on Energy and Commerce, the Committee on Natural Resources, the Committee on Science, Space, and Technology, and the Committee on Veterans' Affairs of the House of Representatives.

(2) CENTER.—The term ''Center'' means the Center of Excellence for Assessing Perfluoroalkyl and Polyfluoroalkyl Substances in Water Sources and Perfluoroalkyl and Polyfluoroalkyl Substance Remediation Solutions established under subsection (c)(1)(A).

(3) CENTERS.—The term ''Centers'' means—

(A) the Center; and

(B) the Rural Center.

(4) ELIGIBLE RESEARCH UNIVERSITY.—The term ''eligible research university'' means an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) that—

(A) has annual research expenditures of not less than $750,000,000; and

(B) is located near a population center of not fewer than 5,000,000 individuals.

(5) ELIGIBLE RURAL UNIVERSITY.—The term ''eligible rural university'' means an institution of higher education that—

(A) is located in a State described in section 1703(d)(1)(C)(iii)(I) of title 38, United States Code; and

(B) is a member of the National Security Innovation Network in the Rocky Mountain Region.

(6) EPA METHOD 533.—The term ''EPA Method 533'' means the method described in the document of the Environmental Protection Agency entitled ''Method 533: Determination of Per- and Polyfluoroalkyl Substances in Drinking Water by Isotope Dilution Anion Exchange Solid Phase Extraction and Liquid Chromatography/Tandem mass Spectrometry'' (or a successor document).

(7) EPA METHOD 537.1.—The term ''EPA Method 537.1'' means the method described in the document of the Environmental Protection Agency entitled ''Determination of Selected Per- and Polyfluorinated Alkyl Substances in Drinking Water by Solid Phase Extraction and Liquid Chromatography/Tandem Mass Spectrometry (LC/MS/MS)'' (or a successor document).

(8) NATIONAL LABORATORY.—The term ''National Laboratory'' has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

(9) RURAL CENTER.—The term ''Rural Center'' means the Rural Center of Excellence for Assessing Perfluoroalkyl and Polyfluoroalkyl Substances in Water Sources and Perfluoroalkyl and Polyfluoroalkyl Substance Remediation Solutions established under subsection (c)(1)(B).

(c) ESTABLISHMENT.—

(1) IN GENERAL.—The Administrator shall—

(A)(i) select from among the applications submitted under paragraph (2)(A) an eligible research university and a National Laboratory applying jointly for the establishment of a center, to be known as the ''Center of Excellence for Assessing Perfluoroalkyl and Polyfluoroalkyl Substances in Water Sources and Perfluoroalkyl and Polyfluoroalkyl Substance Remediation Solutions'', which shall be a bi-institutional collaboration between the eligible research university and National Laboratory co-applicants; and

(ii) guide and assist the eligible research university and National Laboratory in the establishment of that center; and

(B)(i) select from among the applications submitted under paragraph (2)(B) an eligible rural university for the establishment of an additional center, to be known as the ''Rural Center of Excellence for Assessing Perfluoroalkyl and Polyfluoroalkyl Substances in Water Sources and Perfluoroalkyl and Polyfluoroalkyl Substance Remediation Solutions''; and

(ii) guide and assist the eligible rural university in the establishment of that center.

(2) APPLICATIONS.—

(A) CENTER.—

(i) IN GENERAL.—An eligible research university and National Laboratory desiring to establish the Center shall jointly submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may require.

(ii) CRITERIA.—In evaluating applications submitted under clause (i), the Administrator shall only consider applications that—

(I) include evidence of an existing partnership between the co-applicants that is dedicated to supporting and expanding shared scientific goals with a clear pathway to collaborating on furthering science and research relating to perfluoroalkyl or polyfluoroalkyl substances;

(II) demonstrate a history of collaboration between the co-applicants on the advancement of shared research capabilities, including instrumentation and research infrastructure relating to perfluoroalkyl or polyfluoroalkyl substances;

(III) indicate that the co-applicants have the capacity to expand education and research opportunities for undergraduate and graduate students to prepare a generation of experts in sciences relating to perfluoroalkyl or polyfluoroalkyl substances;

(IV) demonstrate that the National Laboratory co-applicant is equipped to scale up newly discovered materials and methods for perfluoroalkyl or polyfluoroalkyl substance detection and perfluoroalkyl or polyfluoroalkyl substance removal processes for low-risk, cost-effective, and validated commercialization; and

(V) identify 1 or more staff members of the eligible research university co-applicant and 1 or more staff members of the National Laboratory co-applicant who—

(aa) have expertise in sciences relevant to perfluoroalkyl or polyfluoroalkyl substance detection and remediation; and

(bb) have been jointly selected, and will be jointly appointed, by the co-applicants to lead, and carry out the purposes of, the Center.

(B) RURAL CENTER.—An eligible rural university desiring to establish the Rural Center shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may require.

(3) TIMING.—

(A) IN GENERAL.—Subject to subparagraph (B), the Centers shall be established not later than 1 year after the date of enactment of this Act.

(B) DELAY.—If the Administrator determines that a delay in the establishment of 1 or both of the Centers is necessary, the Administrator—

(i) not later than the date described in subparagraph (A), shall submit a notification to the appropriate committees of Congress explaining the necessity of the delay; and

(ii) shall ensure that the 1 or more Centers for which a delay is necessary are established not later than 3 years after the date of enactment of this Act.

(4) REQUIREMENT.—The Administrator shall carry out subparagraphs (A) and (B) of paragraph (1)—

(A) in coordination with the Secretary of Energy, as the Administrator determines to be appropriate; and

(B) in consultation with the Strategic Environmental Research and Development Program and the Environmental Security Technology Certification Program of the Department of Defense.

(d) DUTIES AND CAPABILITIES OF THE CENTERS.—

(1) IN GENERAL.—The Centers shall develop and maintain—

(A) capabilities for measuring, using methods certified by the Environmental Protection Agency, perfluoroalkyl or polyfluoroalkyl substance contamination in drinking water, ground water, and any other relevant environmental, municipal, industrial, or residential water samples; and

(B) capabilities for—

(i) evaluating emerging perfluoroalkyl or polyfluoroalkyl substance removal and destruction technologies and methods; and

(ii) benchmarking those technologies and methods relative to existing technologies and methods.

(2) REQUIREMENTS.—

(A) IN GENERAL.—In carrying out paragraph (1), the Centers shall, at a minimum—

(i) develop instruments and personnel capable of analyzing perfluoroalkyl or polyfluoroalkyl substance contamination in water using EPA method 533, EPA method 537.1, any future method or updated method, or any other relevant method for detecting perfluoroalkyl or polyfluoroalkyl substances in water;

(ii) develop and maintain capabilities for evaluating the removal of perfluoroalkyl or polyfluoroalkyl substances from water using newly developed adsorbents or membranes;

(iii) develop and maintain capabilities to evaluate the degradation of perfluoroalkyl or polyfluoroalkyl substances in water or other media;

(iv) make the capabilities and instruments developed under clauses (i) through (iii) available to researchers throughout the regions in which the Centers are located; and

(v) make reliable perfluoroalkyl or polyfluoroalkyl substance measurement capabilities and instruments available to municipalities and individuals in the region in which the Centers are located at reasonable cost.

(B) OPEN-ACCESS RESEARCH.—The Centers shall provide open access to the research findings of the Centers.

(e) COORDINATION WITH OTHER FEDERAL AGENCIES.—The Administrator may, as the Administrator determines to be necessary, use staff and other resources from other Federal agencies in carrying out this section.

(f) REPORTS.—

(1) REPORT ON ESTABLISHMENT OF CENTER.—With respect to each of the Center and the Rural Center, not later than 1 year after the date on which the center is established under subsection (c), the Administrator, in coordination with that center, shall submit to the appropriate committees of Congress a report describing—

(A) the establishment of that center; and

(B) the activities of that center since the date on which that center was established.

(2) ANNUAL REPORTS.—With respect to each of the Center and the Rural Center, not later than 1 year after the date on which the report under paragraph (1) for that center is submitted, and annually thereafter until the date on which that center is terminated under subsection (g), the Administrator, in coordination with that center, shall submit to the appropriate committees of Congress a report describing—

(A) the activities of that center during the year covered by the report; and

(B) any policy, research, or funding recommendations relating to the purposes or activities of that center.

(g) TERMINATION.—

(1) IN GENERAL.—Subject to paragraph (2), the Centers shall terminate on October 1, 2033.

(2) EXTENSION.—If the Administrator, in consultation with the Centers, determines that the continued operation of 1 or both of the Centers beyond the date described in paragraph (1) is necessary to advance science and technologies to address perfluoroalkyl or polyfluoroalkyl substance contamination—

(A) the Administrator shall submit to the appropriate committees of Congress—

(i) a notification of that determination; and

(ii) a description of the funding necessary for the applicable 1 or more Centers to continue in operation and fulfill their purpose; and

(B) subject to the availability of funds, may extend the duration of the applicable 1 or more Centers for such time as the Administrator determines to be appropriate.

(h) FUNDING.—

(1) IN GENERAL.—Of the amounts authorized to be appropriated to the Department of Defense for fiscal year 2024 for the Strategic Environmental Research and Development Program and the Environmental Security Technology Certification Program of the Department of Defense, $25,000,000 shall be made available to the Administrator to carry out this section, to remain available until September 30, 2033.

(2) ADMINISTRATIVE COSTS.—Not more than 4 percent of the amounts made available to the Administrator under paragraph (1) shall be used by the Administrator for the administrative costs of carrying out this section.

SEC. 202. ACTIONS UNDER STATE LAW FOR DAMAGES FROM EXPOSURE TO HAZARDOUS SUBSTANCES.

Section 309 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9658) is amended—

(1) in subsection (a)—

(A) in the subsection heading, by inserting ''AND STATUTES OF REPOSE'' after ''LIMITATIONS'';

(B) in paragraph (1)—

(i) in the paragraph heading, by inserting ''OF LIMITATIONS'' after ''STATUTES''; and

(ii) by inserting ''statute of'' after ''applicable'';

(C) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(D) by inserting after paragraph (1) the following:

''(2) EXCEPTION TO STATE STATUTES OF REPOSE.—In the case of any action brought under State law for personal injury, or property damages, which are caused or contributed to by exposure to any hazardous substance, or pollutant or contaminant, released into the environment from a facility, if the applicable statute of repose period for such action (as specified in the State statute of repose or under common law) provides a commencement date which is earlier than the federally required commencement date, such period shall commence at the federally required commencement date in lieu of the date specified in such State statute.''; and

(E) in paragraph (3) (as so redesignated)—

(i) by striking ''paragraph (1)'' and inserting ''paragraphs (1) and (2)''; and

(ii) by inserting ''or statute of repose'' after ''statute of limitations''; and

(2) in subsection (b)—

(A) in paragraph (2)—

(i) in the paragraph heading, by inserting ''STATUTE OF'' after ''APPLICABLE''; and

(ii) by inserting ''statute of'' after ''applicable'';

(B) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively;

(C) by inserting after paragraph (2) the following:

''(3) APPLICABLE STATUTE OF REPOSE PERIOD.—The term 'applicable statute of repose period' means the period specified in a statute of repose during which a civil action referred to in subsection (a)(2) may be brought.'';

(D) in paragraph (4) (as so redesignated)—

(i) by inserting ''or statute of repose'' after ''statute of limitations''; and

(ii) by striking ''applicable limitations period'' and inserting ''applicable statute of limitations period or applicable statute of repose period, respectively''; and

(E) in paragraph (5) (as so redesignated)—

(i) in subparagraph (A), by striking ''subsection (a)(1)'' and inserting ''paragraph (1) or (2) of subsection (a)''; and

(ii) in subparagraph (B)—

(I) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively, and indenting appropriately;

(II) in the matter preceding subclause (I) (as so redesignated), by striking ''In the case'' and inserting the following:

''(i) MINORS AND INCOMPETENTS.—In the case''; and

(III) by adding at the end the following:

''(ii) NEWLY DESIGNATED HAZARDOUS SUBSTANCES.—In the case of a contaminant of emerging concern, pollutant, chemical, waste, or other substance that is designated as a hazardous substance on or after August 1, 2022, the term 'federally required commencement date' means the latter of—

''(I) the date on which that contaminant of emerging concern, pollutant, chemical, waste, or other substance is designated as a hazardous substance; and

''(II) the date on which the plaintiff knew (or reasonably should have known) that the personal injury or property damages referred to in paragraph (1) or (2) of subsection (a) were caused or contributed to by that contaminant of emerging concern, pollutant, chemical, waste, or other substance.''.

SEC. 203. BANKRUPTCY PROVISION RELATING TO PERSISTENT, BIOACCUMULATIVE, AND TOXIC CHEMICALS DEFENDANTS AND DEBTORS.

(a) IN GENERAL.—Title III of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9651 et seq.) is amended by adding at the end the following:

''SEC. 313. SPECIAL PROVISION RELATING TO PERSISTENT, BIOACCUMULATIVE, AND TOXIC CHEMICALS DEFENDANTS AND DEBTORS.

''(a) DEFINITIONS.—In this section:

''(1) CLAIM; DEBTOR; ENTITY; PETITION.—The terms 'claim', 'debtor', 'entity', and 'petition' have the meanings given those terms in section 101 of title 11, United States Code.

''(2) ESTATE.—The term 'estate' means an estate of a debtor described in section 541 of title 11, United States Code.

''(3) NONDEBTOR ENTITY.—The term 'nondebtor entity' means an entity that is not a debtor or an estate.

''(4) PBT CLAIM.—The term 'PBT claim' means a claim based on, arising from, or attributable to the presence of, or exposure to—

''(A) a perfluoroalkyl or polyfluoroalkyl substance; or

''(B) any persistent, bioaccumulative, and toxic chemical, as designated under section 6(h) of the Toxic Substances Control Act (15 U.S.C. 2605(h)).

''(b) AUTOMATIC STAY.—The filing of a petition does not operate as a stay under section 362(a) of title 11, United States Code, of the commencement or continuation, including the issuance or employment of process, of a judicial, administrative, or other action or proceeding against a nondebtor entity, or any act to obtain or recover property of a nondebtor entity, on account of or with respect to a PBT claim against the nondebtor entity, the debtor, or the estate (including a claim or cause of action against the nondebtor entity that is property of the debtor or the estate).''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section and the amendment made by this section—

(A) shall take effect on the date of enactment of this Act; and

(B) shall apply to any case under title 11, United States Code, that is—

(i) pending as of the date of enactment of this Act; or

(ii) commenced or reopened on or after the date of enactment of this Act.

(2) VALIDITY OF FINAL ORDERS.—Nothing in this section, or the amendment made by this section, shall affect the validity of any final judgment, order, or decree entered before the date of enactment of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 648—PROCLAIMING A DECLARATION OF ENVIRONMENTAL RIGHTS FOR INCARCERATED PEOPLE

Mr. MARKEY submitted the following resolution; which was referred to the Committee on the Judiciary.:

S. RES. 648

Whereas criminal legal systems in the United States are sustaining an incarceration crisis that has put millions of people behind bars, torn families apart, destabilized communities, and allowed others to profit from the mistreatment of human beings;

Whereas, in the United States, almost 2,000,000 people are incarcerated in Federal, State, local, and Tribal prisons and jails, immigration detention facilities, juvenile secure facilities, and treatment and rehabilitation facilities;

Whereas the duration of prison sentences is trending upwards and nearly 57 percent of the Federal and State prison population is now serving a sentence of 10 years or more;

Whereas every year of incarceration in a prison or jail for a person is associated with a 2-year reduction in average life expectancy;

Whereas people incarcerated in prisons and jails are more likely than the general public to have at least 1 preexisting physical or mental health condition or disability, which makes incarcerated people more susceptible to environmental health threats;

Whereas incarceration and systemic patterns of environmental justice violations in the permitting and siting of carceral facilities has greatly increased the exposure of incarcerated people, carceral facility staff, and communities surrounding carceral facilities to toxic and dangerous conditions;

Whereas toxic environments in and around carceral facilities harm the physical, mental, and social well-being of those impacted by incarceration;

Whereas exposure to environmental hazards harms the vitality of incarcerated communities by reducing the availability of programming in carceral facilities;

Whereas the adverse environmental health impacts of incarceration disproportionately harm Black people and other minorities in the United States, including Indigenous, Latino, and LGBTQ+ people, who are more likely to be incarcerated in the United States;

Whereas pregnant, post-natal, and breastfeeding people are at higher risk of adverse health outcomes from exposure to environmental stressors in carceral facilities, yet those people often lack proper medical care or options to minimize exposure to environmental health threats;

Whereas privatized healthcare providers profit from the poisoning of incarcerated populations and often provide incarcerated people with inadequate care;

Whereas nearly 33 percent of Federal and State prisons are located within 3 miles of a federally declared toxic superfund site, which are disproportionately located in or near low-income communities and communities of color;

Whereas people incarcerated in prisons and jails often perform extremely hazardous labor, including electronic waste recycling, forest firefighting, and asbestos removal, without sufficient protection and for meager or no compensation, with the average hourly wage for incarcerated workers being as low as $0.14 and some incarcerated workers earning no wages at all;

Whereas measurements of heat indices inside prison cells have ranged from below freezing to in excess of 150 degrees Fahrenheit;

Whereas incarcerated people often drink and bathe in water contaminated with lead, arsenic, manganese, harmful bacteria, and other hazardous substances and do not have the same access to safer alternatives as nonincarcerated people;

Whereas poor ventilation in carceral facilities contributes to hazardous air quality,

which in turn leads to psychological distress, cognitive impairment, and the proliferation of infectious respiratory diseases, allergens, and other respiratory issues;

Whereas incarcerated people are commonly confined to spaces where they are exposed to mold, asbestos, and pests;

Whereas the diets of incarcerated people are regularly below standards requisite for good health;

Whereas food safety standards and preparation guidelines are not uniformly enforced and followed in carceral facilities;

Whereas the constant noise and artificial light that is common in prison environments can act as a form of torture that induces progressively severe mental stress and anxiety;

Whereas incarcerated people with little or no access to natural light are more likely to be depressed and engage in harmful behavior that can extend the duration of their incarceration;

Whereas conditions of incarceration should be conducive to rehabilitation;

Whereas the cumulative and chronic health impacts of incarceration can transform short sentences into long-term or lifelong punishment; and

Whereas many incarcerated people endure conditions that are cruel, inhumane, unsafe, and not conducive to rehabilitative justice: Now, therefore, be it

Resolved, That the Senate—

(1) declares that incarcerated people have the right to healthy and safe environments, and the right to advocate for protecting and improving their environmental health; and

(2) proclaims this Declaration of Environmental Rights for Incarcerated People, founded on the principles that—

(A) incarcerated people have inherent dignity and personhood;

(B) the right to humane treatment is inviolable and without distinction of any kind, including the nature of a crime committed;

(C) incarcerated people have the right to a healthy environment;

(D) environmental standards in carceral facilities should protect the health of the most vulnerable people with an adequate margin of safety;

(E) disregard and contempt for the environmental health of incarcerated people undermines the pursuit of justice;

(F) the right of incarcerated people to a healthy environment should be universally recognized and protected by law;

(G) legal remedies for inhumane conditions should be universally available to incarcerated people and their advocates, without hindrance or delay, in courts of law;

(H) incarcerated people have the right to, and should be proactively supplied with, information and education regarding exposure pathways to environmental hazards in the facilities in which they are incarcerated;

(I) incarcerated people have the right to discuss the environmental health conditions of carceral facilities among themselves;

(J) incarcerated people have the right to advocate, without fear or threat of retaliation, to protect and improve their environmental health;

(K) incarcerated people have the right to refuse to work or labor in unsafe or hazardous conditions, and have the right to receive alternative work opportunities, without threat of retaliation or impact on release decisions; and

(L) decarceration should serve as a principal strategy to reduce the environmental health harms of criminal legal systems; and

(3) supports efforts to enact legislation guided by the principles described in paragraph (2).

SENATE RESOLUTION 649—RAISING AWARENESS OF LAKE STURGEON (ACIPENSER FULVESCENS)

Mr. WELCH submitted the following resolution; which was referred to the Committee on Environment and Public Works:

S. RES. 649

Whereas lake sturgeon are one of the largest North American freshwater fish and can live for 150 years or longer;

Whereas lake sturgeon are considered living fossils, as their lineage dates back to the time of dinosaurs, making them one of the oldest fish species still in existence;

Whereas lake sturgeon are slow to reproduce as they may not spawn until they are 15 to 25 years old and they only spawn every 4 years on average;

Whereas lake sturgeon are found across the Great Lakes, northeastern United States, and southeastern Canada;

Whereas lake sturgeon are bottom-dwelling fish that require extensive areas of shallow water to feed on a wide variety of organisms;

Whereas historical overfishing, invasive species, and habitat degradation have caused declines in the population of local lake sturgeon;

Whereas many States list lake sturgeon as an endangered, threatened, or otherwise protected species;

Whereas lake sturgeon serve an important role as an indicator of ecosystem health;

Whereas lake sturgeon attract the attention of the public because of their large size and prehistoric body;

Whereas many Federal agencies, States, Tribes, and local communities are collaborating on lake sturgeon management programs that are reestablishing healthy lake sturgeon populations; and

Whereas lake sturgeon have cultural importance for many indigenous communities, representing a traditional food source: Now, therefore, be it

Resolved, That the Senate encourages—

(1) continued collaboration among Federal, State, Tribal, and other partners to manage and increase lake sturgeon populations across their extensive range;

(2) continued efforts to identify, protect, and restore the habitat of lake sturgeon;

(3) continued efforts to prevent and control invasive species and restore the reproductive habitat of lake sturgeon;

(4) increased public awareness of lake sturgeon; and

(5) education of anglers and local communities on the proper ways to handle lake sturgeon if accidentally caught.

SENATE RESOLUTION 650—RECOGNIZING THE ANNIVERSARY OF THE ESTABLISHMENT OF THE UNITED STATES NAVAL CONSTRUCTION FORCE, KNOWN AS THE ''SEABEES'', AND THE TREMENDOUS SACRIFICES AND CONTRIBUTIONS BY THE SEABEES WHO HAVE FOUGHT AND SERVED ON BEHALF OF OUR COUNTRY

Mr. WHITEHOUSE (for himself, Mr. WICKER, Mr. REED, and Mrs. HYDE-SMITH) submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 650

Whereas, on January 5, 1942, the first United States Naval Construction units were authorized by the Department of the Navy;

Whereas, on March 5, 1942, the United States Naval Construction Force (referred to in this preamble as ''Seabees'') was granted official permission by the Navy to use the name ''Seabees'';

Whereas, in 1942, Frank J. Iafrate, a native of North Providence, Rhode Island, who later joined the Seabees as a Chief Carpenter's Mate, designed the ''Fighting Bee'' logo that is still used by the Seabees in 2024;

Whereas, for more than 80 years, the Seabees have built bases, airfields, roads, bridges, fueling stations, and other infrastructure, both on land and underwater, in support of the Navy and Marine Corps;

Whereas the motto of the Seabees, ''Construimus, Batuimus'', Latin for ''We Build, We Fight'', reflects the indispensable dual role of the Seabees in building critical warfighting infrastructure and defending the United States in combat;

Whereas the ingenuity, improvisation, and entrepreneurial spirit of the Seabees has given the Armed Forces a strategic advantage and contributed to countless successes on the battlefield for the United States since World War II;

Whereas the Seabees have served as goodwill ambassadors across the globe, performing humanitarian and civic action projects to—

(1) improve access to sanitation, drinking water, and utilities;

(2) build schools, hospitals, and roads; and

(3) provide emergency relief in the aftermath of major disasters;

Whereas, with courage, creativity, and a ''can-do'' attitude, the Seabees have helped to build both critical infrastructure and valued friendships around the world; and

Whereas March 5, 2024, is the 82nd anniversary of the establishment of the Seabees: Now, therefore, be it

Resolved, That the Senate—

(1) acknowledges and expresses thanks for the thousands of members of the United States Naval Construction Force (referred to in this resolution as ''Seabees'') who, through ingenuity, strength, courage, and perseverance, have protected the United States and improved the lives of countless people in the United States and around the world;

(2) honors the courage and sacrifices of those members of the Seabees who have perished in defense of the United States;

(3) expresses unending gratitude for the many sacrifices made by the families of members of the Seabees; and

(4) proudly recognizes the 82nd anniversary of the establishment of the Seabees.

SENATE RESOLUTION 651—DESIGNATING APRIL 2024 AS ''PRESERVING AND PROTECTING LOCAL NEWS MONTH'' AND RECOGNIZING THE IMPORTANCE AND SIGNIFICANCE OF LOCAL NEWS

Mr. SCHATZ (for himself, Mr. FETTERMAN, Mr. BLUMENTHAL, Ms. CANTWELL, Mr. PADILLA, Mr. WELCH, Ms. KLOBUCHAR, Mr. WYDEN, Mr. DURBIN, Mr. WARNER, Mr. KELLY, Mr. KING, and Ms. BUTLER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 651

Whereas the United States was founded on the principle of freedom of the press enshrined in the First Amendment to the Constitution of the United States, which declares that ''Congress shall make no law . . . abridging the freedom of speech, or of the press . . .'';

Whereas an informed citizenry depends on accurate and unbiased news reporting to inform the judgment of the people;

Whereas a robust, diverse, and sustainable local news presence leads to civic engagement and the buttressing of democratic norms and practices;

Whereas local news provides vital information on local, State, and national elections to help United States citizens execute their civic responsibility;

Whereas the absence of local news outlets and investigative reporting allows local government corruption and corporate malfeasance to go unchecked;

Whereas local journalists help combat misinformation and disinformation by using their community knowledge and connections to debunk fraudulent or misleading content;

Whereas local cable franchises routinely provide for public educational and government access channels on their systems, and those channels—

(1) offer vital local civic programming that informs communities;

(2) provide news and information not often available on other local broadcast channels or cable;

(3) supplement local journalism; and

(4) at times, are the only source for local news;

Whereas more than ¾ of the United States citizenry trust local news sources;

Whereas, according to recent research—

(1) the United States has lost nearly 2,900 local print outlets since 2005, which accounts for over ¼ of all local print outlets, and is on track to lose ⅓ of all local print outlets by 2025;

(2) an average of 2.5 local print outlets are being shuttered every week in the United States;

(3) more than 200 of the 3,143 counties and county equivalents in the United States have no local newspaper at all, creating a news shortage for the roughly 4,000,000 residents of those areas;

(4) of the remaining counties in the United States, more than ½ have only 1 newspaper to cover populations ranging from fewer than 1,000 to more than 1,000,000 residents and ⅔ have no daily newspaper, with fewer than 100 of these counties having a digital substitute;

(5) more than ½ of all newspapers in the United States have changed owners during the past decade, and, in 2020, the 25 largest newspaper ownership companies owned ⅓ of all daily newspapers, including 70 percent of newspapers that still circulate daily;

(6) of the surviving 6,700 newspapers in the United States, thousands now qualify as ''ghost newspapers'', or newspapers with reporting and photography staffs that are so significantly reduced that they can no longer provide much of the breaking news or public service journalism that once informed readers about vital issues in their communities;

(7) rural counties are among the counties most deeply impacted by the loss of local reporting, as more than 500 of the nearly 2,900 newspapers that have closed since 2005 are in rural counties; and

(8) researchers at Northwestern University's Medill School of Journalism estimate that 228 counties in the United States are at an elevated risk of becoming news deserts in the next 5 years, which would inordinately impact high-poverty areas in the South and Midwest and communities with significant Black, Latino, and Native American populations;

Whereas, while overall employment in newspaper, television, radio, and digital newsrooms dropped by roughly 26 percent, or 30,000 jobs, between 2008 and 2020, the plunge in newspaper newsrooms alone was much worse at 57 percent, or 40,000 jobs, during that same time period;

Whereas the number of news employees in the radio broadcasting industry dropped by 26 percent between 2008 and 2020;

Whereas more than 21,400 media jobs were lost in 2023, the highest number, excluding 2020, since the height of the Great Recession in 2009;

Whereas digital native publications have laid off hundreds of journalists, including over 500 in January 2024 alone, and many of those publications have shuttered during the last year;

Whereas beat reporting, meaning the day-to-day coverage of a particular field that allows a journalist to develop expertise and cultivate sources, has ceased to be a viable career for would-be journalists due to the decimation of newsroom budgets;

Whereas requests submitted under section 552 of title 5, United States Code (commonly referred to as ''Freedom of Information Act requests''), by local newspapers to local, State, and Federal agencies fell by nearly 50 percent between 2005 and 2010, demonstrating a significant drop in the extent to which local reporters request government records;

Whereas newspapers alone lost more than $39,800,000,000 in advertising revenue between 2005 and 2020;

Whereas the sponsorship revenue of all-news radio stations dropped by 25 percent between 2019 and 2021;

Whereas there remains a significant gender disparity in newsroom employment, with women comprising approximately ⅓ of staff who are 30 years of age or older;

Whereas women who are local television news anchors and reporters, especially women of color, are often subject to harassment and stalking;

Whereas, across the United States, there are nearly 300 media outlets that primarily serve Black communities, and, in recent years, many of those newspapers have seen—

(1) significant losses in advertising revenue as small businesses in their communities were forced to close; and

(2) declines in circulation due to the closures of businesses in their communities;

Whereas the number of Black journalists working at daily newspapers dropped by 40 percent between 1997 and 2014, more than for any other demographic group, and the exodus of journalists from local news outlets exacerbated amid the economic fallout from the COVID–19 pandemic has been disproportionately borne by Black constituencies;

Whereas the number of print media sources published by and for Native American readers has shrunk dramatically in recent years, from 700 media outlets in 1998 to only 200 in 2018;

Whereas Tribally owned news outlets are often dependent on Tribal governments for funding, but most of those outlets lack the policy structure necessary to fully protect journalistic independence;

Whereas a 2018 survey by the Native American Journalists Association found that 83 percent of respondents believed that Native press coverage of Tribal government affairs was sometimes, frequently, or always censored;

Whereas there are more than 620 Latino news media outlets in the United States, including more than 275 independently owned print publications, and collectively these news media outlets primarily rely on a declining advertising revenue base;

Whereas the lack of local news impacts communities that speak languages other than English, which are often excluded from national media coverage;

Whereas investments in local journalism have mainly focused on larger media markets, contributing to inequities and a journalistic divide between affluent and low-income communities;

Whereas student journalists, at both the college and high school level, have stepped in to play an important role reporting on their local communities despite the lack of educational resources and support;

Whereas the Pew Research Center reports that nearly 1 in 10 statehouse reporters are student journalists;

Whereas more than 360 local newsrooms have closed from the onset of the COVID–19 pandemic in early 2020 to the present day;

Whereas the COVID–19 pandemic took a substantial economic toll on the local news industry, contributing to budget cuts, staff layoffs, and scores of newsroom closures, from which the industry has yet to fully recover, as epitomized by mass layoffs and closures at several local news outlets in the 50 States and the District of Columbia in 2023 and early 2024;

Whereas PEN America proposed ''a major reimagining of the local news space'' in its 2019 call-to-action report, ''Losing the News: The Decimation of Local Journalism and the Search for Solutions'', and called on society and the Federal Government to urgently address the alarming demise of local journalism; and

Whereas, half a century ago, Congress perceived that the commercial television industry would not independently provide the educational and public interest broadcasting that was appropriate and necessary for the country, and, informed by an independent report prepared by the Carnegie Commission on Educational Television, created the Corporation for Public Broadcasting, which has since ensured that radio and television include public interest educational and reporting programs using annually appropriated funds: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 2024 as ''Preserving and Protecting Local News Month'';

(2) affirms that local news serves an essential function in the democracy of the United States;

(3) recognizes local news as a public good; and

(4) acknowledges the valuable contributions of local journalism towards the maintenance of healthy and vibrant communities.

SENATE RESOLUTION 652—DESIGNATING APRIL 2024 AS ''SECOND CHANCE MONTH''

Ms. KLOBUCHAR (for herself and Mr. CRAMER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 652

Whereas every individual is endowed with human dignity and value;

Whereas redemption and second chances are values of the United States;

Whereas millions of citizens of the United States have a criminal record;

Whereas hundreds of thousands of individuals return to their communities from Federal and State prisons every year;

Whereas many individuals returning from Federal and State prisons have paid their debt for committing crimes but still face significant legal and societal barriers (referred to in this preamble as ''collateral consequences'');

Whereas collateral consequences for an individual returning from a Federal or State prison are often mandatory and take effect automatically, regardless of—

(1) whether there is a nexus between the crime and public safety;

(2) the seriousness of the crime;

(3) the time that has passed since the individual committed the crime; or

(4) the efforts of the individual to make amends or earn back the trust of the public;

Whereas, for individuals returning to their communities from Federal and State prisons, gaining meaningful employment is one of the most significant predictors of successful reentry and has been shown to reduce future criminal activity;

Whereas many individuals who have been incarcerated struggle to find employment and access capital to start a small business because of collateral consequences, which are sometimes not directly related to the offenses the individuals committed or any proven public safety benefit;

Whereas many States have laws that prohibit an individual with a criminal record from working in certain industries or obtaining professional licenses;

Whereas, in addition to employment, education has been shown to be a significant predictor of successful reentry for individuals returning from Federal and State prisons;

Whereas an individual with a criminal record often has a lower level of educational attainment than the general population and has significant difficulty acquiring admission to, and funding for, educational programs;

Whereas an individual who has been convicted of certain crimes is often barred from receiving the financial aid necessary to acquire additional skills and knowledge through some formal education programs;

Whereas an individual with a criminal record—

(1) faces collateral consequences in securing a place to live; and

(2) is often barred from seeking access to public housing;

Whereas collateral consequences can prevent millions of individuals in the United States from contributing fully to their families and communities;

Whereas collateral consequences can have an impact on public safety by contributing to recidivism;

Whereas collateral consequences have particularly impacted underserved communities of color and community rates of employment, housing stability, and recidivism;

Whereas the inability to find gainful employment and other collateral consequences inhibit the economic mobility of an individual with a criminal record, which can negatively impact the well-being of the children and family of the individual for generations;

Whereas the bipartisan First Step Act of 2018 (Public Law 115–391; 132 Stat. 5194) was signed into law on December 21, 2018, to increase opportunities for individuals incarcerated in Federal prisons to participate in meaningful recidivism reduction programs and prepare for their second chances;

Whereas the programs authorized by the Second Chance Act of 2007 (Public Law 110–199; 122 Stat. 657)—

(1) have provided reentry services to more than 164,000 individuals in 49 States and the District of Columbia since the date of enactment of the Act; and

(2) were reauthorized by the First Step Act of 2018 (Public Law 115–391; 132 Stat. 5194);

Whereas the anniversary of the death of Charles Colson, who used his second chance following his incarceration for a Watergate-related crime to found Prison Fellowship, the largest program in the United States that provides outreach to prisoners, former prisoners, and their families, falls on April 21; and

Whereas the designation of April as ''Second Chance Month'' may contribute to—

(1) increased public awareness about—

(A) the impact of collateral consequences; and

(B) the need for closure for individuals with a criminal record who have paid their debt; and

(2) opportunities for individuals, employers, congregations, and communities to extend second chances to those individuals: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 2024 as ''Second Chance Month'';

(2) honors the work of communities, governmental institutions, nonprofit organizations, congregations, employers, and individuals to remove unnecessary legal and societal barriers that prevent individuals with criminal records from becoming productive members of society; and

(3) calls upon the people of the United States to observe ''Second Chance Month'' through actions and programs that—

(A) promote awareness of those unnecessary legal and social barriers; and

(B) provide closure for individuals with criminal records who have paid their debts to the community.

SENATE RESOLUTION 653—RECOGNIZING THE 54TH ANNIVERSARY OF EARTH DAY AND THE LEADERSHIP OF ITS FOUNDER, SENATOR GAYLORD NELSON

Ms. BALDWIN (for herself, Mr. BLUMENTHAL, Mr. KING, Ms. DUCKWORTH, and Ms. BUTLER) submitted the following resolution; which was referred to the Committee on Environment and Public Works:

S. RES. 653

Whereas Earth Day is observed annually around the world to demonstrate support for preserving, protecting, and defending the environment, the planet, and the inhabitants of the planet;

Whereas Senator Gaylord Nelson, a native of Clear Lake, Wisconsin—

(1) established Earth Day as an event and movement led by young people;

(2) is recognized as one of the leading environmentalists of the 20th century; and

(3) received the Presidential Medal of Freedom for his public leadership;

Whereas the Earth Day movement established by Senator Gaylord Nelson helped launch an era of international environmental awareness and activism;

Whereas young individuals were critical in the organization and mobilization of 20,000,000 individuals on the first Earth Day in 1970, making that celebration the largest environmental grassroots event in history at that time;

Whereas ongoing environmental degradation, accelerating climate change, and increasingly severe weather events threaten the well-being and livelihoods of the individuals of the United States and individuals around the world, including—

(1) coastal communities, which are especially vulnerable and are experiencing erosion, flooding, and pollution; and

(2) rural and agricultural communities, which are facing increased risk of drought, diseases, pests, and soil degradation;

Whereas pollution, environmental degradation, and the climate crisis are generational justice issues that disproportionately impact young individuals and future generations, who will face difficulties accessing clean water and clean air;

Whereas low-income communities and communities of color continue to face disproportionate harm from climate change, pollution, and environmental degradation;

Whereas multiple national and international scientific reports have concluded that the climate crisis is a threat to the planet that requires urgent action;

Whereas the first Earth Day spurred broad support for environmental conservation and contributed to the creation of the Environmental Protection Agency and the enactment of bipartisan legislation with bedrock Federal environmental protections, including the Clean Air Act (42 U.S.C. 7401 et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

Whereas Congress enacted once-in-a-generation legislation, including the Inflation Reduction Act (Public Law 117–169) and the Infrastructure Investment and Jobs Act (Public Law 117–58), which make historic investments in clean water and clean air;

Whereas the United States has experienced a youth-led resurgence in environmental and climate activism that has led to hundreds of thousands of individuals in the United States demanding climate action; and

Whereas the mission and purpose of Earth Day remain relevant in 2024, for a new generation to face environmental challenges that lie ahead: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes April 22, 2024, as the 54th anniversary of Earth Day; and

(2) commends the leadership and vision of the founder of Earth Day, Senator Gaylord Nelson.

SENATE RESOLUTION 654—EXPRESSING CONCERN ABOUT THE ELEVATED LEVELS OF LEAD IN ONE-THIRD OF THE WORLD'S CHILDREN AND THE GLOBAL CAUSES OF LEAD EXPOSURE, AND CALLING FOR THE INCLUSION OF LEAD EXPOSURE PREVENTION IN GLOBAL HEALTH, EDUCATION, AND ENVIRONMENT PROGRAMS ABROAD

Mr. CARDIN (for himself, Ms. DUCKWORTH, Mr. MERKLEY, Mr. BOOKER, and Mr. VAN HOLLEN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 654

Whereas the heavy metal lead is a common element found in the Earth's crust and is a known toxin;

Whereas children are particularly vulnerable to lead exposure due to lead's harmful effects on the brain and nervous system development;

Whereas, according to the World Health Organization, people can be exposed to lead through the inhalation of lead particles produced from the burning of leaded materials, including during recycling and smelting;

Whereas exposure to lead also occurs through the ingestion of dust, paint flakes, water, and food contaminated with lead;

Whereas, over time, significant exposure to lead and the accumulation of lead in the body can result in lead poisoning, a severe, life-threatening condition that requires medical attention;

Whereas, according to the United Nations Children's Fund (UNICEF), approximately 1 in 3 children, up to approximately 800,000,000 globally, have blood lead levels at or above the threshold for intervention in a child's environment recommended by the World Health Organization;

Whereas, according to the Centers for Disease Control and Prevention, children from low-income families are particularly vulnerable to lead exposure;

Whereas the World Health Organization has determined that there is no level of exposure to lead that is known to be without harmful effects;

Whereas lead exposure is linked to toxicity in every organ system, with young children being especially susceptible;

Whereas, compared to adults, children absorb 4 to 5 times more ingested lead;

Whereas high levels of lead among children can cause comas, convulsions, and even death through attacks on the central nervous system and the brain;

Whereas lead exposure can cause serious and irreversible neurological damage and is linked, among children, to negative effects on brain development, lower intelligence quotient (IQ) levels, increased antisocial behavior, as well as decreased cognitive function and abilities to learn;

Whereas undernourished children, who lack calcium and iron, are more vulnerable to absorbing lead;

Whereas the World Health Organization links exposure to high amounts of lead among pregnant women to stillbirth, miscarriage, premature birth, and low birth weight;

Whereas lead stored in a woman's body is released into her blood during pregnancy and becomes a source of exposure to the developing fetus;

Whereas poorly regulated or informal recycling of used lead-acid batteries, particularly in developing countries, heightens the risk of occupational exposure to lead, including among children, and environmental contamination;

Whereas that contamination is connected to the food system through the consumption of shellfish and fish living in contaminated water, animals foraging in contaminated spaces, and the cultivation of crops in contaminated fields;

Whereas household and consumer goods in low- and middle-income countries that are contaminated with lead, such as cookware, spices, toys, paint, and cosmetics, can poison children in those countries and can enter the global supply chain and poison children in the United States;

Whereas, in 2023, World Bank researchers conducted a comprehensive examination of country-by-country data on blood lead levels among children 5 years old and younger and determined an estimated loss of 765,000,000 intelligence quotient points occurred among the total children captured by the data;

Whereas, in that same study, World Bank researchers determined that in 2019, 5,500,000 adults died from cardiovascular disease associated with lead exposure and the global cost of lead exposure was approximately $6,000,000,000,000;

Whereas lead poisoning may account for up to 20 percent of the learning gap between children in high-income countries and children in low-income countries;

Whereas there are cost-effective approaches to prevent lead exposure, with significant return on investment in the form of improved health, increased productivity, higher IQs, and higher lifetime earnings;

Whereas, in 2023, the G7 recognized the impact of lead exposure on vulnerable communities and affirmed its commitment to reducing lead in the environment and addressing the disproportionate effects of lead exposure on vulnerable populations;

Whereas, each year, the United States recognizes National Childhood Lead Poisoning Prevention Week in October to increase lead poisoning prevention awareness and reduce childhood exposure to lead;

Whereas, each year, the United Nations recognizes International Lead Poisoning Prevention Week in October to remind governments, civil society organizations, health partners, industry, and other stakeholders of the unacceptable risks of lead exposure and the need for action to protect human health and the environment in support of meeting Sustainable Development Goal targets;

Whereas, despite the enormous health and economic impacts of lead exposure in low- and middle-income countries and the potential of cost-effective interventions, there is relatively little global assistance to help those countries prevent lead exposure;

Whereas the United States Agency for International Development is leading an initiative calling for increased actions and resources to prevent lead poisoning and to address the risk of lead exposure, starting with exposure from consumer goods in low- and middle-income countries; and

Whereas the United States can play a leadership role globally to help prevent children from the harms of lead exposure: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the dangerous impact of lead exposure on children, domestically and globally;

(2) acknowledges the broader impact of lead exposure on the global economy;

(3) asserts that addressing the global lead poisoning health crisis is in the security and economic interests of the United States;

(4) recognizes that preventing lead from entering the environment is the most effective strategy for combating lead exposure in children; and

(5) calls upon the United States Agency for International Development, in consultation with the International Lead Exposure Working Group of the President's Task Force on Environmental Health Risks and Safety Risks to Children, as well as other relevant agencies that support international development programs, to include lead exposure prevention, especially for children, in their approaches and programs as appropriate.

SENATE RESOLUTION 655—HONORING THE LIFE OF JOSEPH ISADORE LIEBERMAN, FORMER SENATOR FOR THE STATE OF CONNECTICUT

Mr. BLUMENTHAL (for himself, Mr. MURPHY, Mr. SCHUMER, Mr. MCCONNELL, Ms. BALDWIN, Mr. BARRASSO, Mr. BENNET, Mrs. BLACKBURN, Mr. BOOKER, Mr. BOOZMAN, Mr. BRAUN, Mrs. BRITT, Mr. BROWN, Mr. BUDD, Ms. BUTLER, Ms. CANTWELL, Mrs. CAPITO, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CASSIDY, Ms. COLLINS, Mr. COONS, Mr. CORNYN, Ms. CORTEZ MASTO, Mr. COTTON, Mr. CRAMER, Mr. CRAPO, Mr. CRUZ, Mr. DAINES, Ms. DUCKWORTH, Mr. DURBIN, Ms. ERNST, Mr. FETTERMAN, Mrs. FISCHER, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mr. HAGERTY, Ms. HASSAN, Mr. HAWLEY, Mr. HEINRICH, Mr. HICKENLOOPER, Ms. HIRONO, Mr. HOEVEN, Mrs. HYDE-SMITH, Mr. JOHNSON, Mr. KAINE, Mr. KELLY, Mr. KENNEDY, Mr. KING, Ms. KLOBUCHAR, Mr. LANKFORD, Mr. LEE, Mr. LUJÁN, Ms. LUMMIS, Mr. MANCHIN, Mr. MARKEY, Mr. MARSHALL, Mr. MENENDEZ, Mr. MERKLEY, Mr. MORAN, Mr. MULLIN, Ms. MURKOWSKI, Mrs. MURRAY, Mr. OSSOFF, Mr. PADILLA, Mr. PAUL, Mr. PETERS, Mr. REED, Mr. RICKETTS, Mr. RISCH, Mr. ROMNEY, Ms. ROSEN, Mr. ROUNDS, Mr. RUBIO, Mr. SANDERS, Mr. SCHATZ, Mr. SCHMITT, Mr. SCOTT of Florida, Mr. SCOTT of South Carolina, Mrs. SHAHEEN, Ms. SINEMA, Ms. SMITH, Ms. STABENOW, Mr. SULLIVAN, Mr. TESTER, Mr. THUNE, Mr. TILLIS, Mr. TUBERVILLE, Mr. VAN HOLLEN, Mr. VANCE, Mr. WARNER, Mr. WARNOCK, Ms. WARREN, Mr. WELCH, Mr. WHITEHOUSE, Mr. WICKER, Mr. WYDEN, and Mr. YOUNG) submitted the following resolution; which was considered and agreed to:

S. RES. 655

Whereas Joseph I. Lieberman—

(1) was born in Stamford, Connecticut, in 1942; and

(2) graduated from Yale University and Yale Law School, in New Haven, Connecticut;

Whereas Joseph I. Lieberman was elected as Attorney General for the State of Connecticut in 1982;

Whereas, as Attorney General of Connecticut, Joseph I. Lieberman—

(1) implemented a reorganization of the office, focusing on constituent service and setting higher standards for the provision of legal assistance to state agencies;

(2) argued the case of Estate of Thornton v. Caldor, Inc., 472 U.S. 703 (1985), before the Supreme Court of the United States regarding an employee's right not to work on a chosen Sabbath day; and

(3) fought to expand and enforce consumer and environmental protections;

Whereas Joseph I. Lieberman was elected to the United States Senate in 1988, and was reelected in 1994, 2000, and 2006;

Whereas Joseph I. Lieberman played a key role in the creation of the Department of Homeland Security and helped to establish the National Commission on Terrorist Attacks Upon the United States (commonly known as the 9/11 Commission) following the terrorist attacks of September 11, 2001;

Whereas Joseph I. Lieberman was an early proponent for regulating the realistic depiction of violence in video games, later leading to the creation of the Entertainment Software Rating Board;

Whereas, while serving in the Senate, Joseph I. Lieberman was a strong advocate for the civil and political rights of all citizens, particularly as a leader in the effort to repeal the ''Don't Ask Don't Tell'' policy of the Armed Forces;

Whereas Joseph I. Lieberman, a firm champion of environmental protections, cosponsored Public Law 101–549 (commonly known as the ''Clean Air Act of 1990'') (42 U.S.C. 7401 et seq.), promoted legislation that would give consumers more information about the dangers of pesticides, and was an early supporter of efforts to combat climate change;

Whereas Joseph I. Lieberman was the Democratic nominee for Vice President in the 2000 presidential election, being the first Jewish major-party nominee for such a position;

Whereas, after leaving public office, Joseph I. Lieberman continued his work in national security and civil rights advocacy through organizations such as the Muslin-Jewish Advisory Council and the Counter Extremism Project; and

Whereas Joseph I. Lieberman is survived by his wife, Hadassah Lieberman, as well as his son, stepson, 2 daughters, 2 sisters, and 13 grandchildren: Now, therefore, be it

Resolved, That—

(1) the Senate has heard with profound sorrow and deep regret the announcement of the death of Joseph I. Lieberman, former Member of the Senate;

(2) the Senate directs the Secretary of the Senate—

(A) to communicate this resolution to the House of Representatives; and

(B) to transmit an enrolled copy of this resolution to the family of Joseph I. Lieberman; and

(3) when the Senate adjourns today, it stands adjourned as a further mark of respect to the memory of the late Joseph I. Lieberman.

SENATE RESOLUTION 656—SUPPORTING THE GOALS AND IDEALS OF NATIONAL SAFE DIGGING MONTH

Mr. PETERS (for himself and Ms. CANTWELL) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 656

Whereas, each year, the underground utility infrastructure of the United States, including pipelines, electric, gas, telecommunications, fiber, water, sewer, and cable television lines, is jeopardized by unintentional damage caused by those who fail to have underground utility lines located prior to digging;

Whereas some utility lines are buried only a few inches underground, making the lines easy to strike, even during shallow digging projects;

Whereas digging prior to having underground utility lines located often results in unintended consequences, such as service interruption, environmental damage, personal injury, and even death;

Whereas the month of April marks the beginning of the peak period during which excavation projects are carried out around the United States;

Whereas, in 2002, Congress required the Department of Transportation and the Federal Communications Commission to establish a 3-digit, nationwide, toll-free number to be used by State ''One Call'' systems to provide information on underground utility lines;

Whereas, in 2005, the Federal Communications Commission designated ''811'' as the nationwide ''One Call'' number for homeowners and excavators to use to obtain information on underground utility lines before conducting excavation activities (referred to in this preamble as the '' 'One Call'/811 program'');

Whereas the nearly 4,200 damage prevention professionals who are members of the Common Ground Alliance, States, the ''One Call''/811 program, and other stakeholders who are dedicated to ensuring public safety, environmental protection, and the integrity of services, promote the national ''Contact 811 Before You Dig'' campaign to increase public awareness about the importance of homeowners and excavators contacting 811 to find out the location of underground utility lines before digging;

Whereas the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 (Public Law 112–90; 125 Stat. 1904) affirmed and expanded the ''One Call''/811 program by eliminating exemptions given to local and State government agencies and their contractors regarding notifying ''One Call''/811 centers before digging;

Whereas, according to the 2022 Damage Information Reporting Tool Report published by the Common Ground Alliance in September 2023—

(1) ''No notification to the 811 center'' remains the number 1 top root cause of damage;

(2) failure to notify 811 prior to digging contributed to 25 percent of damages; and

(3) landscaping, fencing, water, sewer, and construction are the top types of work performed when professionals cause no-notification damages; and

Whereas the Common Ground Alliance has designated April as ''National Safe Digging Month'' to increase awareness of safe digging practices across the United States and to celebrate the anniversary of the designation of 811 as the national ''Contact Before You Dig'' number: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of National Safe Digging Month;

(2) encourages all homeowners and excavators throughout the United States to contact 811 by phone or online before digging; and

(3) encourages all damage prevention stakeholders to help educate homeowners and excavators throughout the United States about the importance of contacting 811 to have the approximate location of buried utilities marked with paint or flags before digging.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1823. Mr. MARSHALL submitted an amendment intended to be proposed by him to the bill H.R. 7888, to reform the Foreign Intelligence Surveillance Act of 1978; which was ordered to lie on the table.

SA 1824. Mr. MARSHALL submitted an amendment intended to be proposed by him to the bill H.R. 7888, supra; which was ordered to lie on the table.

SA 1825. Mr. MARSHALL submitted an amendment intended to be proposed by him to the bill H.R. 7888, supra; which was ordered to lie on the table.

SA 1826. Mr. LEE (for himself and Mr. WELCH) submitted an amendment intended to be proposed by him to the bill H.R. 7888, supra; which was ordered to lie on the table.

SA 1827. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 7888, supra; which was ordered to lie on the table.

SA 1828. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 7888, supra; which was ordered to lie on the table.

SA 1829. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 7888, supra; which was ordered to lie on the table.

SA 1830. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill H.R. 7888, supra; which was ordered to lie on the table.

SA 1831. Ms. HIRONO (for herself, Mr. DURBIN, Mr. WYDEN, Mr. BOOKER, Mr. MARKEY, and Ms. WARREN) submitted an amendment intended to be proposed by her to the bill H.R. 7888, supra; which was ordered to lie on the table.

SA 1832. Mr. DURBIN (for himself, Mr. CRAMER, Ms. HIRONO, and Mr. LEE) submitted an amendment intended to be proposed by him to the bill H.R. 7888, supra; which was ordered to lie on the table.

SA 1833. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 7888, supra; which was ordered to lie on the table.

SA 1834. Mr. MARSHALL submitted an amendment intended to be proposed by him to the bill H.R. 7888, supra; which was ordered to lie on the table.

SA 1835. Mr. SCHUMER (for Mr. CARPER (for himself and Mr. GRAHAM)) proposed an amendment to the bill S. 2958, to amend the Coastal Barrier Resources Act to make improvements to that Act, and for other purposes.

SA 1836. Mr. LEE (for himself and Mr. WELCH) submitted an amendment intended to be proposed by him to the bill H.R. 7888, to reform the Foreign Intelligence Surveillance Act of 1978; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1823. Mr. MARSHALL submitted an amendment intended to be proposed by him to the bill H.R. 7888, to reform the Foreign Intelligence Surveillance Act of 1978; which was ordered to lie on the table; as follows:

On page 3, strike line 16 and all that follows through page 4, line 12, and insert the following:

(b) REQUIREMENT FOR SENIOR LEADERSHIP TO APPROVE FEDERAL BUREAU OF INVESTIGATION QUERIES.—Subparagraph (D) of section 702(f)(3), as added by subsection (d) of this section, is amended by inserting after clause (v) the following:

''(vi) REQUIREMENT FOR SENIOR LEADERSHIP TO APPROVE APPROVE FEDERAL BUREAU OF INVESTIGATION QUERIES.—The procedures shall require that senior leadership of the Department of Justice, including the Director of the Federal Bureau of Investigation and the Attorney General, be included in the Federal Bureau of Investigation's prior approval process under clause (ii).''.

SA 1824. Mr. MARSHALL submitted an amendment intended to be proposed by him to the bill H.R. 7888, to reform the Foreign Intelligence Surveillance Act of 1978; which was ordered to lie on the table; as follows:

On page 3, strike line 16 and all that follows through page 4, line 12.

SA 1825. Mr. MARSHALL submitted an amendment intended to be proposed by him to the bill H.R. 7888, to reform the Foreign Intelligence Surveillance Act of 1978; which was ordered to lie on the table; as follows:

Beginning on page 87, strike line 14 and all that follows through page 90, line 4.

SA 1826. Mr. LEE (for himself and Mr. WELCH) submitted an amendment intended to be proposed by him to the bill H.R. 7888, to reform the Foreign Intelligence Surveillance Act of 1978; which was ordered to lie on the table; as follows:

On page 19, strike line 22 and all that follows through page 24, line 10, and insert the following:

(b) USE OF AMICI CURIAE IN FOREIGN INTELLIGENCE SURVEILLANCE COURT PROCEEDINGS.—

(1) EXPANSION OF APPOINTMENT AUTHORITY.—

(A) IN GENERAL.—Section 103(i)(2) is amended—

(i) by striking subparagraph (A) and inserting the following:

''(A) shall, unless the court issues a finding that appointment is not appropriate, appoint 1 or more individuals who have been designated under paragraph (1), not fewer than 1 of whom possesses privacy and civil liberties expertise, unless the court finds that such a qualification is inappropriate, to serve as amicus curiae to assist the court in the consideration of any application or motion for an order or review that, in the opinion of the court—

''(i) presents a novel or significant interpretation of the law;

''(ii) presents significant concerns with respect to the activities of a United States person that are protected by the first amendment to the Constitution of the United States;

''(iii) presents or involves a sensitive investigative matter;

''(iv) presents a request for approval of a new program, a new technology, or a new use of existing technology;

''(v) presents a request for reauthorization of programmatic surveillance; or

''(vi) otherwise presents novel or significant civil liberties issues; and''; and

(ii) in subparagraph (B), by striking ''an individual or organization'' each place the term appears and inserting ''1 or more individuals or organizations''.

(B) DEFINITION OF SENSITIVE INVESTIGATIVE MATTER.—Section 103(i) is amended by adding at the end the following:

''(12) DEFINITION.—In this subsection, the term 'sensitive investigative matter' means—

''(A) an investigative matter involving the activities of—

''(i) a domestic public official or political candidate, or an individual serving on the staff of such an official or candidate;

''(ii) a domestic religious or political organization, or a known or suspected United States person prominent in such an organization; or

''(iii) the domestic news media; or

''(B) any other investigative matter involving a domestic entity or a known or suspected United States person that, in the judgment of the applicable court established under subsection (a) or (b), is as sensitive as an investigative matter described in subparagraph (A).''.

(2) AUTHORITY TO SEEK REVIEW.—Section 103(i), as amended by paragraph (1) of this subsection, is amended—

(A) in paragraph (4)—

(i) in the paragraph heading, by inserting ''; AUTHORITY'' after ''DUTIES'';

(ii) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively, and adjusting the margins accordingly;

(iii) in the matter preceding clause (i), as so redesignated, by striking ''the amicus curiae shall'' and inserting the following: ''the amicus curiae—

''(A) shall'';

(iv) in subparagraph (A)(i), as so redesignated, by inserting before the semicolon at the end the following: '', including legal arguments regarding any privacy or civil liberties interest of any United States person that would be significantly impacted by the application or motion''; and

(v) by striking the period at the end and inserting the following: ''; and

''(B) may seek leave to raise any novel or significant privacy or civil liberties issue relevant to the application or motion or other issue directly impacting the legality of the proposed electronic surveillance with the court, regardless of whether the court has requested assistance on that issue.'';

(B) by redesignating paragraphs (7) through (12) as paragraphs (8) through (13), respectively; and

(C) by inserting after paragraph (6) the following:

''(7) AUTHORITY TO SEEK REVIEW OF DECISIONS.—

''(A) FISA COURT DECISIONS.—

''(i) PETITION.—Following issuance of an order under this Act by the Foreign Intelligence Surveillance Court, an amicus curiae appointed under paragraph (2) may petition the Foreign Intelligence Surveillance Court to certify for review to the Foreign Intelligence Surveillance Court of Review a question of law pursuant to subsection (j).

''(ii) WRITTEN STATEMENT OF REASONS.—If the Foreign Intelligence Surveillance Court denies a petition under this subparagraph, the Foreign Intelligence Surveillance Court shall provide for the record a written statement of the reasons for the denial.

''(iii) APPOINTMENT.—Upon certification of any question of law pursuant to this subparagraph, the Court of Review shall appoint the amicus curiae to assist the Court of Review in its consideration of the certified question, unless the Court of Review issues a finding that such appointment is not appropriate.

''(B) FISA COURT OF REVIEW DECISIONS.—An amicus curiae appointed under paragraph (2) may petition the Foreign Intelligence Surveillance Court of Review to certify for review to the Supreme Court of the United States any question of law pursuant to section 1254(2) of title 28, United States Code.

''(C) DECLASSIFICATION OF REFERRALS.—For purposes of section 602, a petition filed under subparagraph (A) or (B) of this paragraph and all of its content shall be considered a decision, order, or opinion issued by the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review described in paragraph (2) of section 602(a).''.

(3) ACCESS TO INFORMATION.—

(A) APPLICATION AND MATERIALS.—Section 103(i)(6) is amended by striking subparagraph (A) and inserting the following:

''(A) IN GENERAL.—

''(i) RIGHT OF AMICUS.—If a court established under subsection (a) or (b) appoints an amicus curiae under paragraph (2), the amicus curiae—

''(I) shall have access, to the extent such information is available to the Government, to—

''(aa) the application, certification, petition, motion, and other information and supporting materials, including any information described in section 901, submitted to the Foreign Intelligence Surveillance Court in connection with the matter in which the amicus curiae has been appointed, including access to any relevant legal precedent (including any such precedent that is cited by the Government, including in such an application);

''(bb) an unredacted copy of each relevant decision made by the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review in which the court decides a question of law, without regard to whether the decision is classified; and

''(cc) any other information or materials that the court determines are relevant to the duties of the amicus curiae; and

''(II) may make a submission to the court requesting access to any other particular materials or information (or category of materials or information) that the amicus curiae believes to be relevant to the duties of the amicus curiae.

''(ii) SUPPORTING DOCUMENTATION REGARDING ACCURACY.—The Foreign Intelligence Surveillance Court, upon the motion of an amicus curiae appointed under paragraph (2) or upon its own motion, may require the Government to make available the supporting documentation described in section 902.''.

(B) CLARIFICATION OF ACCESS TO CERTAIN INFORMATION.—Section 103(i)(6) is amended—

(i) in subparagraph (B), by striking ''may'' and inserting ''shall''; and

(ii) by striking subparagraph (C) and inserting the following:

''(C) CLASSIFIED INFORMATION.—An amicus curiae designated or appointed by the court shall have access, to the extent such information is available to the Government, to unredacted copies of each opinion, order, transcript, pleading, or other document of the Foreign Intelligence Surveillance Court and the Foreign Intelligence Surveillance Court of Review, including, if the individual is eligible for access to classified information, any classified documents, information, and other materials or proceedings.''.

(4) DEFINITIONS.—Section 101 is amended by adding at the end the following:

''(q) The term 'Foreign Intelligence Surveillance Court' means the court established under section 103(a).

''(r) The term 'Foreign Intelligence Surveillance Court of Review' means the court established under section 103(b).''.

(5) TECHNICAL AMENDMENTS RELATING TO STRIKING SECTION 5(C) OF THE BILL.—

(A) Subsection (e) of section 603, as added by section 12(a) of this Act, is amended by striking ''section 103(m)'' and inserting ''section 103(l)''.

(B) Section 110(a), as added by section 15(b) of this Act, is amended by striking ''section 103(m)'' and inserting ''section 103(l)''.

(C) Section 103 is amended by redesignating subsection (m), as added by section 17 of this Act, as subsection (l).

(6) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of enactment of this Act and shall apply with respect to proceedings under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) that take place on or after, or are pending on, that date.

(c) REQUIRED DISCLOSURE OF RELEVANT INFORMATION IN FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978 APPLICATIONS.—

(1) IN GENERAL.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by adding at the end the following:

''TITLE IX—REQUIRED DISCLOSURE OF RELEVANT INFORMATION

''SEC. 901. DISCLOSURE OF RELEVANT INFORMATION.

''The Attorney General or any other Federal officer or employee making an application for a court order under this Act shall provide the court with—

''(1) all information in the possession of the Government that is material to determining whether the application satisfies the applicable requirements under this Act, including any exculpatory information; and

''(2) all information in the possession of the Government that might reasonably—

''(A) call into question the accuracy of the application or the reasonableness of any assessment in the application conducted by the department or agency on whose behalf the application is made; or

''(B) otherwise raise doubts with respect to the findings that are required to be made under the applicable provision of this Act in order for the court order to be issued.''.

(2) CERTIFICATION REGARDING ACCURACY PROCEDURES.—Title IX, as added by paragraph (1) of this subsection, is amended by adding at the end the following:

''SEC. 902. CERTIFICATION REGARDING ACCURACY PROCEDURES.

''(a) DEFINITION OF ACCURACY PROCEDURES.—In this section, the term 'accuracy procedures' means specific procedures, adopted by the Attorney General, to ensure that an application for a court order under this Act, including any application for renewal of an existing order, is accurate and complete, including procedures that ensure, at a minimum, that—

''(1) the application reflects all information that might reasonably call into question the accuracy of the information or the reasonableness of any assessment in the application, or otherwise raises doubts about the requested findings;

''(2) the application reflects all material information that might reasonably call into question the reliability and reporting of any information from a confidential human source that is used in the application;

''(3) a complete file documenting each factual assertion in an application is maintained;

''(4) the applicant coordinates with the appropriate elements of the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)), concerning any prior or existing relationship with the target of any surveillance, search, or other means of investigation, and discloses any such relationship in the application;

''(5) before any application targeting a United States person (as defined in section 101) is made, the applicant Federal officer shall document that the officer has collected and reviewed for accuracy and completeness supporting documentation for each factual assertion in the application; and

''(6) the applicant Federal agency establish compliance and auditing mechanisms on an annual basis to assess the efficacy of the accuracy procedures that have been adopted and report such findings to the Attorney General.

''(b) STATEMENT AND CERTIFICATION OF ACCURACY PROCEDURES.—Any Federal officer making an application for a court order under this Act shall include with the application—

''(1) a description of the accuracy procedures employed by the officer or the officer's designee; and

''(2) a certification that the officer or the officer's designee has collected and reviewed for accuracy and completeness—

''(A) supporting documentation for each factual assertion contained in the application;

''(B) all information that might reasonably call into question the accuracy of the information or the reasonableness of any assessment in the application, or otherwise raises doubts about the requested findings; and

''(C) all material information that might reasonably call into question the reliability and reporting of any information from any confidential human source that is used in the application.

''(c) NECESSARY FINDING FOR COURT ORDERS.—A judge may not enter an order under this Act unless the judge finds, in addition to any other findings required under this Act, that the accuracy procedures described in the application for the order, as required under subsection (b)(1), are actually accuracy procedures as defined in this section.''.

(3) TECHNICAL AMENDMENTS TO ELIMINATE AMENDMENTS MADE BY SECTION 10 OF THE BILL.—

(A) Subsection (a) of section 104 is amended—

(i) in paragraph (9), as amended by section 6(d)(1)(B) of this Act, by striking ''and'' at the end;

(ii) in paragraph (10), as added by section 6(d)(1)(C) of this Act, by adding ''and'' at the end;

(iii) in paragraph (11), as added by section 6(e)(1) of this Act, by striking ''; and'' and inserting a period;

(iv) by striking paragraph (12), as added by section 10(a)(1) of this Act; and

(v) by striking paragraph (13), as added by section 10(b)(1) of this Act.

(B) Subsection (a) of section 303 is amended—

(i) in paragraph (8), as amended by section 6(e)(2)(B) of this Act, by adding ''and'' at the end;

(ii) in paragraph (9), as added by section 6(e)(2)(C) of this Act, by striking ''; and'' and inserting a period;

(iii) by striking paragraph (10), as added by section 10(a)(2) of this Act; and

(iv) by striking paragraph (11), as added by section 10(b)(2) of this Act.

(C) Subsection (c) of section 402, as amended by subsections (a)(3) and (b)(3) of section 10 of this Act, is amended—

(i) in paragraph (2), by adding ''and'' at the end;

(ii) in paragraph (3), by striking the semicolon and inserting a period;

(iii) by striking paragraph (4), as added by section 10(a)(3)(C) of this Act; and

(iv) by striking paragraph (5), as added by section 10(b)(3)(C) of this Act.

(D) Subsection (b)(2) of section 502, as amended by subsections (a)(4) and (b)(4) of section 10 of this Act, is amended—

(i) in subparagraph (A), by adding ''and'' at the end;

(ii) in subparagraph (B), by striking the semicolon and inserting a period;

(iii) by striking subparagraph (E), as added by section 10(a)(4)(C) of this Act; and

(iv) by striking subparagraph (F), as added by section 10(b)(4)(C) of this Act.

(E) Subsection (b)(1) of section 703, as amended by subsections (a)(5)(A) and (b)(5)(A) of section 10 of this Act, is amended—

(i) in subparagraph (I), by adding ''and'' at the end;

(ii) in subparagraph (J), by striking the semicolon and inserting a period;

(iii) by striking subparagraph (K), as added by section 10(a)(5)(A)(iii) of this Act; and

(iv) by striking subparagraph (L), as added by section 10(b)(5)(A)(iii) of this Act.

(F) Subsection (b) of section 704, as amended by subsections (a)(5)(B) and (b)(5)(B) of section 10 of this Act, is amended—

(i) in paragraph (6), by adding ''and'' at the end;

(ii) in paragraph (7), by striking the semicolon and inserting a period;

(iii) by striking paragraph (8), as added by section 10(a)(5)(B)(iii) of this Act; and

(iv) by striking paragraph (9), as added by section 10(b)(5)(B)(iii) of this Act.

(G)(i) The Attorney General shall not be required to issue procedures under paragraph (7) of section 10(a) of this Act.

(ii) Nothing in clause (i) shall be construed to modify the requirement for the Attorney General to issue accuracy procedures under section 902(a) of the Foreign Intelligence Surveillance Act of 1978, as added by paragraph (2) of this subsection.

SA 1827. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 7888, to reform the Foreign Intelligence Surveillance Act of 1978; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. WARRANT PROTECTIONS FOR LOCATION INFORMATION, WEB BROWSING RECORDS, AND SEARCH QUERY RECORDS.

(a) HISTORICAL LOCATION, WEB BROWSING, AND SEARCH QUERIES.—

(1) IN GENERAL.—Section 2703 of title 18, United States Code, is amended—

(A) in subsection (a)—

(i) in the subsection heading, by striking ''CONTENTS OF WIRE OR ELECTRONIC COMMUNICATIONS'' and inserting ''LOCATION INFORMATION, WEB BROWSING RECORDS, SEARCH QUERY RECORDS, OR CONTENTS OF WIRE OR ELECTRONIC COMMUNICATIONS''; and

(ii) in the first sentence, by inserting ''location information, a web browsing record, a search query record, or'' before ''the contents of a wire''; and

(B) in subsection (c)(1), in the matter preceding subparagraph (A), by inserting ''location information, a web browsing record, a search query record, or'' before ''the contents''.

(2) DEFINITION.—Section 2711 of title 18, United States Code, is amended—

(A) in the matter preceding paragraph (1), by inserting ''(a) IN GENERAL.—'' before ''As used'';

(B) in subsection (a), as so designated—

(i) in paragraph (3)(C), by striking ''and'' at the end;

(ii) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(iii) by adding at the end the following:

''(5) the term 'location information' means information derived or otherwise calculated from the transmission or reception of a radio signal that reveals the approximate or actual geographic location of a customer, subscriber, user, or device;

''(6) the term 'web browsing record'—

''(A) means a record that reveals, in part or in whole, the identity of a service provided by an online service provider, or the identity of a customer, subscriber, user, or device, for any attempted or successful communication or transmission between an online service provider and such a customer, subscriber, user, or device;

''(B) includes a record that reveals, in part or in whole—

''(i) the domain name, uniform resource locator, internet protocol address, or other identifier for a service provided by an online service provider with which a customer, subscriber, user, or device has exchanged or attempted to exchange a communication or transmission; or

''(ii) the network traffic generated by an attempted or successful communication or transmission between a service provided by an online service provider and a customer, subscriber, user, or device; and

''(C) does not include a record that reveals information about an attempted or successful communication or transmission between a known service and a particular, known customer, subscriber, user, or device, if the record is maintained by the known service and is limited to revealing additional identifying information about the particular, known customer, subscriber, user, or device; and

''(7) the term 'search query record'—

''(A) means a record that reveals a query term or instruction submitted, in written, verbal, or other format, by a customer, subscriber, user, or device to any service provided by an online service provider, including a search engine, voice assistant, chat bot, or navigation service; and

''(B) includes a record that reveals the response provided by any service provided by an online service provider to a query term or instruction by a customer, subscriber, user, or device,''; and

(C) by adding at the end the following:

''(b) RULE OF CONSTRUCTION.—Nothing in this section or section 2510 shall be construed to mean that a record may not be more than 1 of the following types of record:

''(1) The contents of a communication.

''(2) Location information.

''(3) A web browsing record.

''(4) A search query record.''.

(b) REAL-TIME SURVEILLANCE OF LOCATION INFORMATION.—

(1) IN GENERAL.—Section 3117 of title 18, United States Code, is amended—

(A) in the section heading, by striking ''**Mobile tracking devices**'' and inserting ''**Tracking orders**'';

(B) by striking subsection (b);

(C) by redesignating subsection (a) as subsection (c);

(D) by inserting before subsection (c), as so redesignated, the following:

''(a) IN GENERAL.—No officer or employee of a governmental entity may install or direct the installation of a tracking device, except pursuant to a warrant issued using the

procedures described in the Federal Rules of Criminal Procedure (or, in the case of a State court, issued using State warrant procedures and, in the case of a court-martial or other proceeding under chapter 47 of title 10 (the Uniform Code of Military Justice), issued under section 846 of that title, in accordance with regulations prescribed by the President) by a court of competent jurisdiction.

''(b) EMERGENCIES.—

''(1) IN GENERAL.—Subject to paragraph (2), the prohibition under subsection (a) does not apply in a instance in which an investigative or law enforcement officer reasonably determines that—

''(A) a circumstance described in subparagraph (i), (ii), or (iii) of section 2518(7)(a) exists; and

''(B) there are grounds upon which a warrant could be issued to authorize the installation of the tracking device.

''(2) APPLICATION DEADLINE.—If a tracking device is installed under the authority under paragraph (1), an application for a warrant shall be made within 48 hours after the installation.

''(3) TERMINATION ABSENT WARRANT.—In the absence of a warrant, use of a tracking device under the authority under paragraph (1) shall immediately terminate when the investigative information sought is obtained or when the application for the warrant is denied, whichever is earlier.

''(4) LIMITATION.—In the event an application for a warrant described in paragraph (2) is denied, or in any other case where the use of a tracking device under the authority under paragraph (1) is terminated without a warrant having been issued, the information obtained shall be treated as having been obtained in violation of this section, and an inventory describing the installation and use of the tracking device shall be served on the person named in the warrant application.'';

(E) in subsection (c), as so redesignated—

(i) in the subsection heading, by striking ''IN GENERAL'' and inserting ''JURISDICTION'';

(ii) by striking ''or other order'';

(iii) by striking ''mobile'';

(iv) by striking ''such order'' and inserting ''such warrant''; and

(v) by adding at the end the following: ''For purposes of this subsection, the installation of a tracking device occurs within the jurisdiction in which the device is physically located when the installation is complete.''; and

(F) by adding at the end the following:

''(d) DEFINITIONS.—As used in this section—

''(1) the term 'computer' has the meaning given that term in section 1030(e);

''(2) the terms 'court of competent jurisdiction' and 'governmental entity' have the meanings given such terms in section 2711;

''(3) the term 'installation of a tracking device' means, whether performed by an officer or employee of a governmental entity or by a provider at the direction of a governmental entity—

''(A) the physical placement of a tracking device;

''(B) the remote activation of the tracking software or functionality of a tracking device; or

''(C) the acquisition of a radio signal transmitted by a tracking device; and

''(4) the term 'tracking device' means an electronic or mechanical device which permits the tracking of the movement of a person or object, including a phone, wearable device, connected vehicle, or other computer owned, used, or possessed by the target of surveillance.''.

(2) CONFORMING AMENDMENTS.—

(A) The table of sections for chapter 205 of title 18, United States Code, is amended by striking the item relating to section 3117 and inserting the following:

''3117. Tracking orders.''.

(B) Section 2510(12)(C) of title 18, United States Code, is amended to read as follows:

''(C) a communication from a lawfully installed tracking device (as defined in section 3117 of this title), if—

''(i) the tracking device is physically placed; or

''(ii) the tracking software or functionality of the tracking device is remotely activated and the communication is transmitted by the tracking software or functionality as a result of the remote activation; or''.

(c) PROSPECTIVE SURVEILLANCE OF WEB BROWSING RECORDS AND LOCATION INFORMATION.—Section 2703 of title 18, United States Code, is amended by adding at the end the following:

''(i) PROSPECTIVE DISCLOSURE OF WEB BROWSING RECORDS.—

''(1) IN GENERAL.—A governmental entity may require the prospective disclosure by an online service provider of a web browsing record only pursuant to a warrant issued using the procedures described in subsection (a).

''(2) TIME RESTRICTIONS.—A warrant requiring the prospective disclosure by an online service provider of web browsing records may require disclosure of web browsing records for only a period as is necessary to achieve the objective of the disclosure, not to exceed 30 days from issuance of the warrant. Extensions of such a warrant may be granted, but only upon satisfaction of the showings necessary for issuance of the warrant in the first instance.

''(j) PROSPECTIVE DISCLOSURE OF LOCATION RECORDS.—A governmental entity may require the prospective disclosure by an online service provider of location information only pursuant to a warrant issued using the procedures described in subsection (a), that satisfies the restrictions imposed on warrants for tracking devices imposed by section 3117 of this title and rule 41 of the Federal Rules of Criminal Procedure.''.

SA 1828. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 7888, to reform the Foreign Intelligence Surveillance Act of 1978; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 26. LIMITATION ON AUTHORITIES IN FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.—

(1) IN GENERAL.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by adding at the end the following:

''TITLE IX—LIMITATIONS

''SEC. 901. LIMITATIONS ON AUTHORITIES TO SURVEIL UNITED STATES PERSONS, ON CONDUCTING QUERIES, AND ON USE OF INFORMATION CONCERNING UNITED STATES PERSONS.

''(a) DEFINITIONS.—In this section:

''(1) PEN REGISTER AND TRAP AND TRACE DEVICE.—The terms 'pen register' and 'trap and trace device' have the meanings given such terms in section 3127 of title 18, United States Code.

''(2) UNITED STATES PERSON.—The term 'United States person' has the meaning given such term in section 101.

''(3) DERIVED.—Information or evidence is 'derived' from an acquisition when the Government would not have originally possessed the information or evidence but for that acquisition, and regardless of any claim that the information or evidence is attenuated from the surveillance or search, would inevitably have been discovered, or was subsequently reobtained through other means.

''(b) LIMITATION ON AUTHORITIES.—Notwithstanding any other provision of this Act, an officer of the United States may not under this Act request an order for, and the Foreign Intelligence Surveillance Court may not under this Act order—

''(1) electronic surveillance of a United States person;

''(2) a physical search of a premises, information, material, or property used exclusively by, or under the open and exclusive control of, a United States person;

''(3) approval of the installation and use of a pen register or trap and trace device to obtain information concerning a United States person;

''(4) the production of tangible things (including books, records, papers, documents, and other items) concerning a United States person; or

''(5) the targeting of a United States person for the acquisition of information.

''(c) LIMITATION ON QUERIES OF INFORMATION COLLECTED UNDER SECTION 702.—Notwithstanding any other provision of this Act, an officer of the United States may not conduct a query of information collected pursuant to an authorization under section 702(a) using search terms associated with a United States person.

''(d) LIMITATION ON USE OF INFORMATION CONCERNING UNITED STATES PERSONS.—

''(1) DEFINITION OF AGGRIEVED PERSON.—In this subsection, the term 'aggrieved person' means a person who is the target of any surveillance activity under this Act or any other person whose communications or activities were subject to any surveillance activity under this Act.

''(2) IN GENERAL.—Except as provided in paragraph (3), any information concerning a United States person acquired or derived from an acquisition under this Act shall not be used in evidence against that United States person in any criminal, civil, or administrative proceeding or as part of any criminal, civil, or administrative investigation.

''(3) USE BY AGGRIEVED PERSONS.—An aggrieved person who is a United States person may use information concerning such person acquired under this Act in a criminal, civil, or administrative proceeding or as part of a criminal, civil, or administrative investigation.''.

(2) CLERICAL AMENDMENT.—The table of contents preceding section 101 of such Act is amended by adding at the end the following:

''TITLE IX—LIMITATIONS

''Sec. 901. Limitations on authorities to surveil United States persons, on conducting queries, and on use of information concerning United States persons.''.

(b) LIMITATIONS RELATING TO EXECUTIVE ORDER 12333.—

(1) DEFINITIONS.—In this subsection:

(A) AGGRIEVED PERSON.—The term ''aggrieved person'' means—

(i) a person who is the target of any surveillance activity under Executive Order 12333 (50 U.S.C. 3001 note; relating to United States intelligence activities), or successor order; or

(ii) any other person whose communications or activities were subject to any surveillance activity under such Executive order, or successor order.

(B) PEN REGISTER; TRAP AND TRACE DEVICE; UNITED STATES PERSON.—The terms ''pen register'', ''trap and trace device'', and ''United States person'' have the meanings given such

terms in section 901 of the Foreign Intelligence Surveillance Act of 1978, as added by subsection (a).

(2) LIMITATION ON ACQUISITION.—Where authority is provided by statute or by the Federal Rules of Criminal Procedure to perform physical searches or to acquire, directly or through third parties, communications content, non-contents information, or business records, those authorizations shall provide the exclusive means by which such searches or acquisition shall take place if the target of the acquisition is a United States person.

(3) LIMITATION ON USE IN LEGAL PROCEEDINGS.—Except as provided in paragraph (5), any information concerning a United States person acquired or derived from an acquisition under Executive Order 12333 (50 U.S.C. 3001 note; relating to United States intelligence activities), or successor order, shall not be used in evidence against that United States person in any criminal, civil, or administrative proceeding or as part of any criminal, civil, or administrative investigation.

(4) LIMITATION ON UNITED STATES PERSON QUERIES.—Notwithstanding any other provision of law, no governmental entity or officer of the United States shall query communications content, non-contents information, or business records of a United States person under Executive Order 12333 (50 U.S.C. 3001 note; relating to United States intelligence activities), or successor order.

(5) USE BY AGGRIEVED PERSONS.—An aggrieved person who is a United States person may use information concerning such person acquired under Executive Order 12333, or successor order, in a criminal, civil, or administrative proceeding or as part of a criminal, civil, or administrative investigation.

(c) RULE OF CONSTRUCTION.—Nothing in this section or the amendments made by this section shall be construed to abrogate jurisprudence of the Supreme Court of the United States relating to the exceptions to the warrant requirement of the Fourth Amendment to the Constitution of the United States, including the exigent circumstances exception.

SA 1829. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 7888, to reform the Foreign Intelligence Surveillance Act of 1978; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. PROTECTION OF RECORDS HELD BY DATA BROKERS.

Section 2702 of title 18, United States Code, is amended by adding at the end the following:

''(e) PROHIBITION ON OBTAINING IN EXCHANGE FOR ANYTHING OF VALUE CERTAIN RECORDS AND INFORMATION BY LAW ENFORCEMENT AND INTELLIGENCE AGENCIES.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'covered customer or subscriber record' means a covered record that is—

''(i) disclosed to a third party by—

''(I) a provider of an electronic communication service to the public or a provider of a remote computing service of which the covered person with respect to the covered record is a subscriber or customer; or

''(II) an intermediary service provider that delivers, stores, or processes communications of such covered person;

''(ii) collected by a third party from an online account of a covered person; or

''(iii) collected by a third party from or about an electronic device of a covered person;

''(B) the term 'covered person' means—

''(i) a person who is located inside the United States; or

''(ii) a person—

''(I) who is located outside the United States or whose location cannot be determined; and

''(II) who is a United States person, as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801);

''(C) the term 'covered record'—

''(i) means a record or other information that—

''(I) pertains to a covered person; and

''(II) is—

''(aa) a record or other information described in the matter preceding paragraph (1) of subsection (c);

''(bb) the contents of a communication; or

''(cc) location information; and

''(ii) does not include a record or other information that—

''(I) has been voluntarily made available to the general public by a covered person on a social media plat form or similar service;

''(II) is lawfully available to the public as a Federal, State, or local government record or through other widely distributed media;

''(III) is obtained by a law enforcement agency of a governmental entity or an element of the intelligence community for the purpose of conducting a background check of a covered person—

''(aa) with the written consent of such person;

''(bb) for access or use by such agency or element for the purpose of such background check; and

''(cc) that is destroyed after the date on which it is no longer needed for such background check; or

''(IV) is data generated by a public or private ALPR system;

''(D) the term 'electronic device' has the meaning given the term 'computer' in section 1030(e);

''(E) the term 'illegitimately obtained information' means a covered record that—

''(i) was obtained—

''(I) from a provider of an electronic communication service to the public or a provider of a remote computing service in a manner that—

''(aa) violates the service agreement between the provider and customers or subscribers of the provider; or

''(bb) is inconsistent with the privacy policy of the provider;

''(II) by deceiving the covered person whose covered record was obtained; or

''(III) through the unauthorized accessing of an electronic device or online account; or

''(ii) was—

''(I) obtained from a provider of an electronic communication service to the public, a provider of a remote computing service, or an intermediary service provider; and

''(II) collected, processed, or shared in violation of a contract relating to the covered record;

''(F) the term 'intelligence community' has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003);

''(G) the term 'location information' means information derived or otherwise calculated from the transmission or reception of a radio signal that reveals the approximate or actual geographic location of a customer, subscriber, or device;

''(H) the term 'obtain in exchange for anything of value' means to obtain by purchasing, to receive in connection with services being provided for consideration, or to otherwise obtain in exchange for consideration, including an access fee, service fee, maintenance fee, or licensing fee;

''(I) the term 'online account' means an online account with an electronic communication service to the public or remote computing service;

''(J) the term 'pertain', with respect to a person, means—

''(i) information that is linked to the identity of a person; or

''(ii) information—

''(I) that has been anonymized to remove links to the identity of a person; and

''(II) that, if combined with other information, could be used to identify a person;

''(K) the term 'third party' means a person who—

''(i) is not a governmental entity; and

''(ii) in connection with the collection, disclosure, obtaining, processing, or sharing of the covered record at issue, was not acting as—

''(I) a provider of an electronic communication service to the public; or

''(II) a provider of a remote computing service; and

''(L) the term 'automated license plate recognition system' or 'ALPR system' means a system of 1 or more mobile or fixed highspeed cameras combined with computer algorithms to convert images of license plates into computer-readable data.

''(2) LIMITATION.—

''(A) IN GENERAL.—A law enforcement agency of a governmental entity and an element of the intelligence community may not obtain from a third party in exchange for anything of value a covered customer or subscriber record or any illegitimately obtained information.

''(B) INDIRECTLY ACQUIRED RECORDS AND INFORMATION.—The limitation under subparagraph (A) shall apply without regard to whether the third party possessing the covered customer or subscriber record or illegitimately obtained information is the third party that initially obtained or collected, or is the third party that initially received the disclosure of, the covered customer or subscriber record or illegitimately obtained information.

''(3) LIMIT ON SHARING BETWEEN AGENCIES.—An agency of a governmental entity that is not a law enforcement agency or an element of the intelligence community may not provide to a law enforcement agency of a governmental entity or an element of the intelligence community a covered customer or subscriber record or illegitimately obtained information that was obtained from a third party in exchange for anything of value.

''(4) PROHIBITION ON USE AS EVIDENCE.—A covered customer or subscriber record or illegitimately obtained information obtained by or provided to a law enforcement agency of a governmental entity or an element of the intelligence community in violation of paragraph (2) or (3), and any evidence derived therefrom, may not be received in evidence in any trial, hearing, or other proceeding in or before any court, grand jury, department, officer, agency, regulatory body, legislative committee, or other authority of the United States, a State, or a political subdivision thereof.

''(5) MINIMIZATION PROCEDURES.—

''(A) IN GENERAL.—The Attorney General shall adopt specific procedures that are reasonably designed to minimize the acquisition and retention, and prohibit the dissemination, of information pertaining to a covered person that is acquired in violation of paragraph (2) or (3).

''(B) USE BY AGENCIES.—If a law enforcement agency of a governmental entity or element of the intelligence community acquires information pertaining to a covered person in violation of paragraph (2) or (3), the law enforcement agency of a governmental entity or element of the intelligence community shall minimize the acquisition and retention, and prohibit the dissemination, of the

information in accordance with the procedures adopted under subparagraph (A).''.

SEC. ___. REQUIRED DISCLOSURE.

Section 2703 of title 18, United States Code, is amended by adding at the end the following:

''(i) COVERED CUSTOMER OR SUBSCRIBER RECORDS AND ILLEGITIMATELY OBTAINED INFORMATION.—

''(1) DEFINITIONS.—In this subsection, the terms 'covered customer or subscriber record', 'illegitimately obtained information', and 'third party' have the meanings given such terms in section 2702(e).

''(2) LIMITATION.—Unless a governmental entity obtains an order in accordance with paragraph (3), the governmental entity may not require a third party to disclose a covered customer or subscriber record or any illegitimately obtained information if a court order would be required for the governmental entity to require a provider of remote computing service or a provider of electronic communication service to the public to disclose such a covered customer or subscriber record or illegitimately obtained information that is a record of a customer or subscriber of the provider.

''(3) ORDERS.—

''(A) IN GENERAL.—A court may only issue an order requiring a third party to disclose a covered customer or subscriber record or any illegitimately obtained information on the same basis and subject to the same limitations as would apply to a court order to require disclosure by a provider of remote computing service or a provider of electronic communication service to the public of a record of a customer or subscriber of the provider.

''(B) STANDARD.—For purposes of subparagraph (A), a court shall apply the most stringent standard under Federal statute or the Constitution of the United States that would be applicable to a request for a court order to require a comparable disclosure by a provider of remote computing service or a provider of electronic communication service to the public of a record of a customer or subscriber of the provider.''.

SEC. ___. INTERMEDIARY SERVICE PROVIDERS.

(a) DEFINITION.—Section 2711 of title 18, United States Code, is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) in paragraph (4), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(5) the term 'intermediary service provider' means an entity or facilities owner or operator that directly or indirectly delivers, stores, or processes communications for or on behalf of a provider of electronic communication service to the public or a provider of remote computing service.''.

(b) PROHIBITION.—Section 2702(a) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking ''and'' at the end;

(2) in paragraph (2), by striking ''and'' at the end;

(3) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(4) an intermediary service provider shall not knowingly divulge—

''(A) to any person or entity the contents of a communication while in electronic storage by that provider; or

''(B) to any governmental entity a record or other information pertaining to a subscriber to or customer of, a recipient of a communication from a subscriber to or customer of, or the sender of a communication to a subscriber to or customer of, the provider of electronic communication service to the public or the provider of remote computing service for, or on behalf of, which the intermediary service provider directly or indirectly delivers, transmits, stores, or processes communications.''.

SEC. ___. LIMITS ON SURVEILLANCE CONDUCTED FOR FOREIGN INTELLIGENCE PURPOSES OTHER THAN UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) IN GENERAL.—Section 2511(2)(f) of title 18, United States Code, is amended to read as follows:

''(f)(i)(A) Nothing contained in this chapter, chapter 121 or 206 of this title, or section 705 of the Communications Act of 1934 (47 U.S.C. 151 et seq.) shall be deemed to affect an acquisition or activity described in clause (B) that is carried out utilizing a means other than electronic surveillance, as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).

''(B) An acquisition or activity described in this clause is—

''(I) an acquisition by the United States Government of foreign intelligence information from international or foreign communications that—

''(aa) is acquired pursuant to express statutory authority; or

''(bb) only includes information of persons who are not United States persons and are located outside the United States; or

''(II) a foreign intelligence activity involving a foreign electronic communications system that—

''(aa) is conducted pursuant to express statutory authority; or

''(bb) only involves the acquisition by the United States Government of information of persons who are not United States persons and are located outside the United States.

''(ii) The procedures in this chapter, chapter 121, and the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) shall be the exclusive means by which electronic surveillance, as defined in section 101 of such Act, and the interception of domestic wire, oral, and electronic communications may be conducted.''.

(b) EXCLUSIVE MEANS RELATED TO COMMUNICATIONS RECORDS.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) shall be the exclusive means by which electronic communications transactions records, call detail records, or other information from communications of United States persons or persons inside the United States are acquired for foreign intelligence purposes inside the United States or from a person or entity located in the United States that provides telecommunications, electronic communication, or remote computing services.

(c) EXCLUSIVE MEANS RELATED TO LOCATION INFORMATION, WEB BROWSING HISTORY, AND INTERNET SEARCH HISTORY.—

(1) DEFINITION.—In this subsection, the term ''location information'' has the meaning given that term in subsection (e) of section 2702 of title 18, United States Code, as added by section ____ of this Act.

(2) EXCLUSIVE MEANS.—Title I and sections 303, 304, 702, 703, 704, and 705 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq., 1823, 1824, 1881a, 1881b, 1881c, 1881d) shall be the exclusive means by which location information, web browsing history, and internet search history of United States persons or persons inside the United States are acquired for foreign intelligence purposes inside the United States or from a person or entity located in the United States.

(d) EXCLUSIVE MEANS RELATED TO FOURTH AMENDMENT-PROTECTED INFORMATION.—Title I and sections 303, 304, 702, 703, 704, and 705 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq., 1823, 1824, 1881a, 1881b, 1881c, 1881d) shall be the exclusive means by which any information, records, data, or tangible things are acquired for foreign intelligence purposes from a person or entity located in the United States if the compelled production of such information, records, data, or tangible things would require a warrant for law enforcement purposes.

(e) DEFINITION.—In this section, the term ''United States person'' has the meaning given that term in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).

SEC. ___. LIMIT ON CIVIL IMMUNITY FOR PROVIDING INFORMATION, FACILITIES, OR TECHNICAL ASSISTANCE TO THE GOVERNMENT ABSENT A COURT ORDER.

Section 2511(2)(a) of title 18, United States Code, is amended—

(1) in subparagraph (ii), by striking clause (B) and inserting the following:

''(B) a certification in writing—

''(I) by a person specified in section 2518(7) or the Attorney General of the United States;

''(II) that the requirements for an emergency authorization to intercept a wire, oral, or electronic communication under section 2518(7) have been met; and

''(III) that the specified assistance is required,''; and

(2) by striking subparagraph (iii) and inserting the following:

''(iii) For assistance provided pursuant to a certification under subparagraph (ii)(B), the limitation on causes of action under the last sentence of the matter following subparagraph (ii)(B) shall only apply to the extent that the assistance ceased at the earliest of the time the application for a court order was denied, the time the communication sought was obtained, or 48 hours after the interception began.''.

SA 1830. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill H.R. 7888, to reform the Foreign Intelligence Surveillance Act of 1978; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 26. CLARIFICATION REGARDING TREATMENT OF INFORMATION AND EVIDENCE ACQUIRED UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) IN GENERAL.—Section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801) is amended by adding at the end the following:

''(q) For the purposes of notification provisions of this Act, information or evidence is 'derived' from an electronic surveillance, physical search, use of a pen register or trap and trace device, production of tangible things, or acquisition under this Act when the Government would not have originally possessed the information or evidence but for that electronic surveillance, physical search, use of a pen register or trap and trace device, production of tangible things, or acquisition, and regardless of any claim that the information or evidence is attenuated from the surveillance or search, would inevitably have been discovered, or was subsequently reobtained through other means.''.

(b) POLICIES AND GUIDANCE.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Attorney General and the Director of National Intelligence shall publish the following:

(A) Policies concerning the application of subsection (q) of section 101 of such Act, as added by subsection (a).

(B) Guidance for all members of the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)) and all Federal agencies with law enforcement responsibilities concerning the application of such subsection (q).

(2) MODIFICATIONS.—Whenever the Attorney General and the Director modify a policy or guidance published under paragraph (1), the Attorney General and the Director shall publish such modifications.

SA 1831. Ms. HIRONO (for herself, Mr. DURBIN, Mr. WYDEN, Mr. BOOKER, Mr. MARKEY, and Ms. WARREN) submitted an amendment intended to be proposed by her to the bill H.R. 7888, to reform the Foreign Intelligence Surveillance Act of 1978; which was ordered to lie on the table; as follows:

On page 87, strike lines 1 through 13.

SA 1832. Mr. DURBIN (for himself, Mr. CRAMER, Ms. HIRONO, and Mr. LEE) submitted an amendment intended to be proposed by him to the bill H.R. 7888, to reform the Foreign Intelligence Surveillance Act of 1978; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PROHIBITION ON WARRANTLESS ACCESS TO THE COMMUNICATIONS AND OTHER INFORMATION OF UNITED STATES PERSONS.

(a) DEFINITION.—Section 702(f) is amended in paragraph (5), as so redesignated by section 2(a)(2) of this Act—

(1) by redesignating subparagraph (B) as subparagraph (C); and

(2) by inserting after subparagraph (A) the following:

''(B) The term 'covered query' means a query conducted—

''(i) using a term associated with a United States person; or

''(ii) for the purpose of finding the information of a United States person.''.

(b) PROHIBITION.—Section 702(f) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a(f)) is amended—

(1) by redesignating paragraph (5), as redesignated by section 2(a)(1) of this Act, as paragraph (8);

(2) in paragraph (1)(A) by inserting ''and the limitations and requirements in paragraph (5)'' after ''Constitution of the United States''; and

(3) by inserting after paragraph (4), as added by section 16(a)(1) of this Act, the following:

''(5) PROHIBITION ON WARRANTLESS ACCESS TO THE COMMUNICATIONS AND OTHER INFORMATION OF UNITED STATES PERSONS.—

''(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), no officer or employee of the United States may access communications content, or information the compelled disclosure of which would require a probable cause warrant if sought for law enforcement purposes inside the United States, acquired under subsection (a) and returned in response to a covered query.

''(B) EXCEPTIONS FOR CONCURRENT AUTHORIZATION, CONSENT, EMERGENCY SITUATIONS, AND CERTAIN DEFENSIVE CYBERSECURITY QUERIES.—Subparagraph (A) shall not apply if—

''(i) the person to whom the query relates is the subject of an order or emergency authorization authorizing electronic surveillance, a physical search, or an acquisition under this section or section 105, section 304, section 703, or section 704 of this Act or a warrant issued pursuant to the Federal Rules of Criminal Procedure by a court of competent jurisdiction;

''(ii)(I) the officer or employee accessing the communications content or information has a reasonable belief that—

''(aa) an emergency exists involving an imminent threat of death or serious bodily harm; and

''(bb) in order to prevent or mitigate the threat described in subitem (AA), the communications content or information must be accessed before authorization described in clause (i) can, with due diligence, be obtained; and

''(II) not later than 14 days after the communications content or information is accessed, a description of the circumstances justifying the accessing of the query results is provided to the Foreign Intelligence Surveillance Court, the congressional intelligence committees, the Committee on the Judiciary of the House of Representatives, and the Committee on the Judiciary of the Senate;

''(iii) such person or, if such person is incapable of providing consent, a third party legally authorized to consent on behalf of such person, has provided consent for the access on a case-by-case basis; or

''(iv)(I) the communications content or information is accessed and used for the sole purpose of identifying targeted recipients of malicious software and preventing or mitigating harm from such malicious software;

''(II) other than malicious software and cybersecurity threat signatures, no communications content or other information are accessed or reviewed; and

''(III) the accessing of query results is reported to the Foreign Intelligence Surveillance Court.

''(C) MATTERS RELATING TO EMERGENCY QUERIES.—

''(i) TREATMENT OF DENIALS.—In the event that communications content or information returned in response to a covered query are accessed pursuant to an emergency authorization described in subparagraph (B)(i) and the subsequent application to authorize electronic surveillance, a physical search, or an acquisition pursuant to section 105(e), section 304(e), section 703(d), or section 704(d) of this Act is denied, or in any other case in which communications content or information returned in response to a covered query are accessed in violation of this paragraph—

''(I) no communications content or information acquired or evidence derived from such access may be used, received in evidence, or otherwise disseminated in any investigation by or in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof; and

''(II) no communications content or information acquired or derived from such access may subsequently be used or disclosed in any other manner without the consent of the person to whom the covered query relates, except in the case that the Attorney General approves the use or disclosure of such information in order to prevent the death of or serious bodily harm to any person.

''(ii) ASSESSMENT OF COMPLIANCE.—Not less frequently than annually, the Attorney General shall assess compliance with the requirements under clause (i).

''(D) FOREIGN INTELLIGENCE PURPOSE.—

''(i) IN GENERAL.—Except as provided in clause (ii) of this subparagraph, no officer or employee of the United States may conduct a covered query of information acquired under subsection (a) unless the query is reasonably likely to retrieve foreign intelligence information.

''(ii) EXCEPTIONS.—An officer or employee of the United States may conduct a covered query of information acquired under this section if—

''(I)(aa) the officer or employee conducting the query has a reasonable belief that an emergency exists involving an imminent threat of death or serious bodily harm; and

''(bb) not later than 14 days after the query is conducted, a description of the query is provided to the Foreign Intelligence Surveillance Court, the congressional intelligence committees, the Committee on the Judiciary of the House of Representatives, and the Committee on the Judiciary of the Senate;

''(II) the person to whom the query relates or, if such person is incapable of providing consent, a third party legally authorized to consent on behalf of such person, has provided consent for the query on a case-by-case basis;

''(III)(aa) the query is conducted, and the results of the query are used, for the sole purpose of identifying targeted recipients of malicious software and preventing or mitigating harm from such malicious software;

''(bb) other than malicious software and cybersecurity threat signatures, no additional contents of communications acquired as a result of the query are accessed or reviewed; and

''(cc) the query is reported to the Foreign Intelligence Surveillance Court; or

''(IV) the query is necessary to identify information that must be produced or preserved in connection with a litigation matter or to fulfill discovery obligations in a criminal matter under the laws of the United States or any State thereof.

''(6) DOCUMENTATION.—No officer or employee of the United States may access communications content, or information the compelled disclosure of which would require a probable cause warrant if sought for law enforcement purposes inside the United States, returned in response to a covered query unless an electronic record is created that includes a statement of facts showing that the access is authorized pursuant to an exception specified in paragraph (5)(B).

''(7) QUERY RECORD SYSTEM.—The head of each agency that conducts queries shall ensure that a system, mechanism, or business practice is in place to maintain the records described in paragraph (6). Not later than 90 days after the date of enactment of the Reforming Intelligence and Securing America Act, the head of each agency that conducts queries shall report to Congress on its compliance with this procedure.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 603(b)(2) is amended, in the matter preceding subparagraph (A), by striking '', including pursuant to subsection (f)(2) of such section,''.

(2) Section 706(a)(2)(A)(i) is amended by striking ''obtained an order of the Foreign Intelligence Surveillance Court to access such information pursuant to section 702(f)(2)'' and inserting ''accessed such information in accordance with section 702(b)(5)''.

SA 1833. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 7888, to reform the Foreign Intelligence Surveillance Act of 1978; which was ordered to lie on the table; as follows:

On page 15, strike line 3 and all that follows through page 16, line 4, and insert the following:

(a) PROHIBITION ON WARRANTLESS QUERIES FOR THE COMMUNICATIONS OF UNITED STATES PERSONS.—

(1) IN GENERAL.—Section 702(f) is amended—

(A) by redesignating paragraph (5), as redesignated by section 2(a)(1) of this Act, as paragraph (9);

(B) by redesignating paragraph (4), as added by section 16(a)(1) of this Act, as paragraph (8);

(C) by redesignating paragraph (3), as added by section 2(a)(2) of this Act, as paragraph (7);

(D) in paragraph (1)(A) by inserting ''and the limitations and requirements in paragraph (2)'' after ''Constitution of the United States''; and

(E) by striking paragraph (2) and inserting the following:

''(2) PROHIBITION ON WARRANTLESS QUERIES FOR THE COMMUNICATIONS AND OTHER INFORMATION OF UNITED STATES PERSONS.—

''(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), no officer or employee of any agency that receives any information obtained through an acquisition under this section may conduct a query of information acquired under this section for the purpose of finding communications or information the compelled production of which would require a probable cause warrant if sought for law enforcement purposes in the United States, of a United States person.

''(B) EXCEPTIONS FOR CONCURRENT AUTHORIZATION, CONSENT, EMERGENCY SITUATIONS, AND CERTAIN DEFENSIVE CYBERSECURITY QUERIES.—

''(i) IN GENERAL.—Subparagraph (A) shall not apply to a query related to a United States person if—

''(I) such person is the subject of an order or emergency authorization authorizing electronic surveillance or physical search under section 105 (50 U.S.C. 1805) or section 304 (50 U.S.C. 1824) of this Act, or a warrant issued pursuant to the Federal Rules of Criminal Procedure by a court of competent jurisdiction;

''(II)(aa) the officer or employee conducting the query has a reasonable belief that—

''(AA) an emergency exists involving an imminent threat of death or serious bodily harm; and

''(BB) in order to prevent or mitigate the threat described in subitem (AA), the query must be conducted before authorization described in subclause (I) can, with due diligence, be obtained; and

''(bb) a description of the query is provided to the Foreign Intelligence Surveillance Court and the congressional intelligence committees and the Committees on the Judiciary of the House of Representatives and of the Senate in a timely manner;

''(III) such person or, if such person is incapable of providing consent, a third party legally authorized to consent on behalf of such person, has provided consent to the query on a case-by-case basis; or

''(IV)(aa) the query uses a known cybersecurity threat signature as a query term;

''(bb) the query is conducted, and the results of the query are used, for the sole purpose of identifying targeted recipients of malicious software and preventing or mitigating harm from such malicious software;

''(cc) no additional contents of communications acquired as a result of the query are accessed or reviewed; and

''(dd) each such query is reported to the Foreign Intelligence Surveillance Court.

''(ii) LIMITATIONS.—

''(I) USE IN SUBSEQUENT PROCEEDINGS.—No information acquired pursuant to a query authorized under clause (i)(II) or information derived from the information acquired pursuant to such query may be used, received in evidence, or otherwise disseminated in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, except in a proceeding that arises from the threat that prompted the query.

''(II) ASSESSMENT OF COMPLIANCE.—Not less frequently than annually, the Attorney General shall assess compliance with the requirements under subclause (I).

''(C) MATTERS RELATING TO EMERGENCY QUERIES.—

''(i) TREATMENT OF DENIALS.—In the event that a query for communications or information, the compelled production of which would require a probable cause warrant if sought for law enforcement purposes in the United States, of a United States person is conducted pursuant to an emergency authorization described in subparagraph (B)(i)(I) and the subsequent application for such surveillance pursuant to section 105(e) (50 U.S.C. 1805(e)) or section 304(e) (50 U.S.C. 1824(e)) of this Act is denied, or in any other case in which the query has been conducted in violation of this paragraph—

''(I) no information acquired or evidence derived from such query may be used, received in evidence, or otherwise disseminated in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof; and

''(II) no information concerning any United States person acquired from such query may subsequently be used or disclosed in any other manner without the consent of such person, except in the case that the Attorney General approves the use or disclosure of such information in order to prevent death or serious bodily harm to any person.

''(ii) ASSESSMENT OF COMPLIANCE.—Not less frequently than annually, the Attorney General shall assess compliance with the requirements under clause (i).

''(D) FOREIGN INTELLIGENCE PURPOSE.—Except as provided in subclauses (II) through (IV) of subparagraph (B)(i), no officer or employee of any agency that receives any information obtained through an acquisition under this section may conduct a query of information acquired under this section for the purpose of finding information of a United States person unless the query is reasonably likely to retrieve foreign intelligence information.

''(3) DOCUMENTATION.—No officer or employee of any agency that receives any information obtained through an acquisition under this section may conduct a query of information acquired under this section for the purpose of finding information of or about a United States person, unless an electronic record is created that includes the following:

''(A) Each term used for the conduct of the query.

''(B) The date of the query.

''(C) The identifier of the officer or employee.

''(D) A statement of facts showing that the use of each query term included under subparagraph (A)—

''(i) falls within an exception specified in paragraph (2)(B)(i); and

''(ii) is—

''(I) reasonably likely to retrieve foreign intelligence information; or

''(II) in furtherance of an exception described in subclauses (II) through (IV) of paragraph (2)(B)(i).

''(4) QUERY RECORD SYSTEM.—The head of each agency that conducts queries shall ensure that a system, mechanism, or business practice is in place to maintain the records described in paragraph (3). Not later than 90 days after enactment of this paragraph, the head of each agency shall report to Congress on its compliance with this procedure.

''(5) PROHIBITION ON RESULTS OF METADATA QUERY AS A BASIS FOR ACCESS TO COMMUNICATIONS AND OTHER PROTECTED INFORMATION.—If a query of information acquired under this section is conducted for the purpose of finding communications metadata of a United States person and the query returns such metadata, the communications content associated with the metadata may not be reviewed except as provided under paragraph (2)(B)(i) of this subsection.

''(6) FEDERATED DATASETS.—The prohibitions and requirements under this subsection shall apply to queries of federated and mixed datasets that include information acquired under this section, unless each agency has established a system, mechanism, or business practice to limit the query to information not acquired under this section.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 603(b)(2) is amended, in the matter preceding subparagraph (A), by striking '', including pursuant to subsection (f)(2) of such section,''.

(B) Section 706(a)(2)(A)(i) is amended by striking ''obtained an order of the Foreign Intelligence Surveillance Court to access such information pursuant to section 702(f)(2)'' and inserting ''accessed such information in accordance with section 702(b)(2)''.

SA 1834. Mr. MARSHALL submitted an amendment intended to be proposed by him to the bill H.R. 7888, to reform the Foreign Intelligence Surveillance Act of 1978; which was ordered to lie on the table; as follows:

On page 3, strike line 16 and all that follows through page 4, line 12, and insert the following:

(b) REQUIREMENT FOR SENIOR LEADERSHIP TO APPROVE FEDERAL BUREAU OF INVESTIGATION QUERIES.—Subparagraph (D) of section 702(f)(3), as added by subsection (d) of this section, is amended by inserting after clause (v) the following:

''(vi) REQUIREMENT FOR SENIOR LEADERSHIP TO APPROVE FEDERAL BUREAU OF INVESTIGATION QUERIES.—The procedures shall require that the Director of the Federal Bureau of Investigation or the Attorney General be included in the Federal Bureau of Investigation's prior approval process under clause (ii).''.

SA 1835. Mr. SCHUMER (for Mr. CARPER (for himself and Mr. GRAHAM)) proposed an amendment to the bill S. 2958, to amend the Coastal Barrier Resources Act to make improvements to that Act, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Strengthening Coastal Communities Act of 2023''.

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

TITLE I—COASTAL BARRIER RESOURCES ACT AMENDMENTS

SEC. 101. DEFINITIONS.

Section 3 of the Coastal Barrier Resources Act (16 U.S.C. 3502) is amended—

(1) in the matter preceding paragraph (1), by striking ''For purposes of'' and inserting the following:

''(a) IN GENERAL.—For purposes of'';

(2) in subsection (a) (as so designated)—

(A) by indenting the margins of each of paragraphs (1) through (7), and each of the subparagraphs and clauses within those paragraphs, appropriately;

(B) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''means'' and inserting ''includes'';

(ii) in subparagraph (A)—

(I) in the matter preceding clause (i), by inserting ''bluff,'' after ''barrier spit,''; and

(II) in clause (ii), by inserting ''and related lands'' after ''aquatic habitats'';

(iii) in subparagraph (B), by inserting '', including areas that are and will be vulnerable to coastal hazards, such as flooding, storm surge, wind, erosion, and sea level rise'' after ''nearshore waters''; and

(iv) in the matter following subparagraph (B), by striking '', and man's activities on such features and within such habitats,'';

(C) by redesignating paragraphs (5) through (7) as paragraphs (6) through (8), respectively; and

(D) by inserting after paragraph (4) the following:

''(5) OTHERWISE PROTECTED AREA.—

''(A) IN GENERAL.—The term 'Otherwise Protected Area' means any unit of the System that, at the time of designation, was predominantly composed of areas established under Federal, State, or local law, or held by a qualified organization, primarily for wildlife refuge, sanctuary, recreational, or natural resource conservation purposes.

''(B) QUALIFIED ORGANIZATION.—For purposes of subparagraph (A), the term 'qualified organization' has the meaning given the term in section 170(h)(3) of the Internal Revenue Code of 1986.''; and

(3) by adding at the end the following:

''(b) SAVINGS PROVISION.—Nothing in this section supersedes the official maps described in section 4(a).''.

SEC. 102. COASTAL HAZARD PILOT PROJECT.

(a) IN GENERAL.—

(1) PROJECT.—The Secretary of the Interior, in consultation with the Assistant Secretary of the Army for Civil Works, the Administrator of the National Oceanic and Atmospheric Administration, the Administrator of the Federal Emergency Management Agency, and the heads of appropriate State coastal zone management agencies, shall carry out a coastal hazard pilot project to propose definitions and criteria and produce maps of areas, including coastal mainland areas, which could be added to the John H. Chafee Coastal Barrier Resources System established by section 4(a) of the Coastal Barrier Resources Act (16 U.S.C. 3503(a)) that are and will be vulnerable to coastal hazards, such as flooding, storm surge, wind, erosion and sea level rise, and areas to which barriers and associated habitats are likely to migrate or be lost as sea level rises.

(2) NUMBER OF UNITS.—The project carried out under this section shall consist of the creation of maps for at least 10 percent of the System and may also identify additional new System units.

(b) REPORT.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary of the Interior shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Natural Resources of the House of Representatives a report describing the results of the pilot project and the proposed definitions and criteria and costs of completing maps for the entire System.

(2) CONTENTS.—The report shall include a description of—

(A) the final recommended maps created under the coastal hazard pilot project;

(B) recommendations for the adoption of the final recommended maps created under this section by Congress;

(C) a summary of the comments received from the Governors of the States, other government officials, and the public regarding the definitions, criteria, and draft maps;

(D) a description of the criteria used for the project and any related recommendations; and

(E) the amount of funding necessary for completing maps for the entire System.

(c) CONSULTATION.—The Secretary of the Interior shall prepare the report required under subsection (b)—

(1) in consultation with the Governors of the States in which any newly identified areas are located; and

(2) after—

(A) providing an opportunity for the submission of public comments; and

(B) considering any public comments submitted under subparagraph (A).

SEC. 103. JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM.

(a) TECHNICAL AMENDMENTS.—Section 4 of the Coastal Barrier Resources Act (16 U.S.C. 3503) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by inserting ''as System units and Otherwise Protected Areas'' after ''generally depicted''; and

(2) in subsection (f)(2), in the matter preceding subparagraph (A), by striking ''copy of the map'' and inserting ''notification of the availability of the map''.

(b) EXCESS FEDERAL PROPERTY.—Section 4(e) of the Coastal Barrier Resources Act (16 U.S.C. 3503(e)) is amended by adding at the end the following:

''(3) DEFINITION OF UNDEVELOPED COASTAL AREA.—Notwithstanding section 3(1) and subsection (g), in this subsection the term 'undeveloped coastal barrier' means any coastal barrier regardless of the degree of development.''.

SEC. 104. NONAPPLICABILITY OF PROHIBITIONS TO OTHERWISE PROTECTED AREAS AND STRUCTURES IN NEW ADDITIONS TO THE SYSTEM.

Section 5 of the Coastal Barrier Resources Act (16 U.S.C. 3504) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by inserting ''subsections (c) and (d) and'' after ''Except as provided in''; and

(2) by adding at the end the following:

''(c) APPLICABILITY TO OTHERWISE PROTECTED AREAS.—Consistent with the Coastal Barrier Improvement Act of 1990 (Public Law 101–591; 104 Stat. 2931), except for limitations on new flood insurance coverage described in section 1321 of the National Flood Insurance Act of 1968 (42 U.S.C. 4028), the prohibitions on Federal expenditures and financial assistance described in subsection (a) shall not apply within Otherwise Protected Areas.

''(d) PROHIBITIONS AFFECTING EXISTING INSURABLE STRUCTURES WITHIN THE SYSTEM.—

''(1) IN GENERAL.—With respect to additions to the System made on or after the date of enactment of the Strengthening Coastal Communities Act of 2023 but subject to paragraphs (2) and (3), the prohibitions on new expenditures and new financial assistance under subsection (a) shall take effect on the date that is 1 year after the date on which the addition to the System was made.

''(2) EXISTING STRUCTURES.—

''(A) IN GENERAL.—An insurable structure described in subparagraph (B) shall remain eligible for new Federal expenditures and new Federal financial assistance.

''(B) INSURABLE STRUCTURE DESCRIBED.—An insurable structure referred to in subparagraph (A) is an insurable structure that is—

''(i) located within a new addition to the System made on or after the date of enactment of the Strengthening Coastal Communities Act of 2023; and

''(ii) in existence before the expiration of the applicable 1-year period described in paragraph (1).

''(3) INSURABLE STRUCTURES IN OTHERWISE PROTECTED AREAS.—Notwithstanding any other provision in this section, new Federal expenditures and financial assistance may be provided for insurable structures in Otherwise Protected Areas that are used in a manner consistent with the purpose for which the area is protected.''.

SEC. 105. REQUIRE DISCLOSURE TO PROSPECTIVE BUYERS THAT PROPERTY IS IN THE COASTAL BARRIER RESOURCES SYSTEM.

Section 5 of the Coastal Barrier Resources Act (16 U.S.C. 3504) (as amended by section 104(2)) is amended by adding at the end the following:

''(e) DISCLOSURE OF LIMITATIONS.—Not later than 2 years after the date of enactment of the Strengthening Coastal Communities Act of 2023, the Secretary, in consultation with the Secretary of Housing and Urban Development, shall promulgate regulations that, with respect to real property located in an affected community, as determined by the United States Fish and Wildlife Service, that is offered for sale or lease, require disclosure that the real property is located within a community affected by this Act.''.

SEC. 106. GUIDANCE FOR EMERGENCIES ADJACENT TO THE SYSTEM.

Not later than 1 year after the date of enactment of this Act, the Secretary of the Interior, in consultation with the Chief of Engineers, shall develop and finalize guidance relating to the expenditure of Federal funds pursuant to the exception described in section 5(a)(3) of the Coastal Barrier Resources Act (16 U.S.C. 3504(a)(3)) for emergency situations that threaten life, land, and property immediately adjacent to a System unit (as defined in subsection (a) of section 3 of that Act (16 U.S.C. 3502)).

SEC. 107. EXCEPTIONS TO LIMITATIONS ON EXPENDITURES.

(a) EMERGENCY ACTIONS.—Section 6(a)(6) of the Coastal Barrier Resources Act (16 U.S.C. 3505(a)(6)) is amended by striking subparagraph (E) and inserting the following:

''(E) Emergency actions necessary to the saving of lives and the protection of property and the public health and safety, if such actions are performed pursuant to sections 402, 403, 407, and 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170a, 5170b, 5173, 5192) and are limited to actions that are necessary to alleviate the emergency.''.

(b) AQUACULTURE OPERATIONS.—Section 6(a)(6) of the Coastal Barrier Resources Act (16 U.S.C. 3505(a)(6)) is amended by adding at the end the following:

''(H) Aquaculture operations that—

''(i) produce shellfish (including oysters, clams, and mussels), micro-algae and macroalgae cultivation, or other forms of aquaculture that do not require use of aquaculture feeds; and

''(ii) adhere to best management practices and conservation measures recommended by the Secretary through the consultation process referred to in this subsection.''.

(c) FEDERAL COASTAL STORM RISK MANAGEMENT PROJECTS.—Section 6(a) of the Coastal Barrier Resources Act (16 U.S.C. 3505(a)) is amended by adding at the end the following:

''(7) Sourcing of sediment resources for Federal coastal storm risk management projects that have used a System unit for sand to nourish adjacent beaches outside the System pursuant to section 5 of the Act of August 18, 1941 (commonly known as the 'Flood Control Act of 1941') (55 Stat. 650, chapter 377; 33 U.S.C. 701n), at any time in the 15-year period prior to the date of enactment of the Strengthening Coastal Communities Act of 2023 in response to a federally declared disaster.''.

SEC. 108. IMPROVE FEDERAL AGENCY COMPLIANCE WITH COASTAL BARRIER RESOURCES ACT.

(a) IN GENERAL.—Section 7(a) of the Coastal Barrier Resources Act (16 U.S.C. 3506(a)) is amended—

(1) by striking ''the Coastal Barrier Improvement Act of 1990'' and inserting ''the Strengthening Coastal Communities Act of 2023''; and

(2) by striking ''promulgate regulations'' and inserting ''revise or promulgate regulations and guidance, as necessary,''.

(b) TECHNICAL CORRECTION.—Section 3(2) of the Coastal Barrier Resources Act (16 U.S.C. 3502(2)) is amended by striking ''Committee on Resources'' and inserting ''Committee on Natural Resources''.

SEC. 109. AUTHORIZATION OF APPROPRIATIONS.

Section 10 of the Coastal Barrier Resources Act (16 U.S.C. 3510) is amended by striking ''$2,000,000'' and all that follows through the period at the end of the sentence and inserting ''$3,000,000 for each of fiscal years 2024 through 2028.''.

TITLE II—CHANGES TO JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM MAPS

SEC. 201. CHANGES TO JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM MAPS.

(a) IN GENERAL.—

(1) REPLACEMENT MAPS.—Each map included in the set of maps referred to in section 4(a) of the Coastal Barrier Resources Act (16 U.S.C. 3503(a)) that relates to a unit of the John H. Chafee Coastal Barrier Resources System established by that section referred to in subsection (b) is replaced in such set with the map described in that subsection with respect to that unit and any other new or reclassified units depicted on that map panel.

(2) NEW MAPS.—The set of maps referred to in section 4(a) of the Coastal Barrier Resources Act (16 U.S.C. 3503(a)) is amended to include the new maps described in subsection (c).

(b) REPLACEMENT MAPS DESCRIBED.—The replacement maps referred to in subsection (a)(1) are the following:

(1) The map entitled ''Salisbury Beach Unit MA-01P Plum Island Unit MA-02P (1 of 2)'' and dated December 18, 2020.

(2) The map entitled ''Clark Pond Unit C00 Plum Island Unit MA-02P (2 of 2) Castle Neck Unit MA-03 Wingaersheek Unit C01 (1 of 2)'' and dated December 18, 2020.

(3) The map entitled ''Wingaersheek Unit C01 (2 of 2) Good Harbor Beach/Milk Island Unit C01A Cape Hedge Beach Unit MA-48 Brace Cove Unit C01B'' and dated December 18, 2020.

(4) The map entitled ''West Beach Unit MA-04 Phillips Beach Unit MA-06'' and dated December 18, 2020.

(5) The map entitled ''Snake Island Unit MA-08P, Squantum Unit MA-09P Merrymount Park Unit MA-10P West Head Beach Unit C01C/C01CP Peddocks/Rainsford Island Unit MA-11/MA-11P'' and dated December 18, 2020.

(6) The map entitled ''Cohassett Harbor Unit MA-12 North Scituate Unit C02P Rivermoor Unit C03'' and dated December 18, 2020.

(7) The map entitled ''Rexhame Unit C03A Duxbury Beach Unit MA-13/MA-13P (1 of 2)'' and dated December 18, 2020.

(8) The map entitled ''Duxbury Beach Unit MA-13/MA-13P (2 of 2) Plymouth Bay Unit C04'' and dated December 18, 2020.

(9) The map entitled ''Center Hill Complex C06 Scusset Beach Unit MA-38P Town Neck Unit MA-14P'' and dated December 18, 2020.

(10) The map entitled ''Scorton Unit C08 Sandy Neck Unit C09/C09P (1 of 2)'' and dated December 18, 2020.

(11) The map entitled ''Sandy Neck Unit C09/C09P (2 of 2) Chapin Beach Unit MA-15P'' and dated December 18, 2020.

(12) The map entitled ''Nobscusset Unit MA-16 Freemans Pond Unit C10'' and dated December 18, 2020.

(13) The map entitled ''Provincetown Unit MA-19P (1 of 2)'' and dated December 18, 2020.

(14) The map entitled ''Provincetown Unit MA-19P (2 of 2) Pamet Harbor Unit MA-18AP Ballston Beach Unit MA-18P'' and dated December 18, 2020.

(15) The map entitled ''Griffin/Great Islands Complex MA-17P Lieutenant Island Unit MA-17AP'' and dated December 18, 2020.

(16) The map entitled ''Namskaket Spits Unit C11/C11P Boat Meadow Unit C11A/C11AP Nauset Beach/Monomoy Unit MA-20P (1 of 3)'' and dated December 18, 2020.

(17) The map entitled ''Nauset Beach/Monomoy Unit MA-20P (2 of 3) Harding Beach Unit MA-40P Chatham Roads Unit C12/C12P Red River Beach Unit MA-41P'' and dated December 18, 2020.

(18) The map entitled ''Nauset Beach/Monomoy Unit MA-20P (3 of 3)'' and dated December 18, 2020.

(19) The map entitled ''Davis Beach Unit MA-23P Lewis Bay Unit C13/C13P'' and dated December 18, 2020.

(20) The map entitled ''Squaw Island Unit C14 Centerville Unit C15/C15P Dead Neck Unit C16 (1 of 2)'' and dated December 18, 2020.

(21) The map entitled ''Dead Neck Unit C16 (2 of 2) Popponesset Spit Unit C17 Waquoit Bay Unit C18 Falmouth Ponds Unit C18A'' and dated December 18, 2020.

(22) The map entitled ''Quissett Beach/Falmouth Beach Unit MA-42P Black Beach Unit C19, Little Sippewisset Marsh Unit C19P Chapoquoit Beach Unit MA-43/MA-43P Herring Brook Unit MA-30'' and dated December 18, 2020.

(23) The map entitled ''Squeteague Harbor Unit MA-31 Bassetts Island Unit MA-32 Phinneys Harbor Unit MA-33 Buzzards Bay Complex C19A (1 of 3)'' and dated December 18, 2020.

(24) The map entitled ''Buzzards Bay Complex C19AP (2 of 3) Planting Island Unit MA-35'' and dated December 18, 2020.

(25) The map entitled ''Buzzards Bay Complex C19A (3 of 3) West Sconticut Neck Unit C31A/C31AP Little Bay Unit MA-47P Harbor View Unit C31B'' and dated December 18, 2020.

(26) The map entitled ''Round Hill Unit MA-36, Mishaum Point Unit C32 Demarest Lloyd Park Unit MA-37P Little Beach Unit C33 (1 of 2) Round Hill Point Unit MA-45P, Teal Pond Unit MA-46'' and dated December 18, 2020.

(27) The map entitled ''Little Beach Unit C33 (2 of 2) Horseneck Beach Unit C34/C34P Richmond/Cockeast Ponds Unit C35'' and dated December 18, 2020.

(28) The map entitled ''Coatue Unit C20/C20P (1 of 2) Sesachacha Pond Unit C21'' and dated December 18, 2020.

(29) The map entitled ''Coatue Unit C20/C20P (2 of 2) Cisco Beach Unit C22P Esther Island Complex C23/23P (1 of 2) Tuckernuck Island Unit C24 (1 of 2)'' and dated December 18, 2020.

(30) The map entitled ''Esther Island Complex C23 (2 of 2) Tuckernuck Island Unit C24 (2 of 2) Muskeget Island Unit C25'' and dated December 18, 2020.

(31) The map entitled ''Harthaven Unit MA-26, Edgartown Beach Unit MA-27P Trapps Pond Unit MA-27, Eel Pond Beach Unit C26 Cape Poge Unit C27, Norton Point Unit MA-28P South Beach Unit C28 (1 of 2)'' and dated December 18, 2020.

(32) The map entitled ''South Beach Unit C28 (2 of 2)'' and dated December 18, 2020.

(33) The map entitled ''Squibnocket Complex C29/C29P Nomans Land Unit MA-29P'' and dated December 18, 2020.

(34) The map entitled ''James Pond Unit C29A Mink Meadows Unit C29B Naushon Island Complex MA-24 (1 of 2)'' and dated December 18, 2020.

(35) The map entitled ''Naushon Island Complex MA-24 (2 of 2) Elizabeth Island Unit C31 (1 of 2)'' and dated December 18, 2020.

(36) The map entitled ''Elizabeth Island Unit C31 (2 of 2) Penikese Island Unit MA-25P'' and dated December 18, 2020.

(37) The map entitled ''Cedar Cove Unit C34A'' and dated December 18, 2020.

(38) The map entitled ''Little Compton Ponds Unit D01 Tunipus Pond Unit D01P Brown Point Unit RI-01'' and dated December 18, 2020.

(39) The map entitled ''Fogland Marsh Unit D02/D02P, Sapowet Point Unit RI-02/RI-02P McCorrie Point Unit RI-02A Sandy Point Unit RI-03P Prudence Island Complex D02B/D02BP (1 of 3)'' and dated December 18, 2020.

(40) The map entitled ''Prudence Island Complex D02B/D02BP (2 of 3)'' and dated December 18, 2020.

(41) The map entitled ''Prudence Island Complex D02B/D02BP (3 of 3)'' and dated December 18, 2020.

(42) The map entitled ''West Narragansett Bay Complex D02C'' and dated December 18, 2020.

(43) The map entitled ''Fox Hill Marsh Unit RI-08/RI-08P Bonnet Shores Beach Unit RI-09 Narragansett Beach Unit RI-10/RI-10P'' and dated December 18, 2020.

(44) The map entitled ''Seaweed Beach Unit RI-11P East Matunuck Beach Unit RI-12P Point Judith Unit RI-14P, Card Ponds Unit D03/D03P Green Hill Beach Unit D04 (1 of 2)'' and dated December 18, 2020.

(45) The map entitled ''Green Hill Beach Unit D04 (2 of 2) East Beach Unit D05P Quonochontaug Beach Unit D06/D06P'' and dated December 18, 2020.

(46) The map entitled ''Misquamicut Beach Unit RI-13P Maschaug Ponds Unit D07 Napatree Unit D08/D08P'' and dated December 18, 2020.

(47) The map entitled ''Block Island Unit D09/D09P'' and dated December 18, 2020.

(48) The map entitled ''Wilcox Beach Unit E01 Ram Island Unit E01A Mason Island Unit CT-01'' and dated December 18, 2020.

(49) The map entitled ''Bluff Point Unit CT-02 Goshen Cove Unit E02'' and dated December 18, 2020.

(50) The map entitled ''Jordan Cove Unit E03, Niantic Bay Unit E03A Old Black Point Unit CT-03, Hatchett Point Unit CT-04 Little Pond Unit CT-05, Mile Creek Unit CT-06'' and dated December 18, 2020.

(51) The map entitled ''Griswold Point Unit CT-07 Lynde Point Unit E03B Cold Spring Brook Unit CT-08'' and dated December 18, 2020.

(52) The map entitled ''Menunketesuck Island Unit E04 Hammonasset Point Unit E05 Toms Creek Unit CT-10 Seaview Beach Unit CT-11'' and dated December 18, 2020.

(53) The map entitled ''Lindsey Cove Unit CT-12 Kelsey Island Unit CT-13 Nathan Hale Park Unit CT-14P Morse Park Unit CT-15P'' and dated December 18, 2020.

(54) The map entitled ''Milford Point Unit E07 Long Beach Unit CT-18P Fayerweather Island Unit E08AP'' and dated December 18, 2020.

(55) The map entitled ''Norwalk Islands Unit E09/E09P'' and dated December 18, 2020.

(56) The map entitled ''Jamaica Bay Unit NY-60P (1 of 2)'' and dated December 18, 2020.

(57) The map entitled ''Jamaica Bay Unit NY-60P (2 of 2)'' and dated December 18, 2020.

(58) The map entitled ''Sands Point Unit NY-03 Prospect Point Unit NY-04P Dosoris Pond Unit NY-05P'' and dated December 18, 2020.

(59) The map entitled ''The Creek Beach Unit NY-06/NY-06P Centre Island Beach Unit NY-07P, Centre Island Unit NY-88 Lloyd Beach Unit NY-09P Lloyd Point Unit NY-10/NY-10P'' and dated December 18, 2020.

(60) The map entitled ''Lloyd Harbor Unit NY-11/NY-11P, Eatons Neck Unit F02 Hobart Beach Unit NY-13, Deck Island Harbor Unit NY-89 Centerpoint Harbor Unit NY-12, Crab Meadow Unit NY-14'' and dated December 18, 2020.

(61) The map entitled ''Sunken Meadow Unit NY-15/NY-15P Stony Brook Harbor Unit NY-16 (1 of 2)'' and dated December 18, 2020.

(62) The map entitled ''Stony Brook Harbor Unit NY-16/NY-16P (2 of 2) Crane Neck Unit F04P Old Field Beach Unit F05/F05P Cedar Beach Unit NY-17/NY-17P'' and dated December 18, 2020.

(63) The map entitled ''Wading River Unit NY-18 Baiting Hollow Unit NY-19P'' and dated December 18, 2020.

(64) The map entitled ''Luce Landing Unit NY-20P, Mattituck Inlet Unit NY-21P East Creek Unit NY-34P, Indian Island Unit NY-35P Flanders Bay Unit NY-36/NY-36P, Red Creek Pond Unit NY-37 Iron Point Unit NY-97P'' and dated December 18, 2020.

(65) The map entitled ''Goldsmith Inlet Unit NY-22P, Pipes Cove Unit NY-26 (1 of 2) Southold Bay Unit NY-28, Cedar Beach Point Unit NY-29P (1 of 2) Hog Neck Bay Unit NY-30 Peconic Dunes Unit NY-90P'' and dated December 18, 2020.

(66) The map entitled ''Little Creek Unit NY-31/NY-31P, Cutchogue Harbor Unit NY-31A Downs Creek Unit NY-32, Robins Island Unit NY-33 Squire Pond Unit NY-38, Cow Neck Unit NY-39 North Sea Harbor Unit NY-40/NY-40P, Cold Spring Pond Unit NY-92'' and dated December 18, 2020.

(67) The map entitled ''Truman Beach Unit NY-23/NY-23P Orient Beach Unit NY-25P Hay Beach Point Unit NY-47'' and dated December 18, 2020.

(68) The map entitled ''F06, NY-26 (2 of 2), NY-27, NY-29P (2 of 2), NY-41P NY-42, NY-43/NY-43P, NY-44, NY-45 NY-46, NY-48, NY-49, NY-50 NY-51P, NY-93, NY-94, NY-95P'' and dated December 18, 2020.

(69) The map entitled ''Gardiners Island Barriers Unit F09 (1 of 2) Plum Island Unit NY-24'' and dated December 18, 2020.

(70) The map entitled ''Sammys Beach Unit F08A, Accabonac Harbor Unit F08B Gardiners Island Barriers Unit F09 (2 of 2) Napeague Unit F10P (1 of 2), Hog Creek Unit NY-52 Amagansett Unit NY-56/NY-56P, Bell Park Unit NY-96P'' and dated December 18, 2020.

(71) The map entitled ''Fisher Island Barriers Unit F01'' and dated December 18, 2020.

(72) The map entitled ''Big Reed Pond Unit NY-53P Oyster Pond Unit NY-54P Montauk Point Unit NY-55P'' and dated December 18, 2020.

(73) The map entitled ''Napeague Unit F10/F10P (2 of 2)'' and dated December 18, 2020.

(74) The map entitled ''Mecox Unit F11 Georgica/Wainscott Ponds Unit NY-57 Sagaponack Pond Unit NY-58/NY-58P'' and dated December 18, 2020.

(75) The map entitled ''Southampton Beach Unit F12 Tiana Beach Unit F13/F13P'' and dated December 18, 2020.

(76) The map entitled ''Fire Island Unit NY-59P (1 of 6)'' and dated December 18, 2020.

(77) The map entitled ''Fire Island Unit NY-59P (2 of 6)'' and dated December 18, 2020.

(78) The map entitled ''Fire Island Unit NY-59P (3 of 6)'' and dated December 18, 2020.

(79) The map entitled ''Fire Island Unit NY-59/NY-59P (4 of 6)'' and dated December 18, 2020.

(80) The map entitled ''Fire Island Unit NY-59/NY-59P (5 of 6)'' and dated December 18, 2020.

(81) The map entitled ''Fire Island Unit NY-59/NY-59P (6 of 6)'' and dated December 18, 2020.

(82) The map entitled ''Sandy Hook Unit NJ-01P Monmouth Cove Unit NJ-17P'' and dated December 18, 2020.

(83) The map entitled ''Navesink/Shrewsbury Complex NJ-04A/NJ-04AP'' and dated December 18, 2020.

(84) The map entitled ''Metedeconk Neck Unit NJ-04B/NJ-04BP'' and dated December 18, 2020.

(85) The map entitled ''Island Beach Unit NJ-05P (1 of 2)'' and dated December 18, 2020.

(86) The map entitled ''Island Beach Unit NJ-05P (2 of 2)'' and dated December 18, 2020.

(87) The map entitled ''Cedar Bonnet Island Unit NJ-06/NJ-06P'' and dated December 18, 2020.

(88) The map entitled ''Brigantine Unit NJ-07P (1 of 4)'' and dated December 18, 2020.

(89) The map entitled ''Brigantine Unit NJ-07P (2 of 4)'' and dated December 18, 2020.

(90) The map entitled ''Brigantine Unit NJ-07P (3 of 4)'' and dated December 18, 2020.

(91) The map entitled ''Brigantine Unit NJ-07P (4 of 4)'' and dated December 18, 2020.

(92) The map entitled ''Corson's Inlet Unit NJ-08P'' and dated December 18, 2020.

(93) The map entitled ''Stone Harbor Unit NJ-09/NJ-09P'' and dated December 18, 2020.

(94) The map entitled ''Two Mile Beach Unit NJ-20P Cape May Unit NJ-10P Higbee Beach Unit NJ-11P'' and dated December 18, 2020.

(95) The map entitled ''Sunray Beach Unit NJ-21P Del Haven Unit NJ-12/NJ-12P Kimbles Beach Unit NJ-13 Moores Beach Unit NJ-14/NJ-14P (1 of 3)'' and dated December 18, 2020.

(96) The map entitled ''Moores Beach Unit NJ-14/NJ-14P (2 of 3)'' and dated December 18, 2020.

(97) The map entitled ''Moores Beach Unit NJ-14/NJ-14P (3 of 3)'' and dated December 18, 2020.

(98) The map entitled ''Little Creek Unit DE-01/DE-01P (1 of 2) Broadkill Beach Unit H00/H00P (1 of 4)'' and dated December 18, 2020.

(99) The map entitled ''Broadkill Beach Unit H00/H00P (2 of 4)'' and dated December 18, 2020.

(100) The map entitled ''Broadkill Beach Unit H00/H00P (3 of 4)'' and dated December 18, 2020.

(101) The map entitled ''Broadkill Beach Unit H00/H00P (4 of 4) Beach Plum Island Unit DE-02P'' and dated December 18, 2020.

(102) The map entitled ''Cape Henlopen Unit DE-03P Silver Lake Unit DE-06'' and dated December 18, 2020.

(103) The map entitled ''Fenwick Island Unit DE-08P'' and dated December 18, 2020.

(104) The map entitled ''Bombay Hook Unit DE-11P (2 of 2) Little Creek Unit DE-01P (2 of 2)'' and dated December 18, 2020.

(105) The map entitled ''Assateague Island Unit MD-01P (1 of 3)'' and dated December 18, 2020.

(106) The map entitled ''Assateague Island Unit MD-01P (2 of 3)'' and dated December 18, 2020.

(107) The map entitled ''Assateague Island Unit MD-01P (3 of 3)'' and dated December 18, 2020.

(108) The map entitled ''Fair Island Unit MD-02 Sound Shore Unit MD-03/MD-03P'' and dated December 18, 2020.

(109) The map entitled ''Cedar/Janes Islands Unit MD-04P (1 of 2) Joes Cove Unit MD-06 (1 of 2)'' and dated December 18, 2020.

(110) The map entitled ''Cedar/Janes Islands Unit MD-04P (2 of 2) Joes Cove Unit MD-06 (2 of 2) Scott Point Unit MD-07P, Hazard Island Unit MD-08P St. Pierre Point Unit MD-09P'' and dated December 18, 2020.

(111) The map entitled ''Little Deal Island Unit MD-11 Deal Island Unit MD-12 Franks Island Unit MD-14/MD-14P Long Point Unit MD-15'' and dated December 18, 2020.

(112) The map entitled ''Stump Point Unit MD-16'' and dated December 18, 2020.

(113) The map entitled ''Martin Unit MD-17P'' and dated December 18, 2020.

(114) The map entitled ''Marsh Island Unit MD-18P Holland Island Unit MD-19'' and dated December 18, 2020.

(115) The map entitled ''Jenny Island Unit MD-20 Lower Hooper Island Unit MD-58'' and dated December 18, 2020.

(116) The map entitled ''Barren Island Unit MD-21P Meekins Neck Unit MD-59'' and dated December 18, 2020.

(117) The map entitled ''Hooper Point Unit MD-22 Covey Creek Unit MD-24'' and dated December 18, 2020.

(118) The map entitled ''Boone Creek Unit MD-26 Benoni Point Unit MD-27 Chlora Point Unit MD-60'' and dated December 18, 2020.

(119) The map entitled ''Lowes Point Unit MD-28 Rich Neck Unit MD-29 Kent Point Unit MD-30'' and dated December 18, 2020.

(120) The map entitled ''Stevensville Unit MD-32 Wesley Church Unit MD-33 Eastern Neck Island Unit MD-34P Wilson Point Unit MD-35'' and dated December 18, 2020.

(121) The map entitled ''Tanner Creek Unit MD-47 Point Lookout Unit MD-48P Potter Creek Unit MD-63 Bisco Creek Unit MD-49'' and dated December 18, 2020.

(122) The map entitled ''Biscoe Pond Unit MD-61P, Carroll Pond Unit MD-62 St. Clarence Creek Unit MD-44 Deep Point Unit MD-45, Point Look-In Unit MD-46 Chicken Cock Creek Unit MD-50'' and dated December 18, 2020.

(123) The map entitled ''Drum Point Unit MD-39 Lewis Creek Unit MD-40 Green Holly Pond Unit MD-41'' and dated December 18, 2020.

(124) The map entitled ''Flag Ponds Unit MD-37P Cove Point Marsh Unit MD-38/MD-38P'' and dated December 18, 2020.

(125) The map entitled ''Cherryfield Unit MD-64, Piney Point Creek Unit MD-51 McKay Cove Unit MD-52, Blake Creek Unit MD-53 Belvedere Creek Unit MD-54'' and dated December 18, 2020.

(126) The map entitled ''St. Clements Island Unit MD-55P St. Catherine Island Unit MD-56'' and dated December 18, 2020.

(127) The map entitled ''Assateague Island Unit VA-01P (1 of 4)'' and dated December 18, 2020.

(128) The map entitled ''Assateague Island Unit VA-01P (2 of 4)'' and dated December 18, 2020.

(129) The map entitled ''Assateague Island Unit VA-01P (3 of 4)'' and dated December 18, 2020.

(130) The map entitled ''Assateague Island Unit VA-01P (4 of 4) Assawoman Island Unit VA-02P (1 of 3)'' and dated December 18, 2020.

(131) The map entitled ''Assawoman Island Unit VA-02P (2 of 3)'' and dated December 18, 2020.

(132) The map entitled ''Assawoman Island Unit VA-02P (3 of 3) Metompkin Island Unit VA-03P Cedar Island Unit K03 (1 of 3)'' and dated December 18, 2020.

(133) The map entitled ''Cedar Island Unit K03 (2 of 3) Parramore/Hog/Cobb Islands Unit VA-04P (1 of 5)'' and dated December 18, 2020.

(134) The map entitled ''Cedar Island Unit K03 (3 of 3) Parramore/Hog/Cobb Islands Unit VA-04P (2 of 5)'' and dated December 18, 2020.

(135) The map entitled ''Parramore/Hog/Cobb Islands Unit VA-04P (3 of 5)'' and dated December 18, 2020.

(136) The map entitled ''Parramore/Hog/Cobb Islands Unit VA-04P (4 of 5)'' and dated December 18, 2020.

(137) The map entitled ''Parramore/Hog/Cobb Islands Unit VA-04P (5 of 5) Little Cobb Island Unit K04 Wreck Island Unit VA-05P (1 of 4)'' and dated December 18, 2020.

(138) The map entitled ''Wreck Island Unit VA-05P (2 of 4)'' and dated December 18, 2020.

(139) The map entitled ''Wreck Island Unit VA-05P (3 of 4) Smith Island Unit VA-06P (1 of 3)'' and dated December 18, 2020.

(140) The map entitled ''Wreck Island Unit VA-05P (4 of 4) Smith Island Unit VA-06P (2 of 3) Fishermans Island Unit K05/K05P (1 of 2)'' and dated December 18, 2020.

(141) The map entitled ''Smith Island Unit VA-06P (3 of 3) Fishermans Island Unit K05/K05P (2 of 2)'' and dated December 18, 2020.

(142) The map entitled ''Elliotts Creek Unit VA-09 Old Plantation Creek Unit VA-10 Wescoat Point Unit VA-11'' and dated December 18, 2020.

(143) The map entitled ''Great Neck Unit VA-12 Westerhouse Creek Unit VA-13 Shooting Point Unit VA-14'' and dated December 18, 2020.

(144) The map entitled ''Scarborough Neck Unit VA-16/VA-16P Craddock Neck Unit VA-17/VA-17P (1 of 2)'' and dated December 18, 2020.

(145) The map entitled ''Craddock Neck Unit VA-17 (2 of 2) Hacks Neck Unit VA-18 Parkers/Finneys Islands Unit VA-19 Parkers Marsh Unit VA-20/VA-20P (1 of 3)'' and dated December 18, 2020.

(146) The map entitled ''Parkers Marsh Unit VA-20 (2 of 3) Beach Island Unit VA-21 (1 of 2) Russell Island Unit VA-22/VA-22P Simpson Bend Unit VA-23'' and dated December 18, 2020.

(147) The map entitled ''Parkers Marsh Unit VA-20/VA-20P (3 of 3) Beach Island Unit VA-21 (2 of 2) Watts Island Unit VA-27'' and dated December 18, 2020.

(148) The map entitled ''Drum Bay Unit VA-24'' and dated December 18, 2020.

(149) The map entitled ''Fox Islands Unit VA-25'' and dated December 18, 2020.

(150) The map entitled ''Cheeseman Island Unit VA-26'' and dated December 18, 2020.

(151) The map entitled ''Tangier Island Unit VA-28/VA-28P'' and dated December 18, 2020.

(152) The map entitled ''Elbow Point Unit VA-29 White Point Unit VA-30 Cabin Point Unit VA-31 Glebe Point Unit VA-32'' and dated December 18, 2020.

(153) The map entitled ''Sandy Point Unit VA-33 Judith Sound Unit VA-34'' and dated December 18, 2020.

(154) The map entitled ''Cod Creek Unit VA-35 Presley Creek Unit VA-36 Cordreys Beach Unit VA-37 Marshalls Beach Unit VA-38'' and dated December 18, 2020.

(155) The map entitled ''Ginny Beach Unit VA-39P, Gaskin Pond Unit VA-40 Owens Pond Unit VA-41, Chesapeake Beach Unit VA-42 Fleet Point Unit VA-43 Bussel Point Unit VA-44'' and dated December 18, 2020.

(156) The map entitled ''Harveys Creek Unit VA-45, Dameron Marsh Unit VA-63P Ingram Cove Unit VA-46 Bluff Point Neck Unit VA-47/VA-47P Barnes Creek Unit VA-48'' and dated December 18, 2020.

(157) The map entitled ''Little Bay Unit VA-64, North Point Unit VA-49 White Marsh Unit VA-65P, Windmill Point Unit VA-50 Deep Hole Point Unit VA-51, Sturgeon Creek Unit VA-52 Jackson Creek Unit VA-53'' and dated December 18, 2020.

(158) The map entitled ''Rigby Island/Bethal Beach Unit VA-55/VA-55P (1 of 2)'' and dated December 18, 2020.

(159) The map entitled ''Rigby Island/Bethal Beach Unit VA-55 (2 of 2) New Point Comfort Unit VA-56'' and dated December 18, 2020.

(160) The map entitled ''Lone Point Unit VA-66 Oldhouse Creek Unit VA-67 Ware Neck Unit VA-57 Severn River Unit VA-58 (1 of 2)'' and dated December 18, 2020.

(161) The map entitled ''Severn River Unit VA-58 (2 of 2) Bay Tree Beach Unit VA-68/VA-68P Plum Tree Island Unit VA-59P (1 of 2)'' and dated December 18, 2020.

(162) The map entitled ''Plum Tree Island Unit VA-59P (2 of 2) Long Creek Unit VA-60/VA-60P'' and dated December 18, 2020.

(163) The map entitled ''Cape Henry Unit VA-61P'' and dated December 18, 2020.

(164) The map entitled ''Back Bay Unit VA-62P (1 of 2)'' and dated December 18, 2020.

(165) The map entitled ''Back Bay Unit VA-62P (2 of 2)'' and dated December 18, 2020.

(166) The map entitled ''Onslow Beach Complex L05 (2 of 2) Topsail Unit L06 (1 of 2)'' and dated April 30, 2021.

(167) The map entitled ''Morris Island Unit M06/M06P'' and dated April 29, 2021.

(168) The map entitled ''Hunting Island Unit SC-09P (1 of 2) Harbor Island Unit M11 (1 of 2) St. Phillips Island Unit M12/M12P (1 of 3)'' and dated April 29, 2021.

(169) The map entitled ''Hunting Island Unit SC-09P (2 of 2) Harbor Island Unit M11 (2 of 2) St. Phillips Island Unit M12/M12P (2 of 3)'' and dated April 29, 2021.

(170) The map entitled ''St. Phillips Island Unit M12 (3 of 3)'' and dated April 29, 2021.

(171) The map entitled ''Grayton Beach Unit FL-95P Draper Lake Unit FL-96'' and dated April 30, 2021.

(172) The map entitled ''Moreno Point Unit P32/P32P'' and dated April 29, 2021.

(173) The map entitled ''Isle au Pitre Unit LA-01'' and dated March 18, 2016.

(174) The map entitled ''Half Moon Island Unit LA-02'' and dated March 18, 2016.

(175) The map entitled ''Timbalier Bay Unit S04 Timbalier Islands Unit S05 (1 of 3)'' and dated March 18, 2016.

(176) The map entitled ''Timbalier Islands Unit S05 (2 of 3)'' and dated March 18, 2016.

(177) The map entitled ''Timbalier Islands Unit S05 (3 of 3)'' and dated March 18, 2016.

(178) The map entitled ''Isles Dernieres Unit S06 (1 of 3)'' and dated March 18, 2016.

(179) The map entitled ''Isles Dernieres Unit S06 (2 of 3)'' and dated March 18, 2016.

(180) The map entitled ''Isles Dernieres Unit S06 (3 of 3)'' and dated March 18, 2016.

(181) The map entitled ''Point au Fer Unit S07 (1 of 4)'' and dated March 18, 2016.

(182) The map entitled ''Point au Fer Unit S07 (2 of 4)'' and dated March 18, 2016.

(183) The map entitled ''Point au Fer Unit S07 (3 of 4)'' and dated March 18, 2016.

(184) The map entitled ''Point au Fer Unit S07 (4 of 4)'' and dated March 18, 2016.

(c) NEW MAPS DESCRIBED.—The new maps referred to in subsection (a)(2) are the following:

(1) The map entitled ''Odiorne Point Unit NH-01P'' and dated December 18, 2020.

(2) The map entitled ''Guilford Harbor Unit CT-19P'' and dated December 18, 2020.

(3) The map entitled ''Silver Sands Unit CT-21P'' and dated December 18, 2020.

(4) The map entitled ''Calf Islands Unit CT-20P'' and dated December 18, 2020.

(5) The map entitled ''Malibu Beach Unit NJ-19P'' and dated December 18, 2020.

(6) The map entitled ''Egg Island Unit NJ-22P (1 of 2)'' and dated December 18, 2020.

(7) The map entitled ''Egg Island Unit NJ-22P (2 of 2) Dix Unit NJ-23P (1 of 3)'' and dated December 18, 2020.

(8) The map entitled ''Dix Unit NJ-23P (2 of 3)'' and dated December 18, 2020.

(9) The map entitled ''Dix Unit NJ-23P (3 of 3) Greenwich Unit NJ-24P'' and dated December 18, 2020.

(10) The map entitled ''Woodland Beach Unit DE-09P Fraland Beach Unit DE-10 Bombay Hook Unit DE-11P (1 of 2)'' and dated December 18, 2020.

(11) The map entitled ''Swan Point Unit MD-65 Lower Cedar Point Unit MD-66'' and dated December 18, 2020.

(d) AVAILABILITY.—The Secretary of the Interior shall keep the maps described in subsections (b) and (c) on file and available for inspection in accordance with section 4(b) of the Coastal Barrier Resources Act (16 U.S.C. 3503(b)).

SA 1836. Mr. LEE (for himself and Mr. WELCH) submitted an amendment intended to be proposed by him to the bill H.R. 7888, to reform the Foreign Intelligence Surveillance Act of 1978; which was ordered to lie on the table; as follows:

On page 19, strike line 22 and all that follows through page 24, line 10, and insert the following:

(b) USE OF AMICI CURIAE IN FOREIGN INTELLIGENCE SURVEILLANCE COURT PROCEEDINGS.—

(1) EXPANSION OF APPOINTMENT AUTHORITY.—

(A) IN GENERAL.—Section 103(i)(2) is amended—

(i) by striking subparagraph (A) and inserting the following:

''(A) shall, unless the court issues a finding that appointment is not appropriate, appoint 1 or more individuals who have been designated under paragraph (1), not fewer than 1 of whom possesses privacy and civil liberties expertise, unless the court finds that such a qualification is inappropriate, to serve as amicus curiae to assist the court in the consideration of any application or motion for an order or review that, in the opinion of the court—

''(i) presents a novel or significant interpretation of the law;

''(ii) presents significant concerns with respect to the activities of a United States person that are protected by the first amendment to the Constitution of the United States;

''(iii) presents or involves a sensitive investigative matter;

''(iv) presents a request for approval of a new program, a new technology, or a new use of existing technology;

''(v) presents a request for reauthorization of programmatic surveillance; or

''(vi) otherwise presents novel or significant civil liberties issues; and''; and

(ii) in subparagraph (B), by striking ''an individual or organization'' each place the term appears and inserting ''1 or more individuals or organizations''.

(B) DEFINITION OF SENSITIVE INVESTIGATIVE MATTER.—Section 103(i) is amended by adding at the end the following:

''(12) DEFINITION.—In this subsection, the term 'sensitive investigative matter' means—

''(A) an investigative matter involving the activities of—

''(i) a domestic public official or political candidate, or an individual serving on the staff of such an official or candidate;

''(ii) a domestic religious or political organization, or a known or suspected United States person prominent in such an organization; or

''(iii) the domestic news media; or

''(B) any other investigative matter involving a domestic entity or a known or suspected United States person that, in the judgment of the applicable court established under subsection (a) or (b), is as sensitive as an investigative matter described in subparagraph (A).''.

(2) AUTHORITY TO SEEK REVIEW.—Section 103(i), as amended by paragraph (1) of this subsection, is amended—

(A) in paragraph (4)—

(i) in the paragraph heading, by inserting ''; AUTHORITY'' after ''DUTIES'';

(ii) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively, and adjusting the margins accordingly;

(iii) in the matter preceding clause (i), as so redesignated, by striking ''the amicus curiae shall'' and inserting the following: ''the amicus curiae—

''(A) shall'';

(iv) in subparagraph (A)(i), as so redesignated, by inserting before the semicolon at the end the following: '', including legal arguments regarding any privacy or civil liberties interest of any United States person that would be significantly impacted by the application or motion''; and

(v) by striking the period at the end and inserting the following: ''; and

''(B) may seek leave to raise any novel or significant privacy or civil liberties issue relevant to the application or motion or other issue directly impacting the legality of the proposed electronic surveillance with the court, regardless of whether the court has requested assistance on that issue.'';

(B) by redesignating paragraphs (7) through (12) as paragraphs (8) through (13), respectively; and

(C) by inserting after paragraph (6) the following:

''(7) AUTHORITY TO SEEK REVIEW OF DECISIONS.—

''(A) FISA COURT DECISIONS.—

''(i) PETITION.—Following issuance of an order under this Act by the Foreign Intelligence Surveillance Court, an amicus curiae appointed under paragraph (2) may petition the Foreign Intelligence Surveillance Court to certify for review to the Foreign Intelligence Surveillance Court of Review a question of law pursuant to subsection (j).

''(ii) WRITTEN STATEMENT OF REASONS.—If the Foreign Intelligence Surveillance Court denies a petition under this subparagraph, the Foreign Intelligence Surveillance Court shall provide for the record a written statement of the reasons for the denial.

''(iii) APPOINTMENT.—Upon certification of any question of law pursuant to this subparagraph, the Court of Review shall appoint the amicus curiae to assist the Court of Review in its consideration of the certified question, unless the Court of Review issues a finding that such appointment is not appropriate.

''(C) DECLASSIFICATION OF REFERRALS.—For purposes of section 602, a petition filed under subparagraph (A) or (B) of this paragraph and all of its content shall be considered a decision, order, or opinion issued by the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review described in paragraph (2) of section 602(a).''.

(3) ACCESS TO INFORMATION.—

(A) APPLICATION AND MATERIALS.—Section 103(i)(6) is amended by striking subparagraph (A) and inserting the following:

''(A) IN GENERAL.—

''(i) RIGHT OF AMICUS.—If a court established under subsection (a) or (b) appoints an amicus curiae under paragraph (2), the amicus curiae—

''(I) shall have access, to the extent such information is available to the Government, to—

''(aa) the application, certification, petition, motion, and other information and supporting materials, including any information described in section 901, submitted to the Foreign Intelligence Surveillance Court in connection with the matter in which the amicus curiae has been appointed, including access to any relevant legal precedent (including any such precedent that is cited by the Government, including in such an application);

''(bb) an unredacted copy of each relevant decision made by the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review in which the court decides a question of law, without regard to whether the decision is classified; and

''(cc) any other information or materials that the court determines are relevant to the duties of the amicus curiae; and

''(II) may make a submission to the court requesting access to any other particular materials or information (or category of materials or information) that the amicus curiae believes to be relevant to the duties of the amicus curiae.

''(ii) SUPPORTING DOCUMENTATION REGARDING ACCURACY.—The Foreign Intelligence Surveillance Court, upon the motion of an amicus curiae appointed under paragraph (2) or upon its own motion, may require the Government to make available the supporting documentation described in section 902.''.

(B) CLARIFICATION OF ACCESS TO CERTAIN INFORMATION.—Section 103(i)(6) is amended—

(i) in subparagraph (B), by striking ''may'' and inserting ''shall''; and

(ii) by striking subparagraph (C) and inserting the following:

''(C) CLASSIFIED INFORMATION.—An amicus curiae designated or appointed by the court shall have access, to the extent such information is available to the Government, to unredacted copies of each opinion, order, transcript, pleading, or other document of the Foreign Intelligence Surveillance Court and the Foreign Intelligence Surveillance Court of Review, including, if the individual is eligible for access to classified information, any classified documents, information, and other materials or proceedings.''.

(4) DEFINITIONS.—Section 101 is amended by adding at the end the following:

''(q) The term 'Foreign Intelligence Surveillance Court' means the court established under section 103(a).

''(r) The term 'Foreign Intelligence Surveillance Court of Review' means the court established under section 103(b).''.

(5) TECHNICAL AMENDMENTS RELATING TO STRIKING SECTION 5(C) OF THE BILL.—

(A) Subsection (e) of section 603, as added by section 12(a) of this Act, is amended by striking ''section 103(m)'' and inserting ''section 103(l)''.

(B) Section 110(a), as added by section 15(b) of this Act, is amended by striking ''section 103(m)'' and inserting ''section 103(l)''.

(C) Section 103 is amended by redesignating subsection (m), as added by section 17 of this Act, as subsection (l).

(6) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of enactment of this Act and shall apply with respect to proceedings under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) that take place on or after, or are pending on, that date.

(c) REQUIRED DISCLOSURE OF RELEVANT INFORMATION IN FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978 APPLICATIONS.—

(1) IN GENERAL.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by adding at the end the following:

''TITLE IX—REQUIRED DISCLOSURE OF RELEVANT INFORMATION

''SEC. 901. DISCLOSURE OF RELEVANT INFORMATION.

''The Attorney General or any other Federal officer or employee making an application for a court order under this Act shall provide the court with—

''(1) all information in the possession of the Government that is material to determining whether the application satisfies the applicable requirements under this Act, including any exculpatory information; and

''(2) all information in the possession of the Government that might reasonably—

''(A) call into question the accuracy of the application or the reasonableness of any assessment in the application conducted by the department or agency on whose behalf the application is made; or

''(B) otherwise raise doubts with respect to the findings that are required to be made under the applicable provision of this Act in order for the court order to be issued.''.

(2) CERTIFICATION REGARDING ACCURACY PROCEDURES.—Title IX, as added by paragraph (1) of this subsection, is amended by adding at the end the following:

''SEC. 902. CERTIFICATION REGARDING ACCURACY PROCEDURES.

''(a) DEFINITION OF ACCURACY PROCEDURES.—In this section, the term 'accuracy procedures' means specific procedures, adopted by the Attorney General, to ensure that an application for a court order under this Act, including any application for renewal of an existing order, is accurate and complete, including procedures that ensure, at a minimum, that—

''(1) the application reflects all information that might reasonably call into question the accuracy of the information or the reasonableness of any assessment in the application, or otherwise raises doubts about the requested findings;

''(2) the application reflects all material information that might reasonably call into question the reliability and reporting of any information from a confidential human source that is used in the application;

''(3) a complete file documenting each factual assertion in an application is maintained;

''(4) the applicant coordinates with the appropriate elements of the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)), concerning any prior or existing relationship with the target of any surveillance, search, or other means of investigation, and discloses any such relationship in the application;

''(5) before any application targeting a United States person (as defined in section 101) is made, the applicant Federal officer shall document that the officer has collected and reviewed for accuracy and completeness supporting documentation for each factual assertion in the application; and

''(6) the applicant Federal agency establish compliance and auditing mechanisms on an

annual basis to assess the efficacy of the accuracy procedures that have been adopted and report such findings to the Attorney General.

''(b) STATEMENT AND CERTIFICATION OF ACCURACY PROCEDURES.—Any Federal officer making an application for a court order under this Act shall include with the application—

''(1) a description of the accuracy procedures employed by the officer or the officer's designee; and

''(2) a certification that the officer or the officer's designee has collected and reviewed for accuracy and completeness—

''(A) supporting documentation for each factual assertion contained in the application;

''(B) all information that might reasonably call into question the accuracy of the information or the reasonableness of any assessment in the application, or otherwise raises doubts about the requested findings; and

''(C) all material information that might reasonably call into question the reliability and reporting of any information from any confidential human source that is used in the application.

''(c) NECESSARY FINDING FOR COURT ORDERS.—A judge may not enter an order under this Act unless the judge finds, in addition to any other findings required under this Act, that the accuracy procedures described in the application for the order, as required under subsection (b)(1), are actually accuracy procedures as defined in this section.''.

(3) TECHNICAL AMENDMENTS TO ELIMINATE AMENDMENTS MADE BY SECTION 10 OF THE BILL.—

(A) Subsection (a) of section 104 is amended—

(i) in paragraph (9), as amended by section 6(d)(1)(B) of this Act, by striking ''and'' at the end;

(ii) in paragraph (10), as added by section 6(d)(1)(C) of this Act, by adding ''and'' at the end;

(iii) in paragraph (11), as added by section 6(e)(1) of this Act, by striking ''; and'' and inserting a period;

(iv) by striking paragraph (12), as added by section 10(a)(1) of this Act; and

(v) by striking paragraph (13), as added by section 10(b)(1) of this Act.

(B) Subsection (a) of section 303 is amended—

(i) in paragraph (8), as amended by section 6(e)(2)(B) of this Act, by adding ''and'' at the end;

(ii) in paragraph (9), as added by section 6(e)(2)(C) of this Act, by striking ''; and'' and inserting a period;

(iii) by striking paragraph (10), as added by section 10(a)(2) of this Act; and

(iv) by striking paragraph (11), as added by section 10(b)(2) of this Act.

(C) Subsection (c) of section 402, as amended by subsections (a)(3) and (b)(3) of section 10 of this Act, is amended—

(i) in paragraph (2), by adding ''and'' at the end;

(ii) in paragraph (3), by striking the semicolon and inserting a period;

(iii) by striking paragraph (4), as added by section 10(a)(3)(C) of this Act; and

(iv) by striking paragraph (5), as added by section 10(b)(3)(C) of this Act.

(D) Subsection (b)(2) of section 502, as amended by subsections (a)(4) and (b)(4) of section 10 of this Act, is amended—

(i) in subparagraph (A), by adding ''and'' at the end;

(ii) in subparagraph (B), by striking the semicolon and inserting a period;

(iii) by striking subparagraph (E), as added by section 10(a)(4)(C) of this Act; and

(iv) by striking subparagraph (F), as added by section 10(b)(4)(C) of this Act.

(E) Subsection (b)(1) of section 703, as amended by subsections (a)(5)(A) and (b)(5)(A) of section 10 of this Act, is amended—

(i) in subparagraph (I), by adding ''and'' at the end;

(ii) in subparagraph (J), by striking the semicolon and inserting a period;

(iii) by striking subparagraph (K), as added by section 10(a)(5)(A)(iii) of this Act; and

(iv) by striking subparagraph (L), as added by section 10(b)(5)(A)(iii) of this Act.

(F) Subsection (b) of section 704, as amended by subsections (a)(5)(B) and (b)(5)(B) of section 10 of this Act, is amended—

(i) in paragraph (6), by adding ''and'' at the end;

(ii) in paragraph (7), by striking the semicolon and inserting a period;

(iii) by striking paragraph (8), as added by section 10(a)(5)(B)(iii) of this Act; and

(iv) by striking paragraph (9), as added by section 10(b)(5)(B)(iii) of this Act.

(G)(i) The Attorney General shall not be required to issue procedures under paragraph (7) of section 10(a) of this Act.

(ii) Nothing in clause (i) shall be construed to modify the requirement for the Attorney General to issue accuracy procedures under section 902(a) of the Foreign Intelligence Surveillance Act of 1978, as added by paragraph (2) of this subsection.

AUTHORITY FOR COMMITTEES TO MEET

Mr. SCHUMER. Madam President, I have four requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority Leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

COMMITTEE ON ARMED SERVICES

The Committee on Armed Services is authorized to meet in open and closed session during the session of the Senate on Thursday, April 18, 2024, at 9 a.m., to conduct a hearing.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

The Committee on Banking, Housing, and Urban Affairs is authorized to meet during the session of the Senate on Thursday, April 18, 2024, at 10 a.m., to conduct a hearing.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Thursday, April 18, 2024, at 10 a.m., to conduct a hearing.

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Thursday, April 18, 2024, at 10 a.m., to conduct an executive business meeting.

PRIVILEGES OF THE FLOOR

Mr. DURBIN. Madam President, I ask unanimous consent that Scott Chamberlain, a fellow on the Senate Judiciary Committee, be granted floor privileges until May 16, 2024.

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

ORDERS FOR FRIDAY, APRIL 19, 2024

Mr. SCHUMER. Mr. President, finally, I ask unanimous consent that when the Senate completes its business today, it stand adjourned under the provisions of S. Res. 655 until 11 a.m. on Friday, April 19; 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 resume consideration of the motion to proceed to Calendar No. 365, H.R. 7888, postcloture; further, that all time during adjournment, recess, morning business, and leader remarks count toward postcloture time.

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

ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. SCHUMER. If there is no further business to come before the Senate, I ask that it stand adjourned under the previous order.

There being no objection, as a further mark of respect to the late Joseph Isadore Lieberman, former Senator from the State of Connecticut, the Senate, at 7:48 p.m., adjourned until Friday, April 19, 2024, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

CURTIS RAYMOND RIED, OF CALIFORNIA, A FOREIGN SERVICE OFFICER OF CLASS ONE, TO BE U.S. REPRESENTATIVE TO THE ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE, WITH THE RANK OF AMBASSADOR.

THE JUDICIARY

CARMEN G. IGUINA GONZALEZ, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE DISTRICT OF COLUMBIA COURT OF APPEALS FOR THE TERM OF FIFTEEN YEARS, VICE LOREN L. ALIKHAN.

JOSEPH RUSSELL PALMORE, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE DISTRICT OF COLUMBIA COURT OF APPEALS FOR THE TERM OF FIFTEEN YEARS, VICE KATHRYN A. OBERLY, RETIRED.

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

JOHN BRADFORD WIEGMANN, OF THE DISTRICT OF COLUMBIA, TO BE GENERAL COUNSEL OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE, VICE CHRISTOPHER CHARLES FONZONE, RESIGNED.

DEPARTMENT OF JUSTICE

MIRANDA L. HOLLOWAY–BAGGETT, OF ALABAMA, TO BE UNITED STATES MARSHAL FOR THE SOUTHERN DISTRICT OF ALABAMA FOR THE TERM OF FOUR YEARS, VICE MARK F. SLOKE, TERM EXPIRED.

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIG. GEN. ROBERT T. WOOLDRIDGE II

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIG. GEN. TIMOTHY L. RIEGER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. GRANT S. FAWCETT

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. MICHAEL D. ROSE

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. (LH) DION D. ENGLISH

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. MICHAEL E. BOYLE

IN THE AIR FORCE

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

To be major

MICHELLE G. STUCKY

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 7064:

To be major

EVE C. CREMERS

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

DANIEL J. ALLEN
SCOTT W. ANDERSON
DENNIS G. FURROW
DARREN L. KOBERLEIN

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

PAUL M. DYER
BRANDON L. GENDRON
GARRETT H. GINGRICH
JONATHAN H. GRABILL
SCOTT A. ODEN
JOEL N. STAMP

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be major

DAVIS L. SPURLOCK

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 7064:

To be major

MORGAN M. GRIFFIN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be major

BRYAN K. WALKER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be major

JULISSA J. MYERS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 7064:

To be colonel

KRISTIN E. AGRESTA
KATHRYN A. BELILL
JOCELIN S. BLAKE
SARAH A. COOPER
CYNTHIA A. FACCIOLLA
PATTI K. GLEN
AMANDA MCGUIRE
JOSEPH M. ROYAL
EMILEE C. VENN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 7064:

To be colonel

BARBARA K. BUJAK
MAUREEN R. GIORIO
DANIEL J. HANKES
CARRIE W. HOPPES
SHANNON L. MERKLE
JOHN J. PENA
TIMOTHY M. SKINNER
LAURIS R. TRIMBLE
JOSHUA D. WALTERS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 7064:

To be colonel

LOVIE L. ABRAHAM
LISA ARGO
JEFFREY I. BASS
JANET K. BELTON
DANIEL T. COULTER
ANDREA L. CREARY
MICHAEL J. CRIVELLO
ELIZABETH A. DESITTER
SAMUEL J. DIEHL
OSCEOLA M. EVANS
CHRISTOPHER E. EVERETT
DWAN E. FIGUEROA
AARON M. FLAGG
BRYAN T. GNADE
WILLIAM J. GOTTLICK
LATAYA E. HAWKINS
MICHAEL B. HENRY
JASON L. HIPPS
DAVINA M. HUNTER
MARK C. JONES
RICCO A. JONES
HEE KIM
CHARLOTTE A. LANTERI
BILL D. MICHIE
CHADWICK A. MILLIGAN
ALEX C. MONTGOMERY
SUMMER A. MOORE
ERIC A. NAVA
QUI T. NGUY
CHRISTOPHER M. PAINE
PRINCESS P. PALACIOS
PATRICIA H. PASSMAN
MARCUS D. PERKINS
MATTHEW PIERCE
GAIL E. RAYMOND
THOMAS B. REZENTES
CHRISTOPHER W. RICHELDERFER
LESLIE W. ROBERSON
OWEN L. ROBERTS
SUMESH SAGAR
PATRICE E. SHANAHAN
DEBRA M. STONE
SIMON J. STRATING
DONNA J. TERRELL
JOSEPH W. WALKER
MICHAEL T. WALKINGSTICK

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 7064:

To be colonel

MARLENE ARIASREYNOSO
ALEXANDER D. ARISTIZABAL
ROSEMARY E. BAUGH
AMBER M. BIRKLE
BRIAN J. BOLTON
CYNTHIA BUCHANAN
MARIE E. CARMONA
LEILANI R. CESNEROS
CARMEN R. DECKER
JASMINE L. DEDE
MASHANDRA D. ELAMCANTY
RUSSELL T. FIELDS
SATIVA M. FRANKLIN
PATRICIA A. HODSON
JASMINE D. HOGAN
NATACHA L. LEE
AMANDA B. LOVE
LOUIS M. MAGYAR
SHEILA A. MEDINA
MICHAEL P. MEISSEL
GWENDOLYN A. OKEEFE
MICHELLE L. ONEILL
JOHN R. REED
JOHNNIE R. ROBBINS
DIONICIA M. RUSSELL
STEPHEN A. SHEETS
ROBERT J. SHIPLEY
JEFFREY D. SMITH
KEVIN M. ZEEB
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IN THE NAVY

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

CRAIG R. BOTTONI