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Senate

The Senate met at 10 a.m. and was called to order by the Honorable RAPHAEL G. WARNOCK, a Senator from the State of Georgia.

PRAYER

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

Let us pray.

O Lord, our Redeemer, abide with our Senators through the passing hours of another day. Strengthen them to stand firm for those good and eternal values that keep a nation strong. Lord, give them the courage to do the right even when others are doing wrong. Remind them that You are the pilot of their lives who can guide them to a desired destination. Let discretion preserve them, understanding keep them, and faith fortify them. Lead them not into temptation, but deliver them from the forces of evil. Save them from pride that mistakes their abilities for possessions, and keep them humble enough to see their need of You.

We pray in Your Holy 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 23, 2024.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RAPHAEL G. WARNOCK, a Senator from the State of Georgia, to perform the duties of the Chair.

PATTY MURRAY,
President pro tempore.

Mr. WARNOCK 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

SECURING GROWTH AND ROBUST LEADERSHIP IN AMERICAN AVIATION 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. 3935, which the clerk will report.

The senior assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 211, H.R. 3935, a bill to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes.

RECOGNITION OF THE MAJORITY LEADER

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

NATIONAL SECURITY ACT, 2024

Mr. SCHUMER. Mr. President, it is my understanding that the Senate has received a message from the House of Representatives to accompany H.R. 815.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. SCHUMER. I ask that the Chair lay before the Senate the message to accompany H.R. 815.

The ACTING PRESIDENT pro tempore. The Chair lays before the Senate a message from the House.

The senior assistant legislative clerk read as follows:

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 815) entitled ''An Act to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes.'', with a House amendment to the Senate amendment.

MOTION TO CONCUR

Mr. SCHUMER. I move to concur in the House amendment to the Senate amendment to H.R. 815, and 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 yeas and nays are ordered.

CLOTURE MOTION

Mr. SCHUMER. Mr. President, I send a cloture motion to the desk.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to concur in the House amendment to the Senate amendment to H.R. 815, a bill to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes.

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

Charles E. Schumer, Patty Murray, Chris Van Hollen, Mark Kelly, Richard J. Durbin, Alex Padilla, Sheldon Whitehouse, Jack Reed, Michael F. Bennet, Gary C. Peters, Jon Tester, Robert P. Casey, Jr., Tammy Duckworth, Richard Blumenthal, Jeanne Shaheen, Angus S. King, Jr., Margaret Wood Hassan, Benjamin L. Cardin.

MOTION TO CONCUR WITH AMENDMENT NO. 1842

Mr. SCHUMER. I move to concur in the House amendment to H.R. 815, with an amendment.

The ACTING PRESIDENT pro tempore. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] moves to concur in the House amendment to the Senate amendment, with an amendment numbered 1842.

Mr. SCHUMER. I ask consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To add an effective date)

At the end add the following:

SEC. EFFECTIVE DATE.

This Act shall take effect on the date that is 1 day after the date of enactment of this Act.

Mr. SCHUMER. 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 yeas and nays are ordered.

AMENDMENT NO. 1843 TO AMENDMENT NO. 1842

Mr. SCHUMER. Mr. President, I have a second-degree amendment at the desk.

The ACTING PRESIDENT pro tempore. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 1843 to amendment No. 1842.

Mr. SCHUMER. I ask consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To add an effective date)

On page 1, line 3, strike ''1 day'' and insert ''2 days''.

MOTION TO REFER WITH AMENDMENT NO. 1844

Mr. SCHUMER. Mr. President, I move to refer H.R. 815 to the Committee on Appropriations with instructions to report back forthwith with an amendment.

The ACTING PRESIDENT pro tempore. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] moves to refer the House message to accompany H.R. 815 to the Committee on Appropriations with instructions to report back forthwith with an amendment numbered 1844.

Mr. SCHUMER. I ask consent that further reading of the motion be dispensed with.

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

The amendment is as follows:

(Purpose: To add an effective date)

At the end add the following:

SEC. EFFECTIVE DATE.

This Act shall take effect on the date that is 3 days after the date of enactment of this Act.

Mr. SCHUMER. 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 yeas and nays are ordered.

AMENDMENT NO. 1845

Mr. SCHUMER. Mr. President, I have an amendment to the instructions at the desk.

The ACTING PRESIDENT pro tempore. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 1845 to the instructions of the motion to refer.

Mr. SCHUMER. I ask consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To add an effective date)

On page 1, line 3, strike ''3 days'' and insert ''4 days''.

Mr. SCHUMER. 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 yeas and nays are ordered.

AMENDMENT NO. 1846 TO AMENDMENT NO. 1845

Mr. SCHUMER. Mr. President, I have a second-degree amendment at the desk.

The ACTING PRESIDENT pro tempore. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 1846 to amendment No. 1845.

Mr. SCHUMER. I ask consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To add an effective date)

On page 1, line 1, strike ''4 days'' and insert ''5 days''.

H.R. 815

Mr. SCHUMER. Mr. President, the Senate convenes at a moment nearly 6 months in the making.

A few days ago, the House of Representatives, at long last, approved essential national security funding for Ukraine, for Israel, for the Indo-Pacific, and for humanitarian assistance. Today is the Senate's turn to act.

For the information of Senators, at 1 p.m. this afternoon, the Senate will hold two rollcall votes related to the supplemental: one on a procedural motion and then a vote to invoke cloture.

The time has come to finish the job to help our friends abroad once and for all. I ask my colleagues to join together to pass the supplemental today as expeditiously as possible and send our friends abroad the aid they have long been waiting for. Let us not delay this. Let us not prolong this. Let us not keep our friends around the world waiting for a moment longer.

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. Mr. 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.

Mr. MCCONNELL. Mr. President, to provide for the common defense is one of Congress's primary responsibilities.

I have been at this business for quite a while, and I have found that making and explaining sensible decisions about advancing our Nation's interests is easier when you start from the right set of assumptions.

Here is what I know to be true: American prosperity and security are the products of decades of American leadership. Our global interests come with global responsibilities. Healthy alliances lighten the burden of these responsibilities. And at the end of the day, the primary language of strategic competition is strength.

These are the facts that led me to urge Presidents of both parties not to abandon Afghanistan to terrorists, to fight efforts from both sides of the aisle to tie America's hands in critical parts of the world, to push consecutive administrations to equip Ukraine with lethal weapons before—before—Russia escalated, and to continue fighting for the sort of sustained investments in our military and defense industrial base necessary to meet the challenges that we face.

The responsibilities of leadership, the value of alliances, the currency of hard power—these are foundational principles. They are not driven by the fickle politics of any one moment. They are tested and proven by the workings of a dangerous world.

Today, the Senate sits for a test on behalf of the entire Nation. It is a test of American resolve, our readiness, and our willingness to lead. And the stakes of failure are abundantly clear.

Failure to help Ukraine stand against Russian aggression now means inviting escalation against our closest

treaty allies and trading partners. It means greater risk that American forces would become involved in conflict. It means more costly deployments of our military and steeper military requirements to defend against aggression.

Failure to reestablish deterrence against Iran means encouraging unchecked terrorist violence against American personnel, our ally Israel, and the international commerce that underpins our prosperity.

And failure to match the pacing threat—the People's Republic of China—means jeopardizing the entire system of alliances that preserve American interests and reinforce American leadership.

Colleagues on both sides of the aisle who dismiss the values of our allies and partners ignore what history teaches about times when we lacked such friendships. Our adversaries understand the stakes, and they are responding with a coordinated full-court press.

Iran and North Korea are literally arming Russia's war in Ukraine. China is helping Iran skirt international sanctions. A ''friendship without limits'' has blossomed between Moscow and Beijing.

The authoritarians of the world may have caught the West flatfooted. They may be betting big that American influence is in decline. But, increasingly, our friends understand the stakes too.

In Asia, nations with every excuse to be preoccupied by Chinese aggression understand that, in fact, defeating authoritarian conquest halfway around the world is actually in their interests. They know China will benefit from Russian advances, and they know Beijing is waiting for us to waver.

In Europe, allies that had long neglected the responsibilities of collective security are making historic new investments in their own defense.

Finland and Sweden, two high-tech nations, responded to Russian escalation by bringing real military capabilities to the most successful military alliance in world history. And when the House passed the supplemental last week, the Prime Minister of Sweden reiterated that our allies have even more work to do.

The holiday from history is over.

And in the Middle East, our close ally is locked in a fight for its right to literally exist. The people of Israel require no reminders of the stakes of hard-power competition or deterrence.

The remaining question is whether America does. Do our colleagues share the view of the Japanese Prime Minister that ''the leadership of the United States is indispensable''? Or would we rather abdicate both the responsibilities and the benefits of global leadership?

Will the Senate indulge the fantasy of pulling up a drawbridge? Will we persist in the 21st century with an approach that failed in the 20th? Or will we dispense with the myth of isolationism and embrace reality?

For those who insist that America cannot do what the moment requires, the facts are inconveniently clear:

First, supplemental investment in the capabilities America and our friends need to defeat Russian aggression are not a distraction from China. Without the investments we have made over the past 2 years, America's defense industrial base would be even further behind the clear requirements of long-term competition with the PRC.

You don't believe me? Just ask the former chairman of the House Select Committee on the Chinese Communist Party, who stayed in Congress long enough to support the legislation now before us.

Second, supplemental investments have expanded our capacity to produce critical munitions. This supplemental contains additional investments aimed at expanding production capacity of critical munitions and weapons systems needed in the Indo-Pacific. Higher production rates and lower unit costs of critical munitions are a no-brainer for colleagues who are actually interested in strategic competition with the PRC.

Colleagues on the other side of the aisle who say they are concerned over the defense industrial base today would have done well to have joined me—months before Russian escalation in Ukraine—in supporting a massive proposed investment under reconciliation led by our former colleagues Senator Shelby and Senator Inhofe. If some of our Republican colleagues hadn't joined the Democratic leader in opposition, we would have begun to rebuild our capacity even sooner.

And, finally, investment in American hard power and leadership isn't coddling our allies. By every objective measure, they have helped drive our allies to make historic—historic—investments of their own in collective defense.

Across Europe, the acceleration of defense spending is outpacing our own. And, right now, allies and partners from Europe to the Indo-Pacific have contracted more than $100 billion worth of cutting-edge American weapons and capabilities. That is right. Our allies across the world are buying expensive, sophisticated American weapons produced in American factories by American workers.

Do my colleagues really think that will continue if America decides that global leadership is too heavy a burden?

So much of the hesitation and shortsightedness that has delayed this moment is premised on sheer fiction, and I take no pleasure in rebutting misguided fantasies.

I wish sincerely that recognizing the responsibilities of American leadership was the price of admission for serious conversations about the future of our national security.

Make no mistake, delay in providing Ukraine the weapons to defend itself has strained the prospects of defeating Russian aggression. Dithering and hesitation have compounded the challenges we face.

Today's action is overdue, but our work does not end here. Trust in American resolve is not revealed overnight. Expanding and restocking the arsenal of democracy doesn't just happen by magic.

And even as our allies take on a greater share of the burden of collective security, our obligation to invest in our own defense is as serious as ever.

So I will continue to hold the Commander in Chief to account for allowing America's adversaries to deter us, for hesitating in the face of escalation, and for providing anything less than full support for allies like Israel as they fight to restore their security and their sovereignty. At the same time, I will not mince words when Members of my own party take the responsibilities of American leadership lightly.

Today, the Senate faces a test, and we must not fail it.

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. GRASSLEY. Mr. 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.

SUPPLEMENTAL FUNDING

Mr. GRASSLEY. Mr. President, a recent article by Peter Pomerantsev in TIME Magazine starts this way. It is about a Ukrainian held prisoner by the Russians. I quote:

> After they beat Azat Azatyan so bad blood came out of his ears; after they sent electric shocks up his genitals; after they wacked him with pipes and truncheons, the Russians began to interrogate him about his faith. ''When did you become a Baptist? When did you become an American spy?'' Azat tried to explain that in Ukraine there was freedom of religion, you could just choose your faith. But his torturers saw the world the same way as their predecessors at the KGB did: An American church is just a front for the American state.

Since Soviet times, the Russian Orthodox Church has been used as a tool of the state, so Russians assume Protestants in Ukraine are American agents.

The world was horrified after the Kyiv suburb of Bucha was liberated, revealing that civilians had been massacred simply for being loyal Ukrainians. But Bucha is not an exception. In every part of Ukraine that Russia has occupied, civilians have been murdered, women systematically raped, and Christians not loyal to Moscow have been persecuted, tortured, and killed. Every day, the Russian military fires rockets, drones, and shells at civilian areas to demoralize the population in hopes of taking more Ukrainian land. Yet, with every Russian missile attack, every Ukrainian town destroyed, and every report of murdered pastors, the Ukrainian people become

more determined to prevent any more territory falling under Russian occupation.

You can understand why calls by some American politicians to negotiate with Russia seem so absurd to Ukrainians under daily attack. Ukraine knows that if it allows any more territory to fall under Russian control, it will mean more Ukrainians tortured and killed. Likewise, for most Ukrainians, giving up on their fellow countrymen currently suffering under Russian occupation is unthinkable.

There is also zero indication from Russia that Russia is looking to negotiate. The lack of any new U.S. military assistance from Congress for over a year has actually bolstered Putin's belief that he can outlast the West despite being outnumbered and outmatched in economic and military power.

Now, we all know that Russia is in violation of multiple treaties recognizing Ukraine's borders and promising to respect its sovereignty. Start out with the United Nations Charter that guarantees the sovereignty of individual countries. But beyond that, the United States and Russia, plus the United Kingdom, all signed the Budapest Memorandum in 1993 in which Ukraine gave up its nuclear weapons inherited from the Soviet Union in return for a guarantee of its sovereignty and territorial integrity. If you believe in the rule of law, that Budapest Memorandum ought to mean something.

Just like in 2014, if Russia gets away with any territory it took by force, it will send the message that force pays off. Before long, Russia will be back for more territory. And who is to say they would stop with Ukraine? Anyone claiming that there is no threat to the rest of Europe is choosing to ignore comments by people in Putin's inner circle threatening NATO allies like Poland and the Baltic countries.

I think Putin made it very clear back in 2005 when he said that ''the demise of the Soviet Union was the greatest geopolitical catastrophe of the century.'' We all hear Putin talking a lot about Peter the Great and restoring the Russian Empire. The Russian Empire grew and grew throughout history, irrespective of national, ethnic, religious, or cultural borders. That provides the context when Putin repeats the phrase ''Russia's borders do not end anywhere.''

I believe in the lesson we took from World War II for the Cold War that an ounce of prevention is worth a pound of cure. When we see the flame of aggression, we ought to stamp it out before the whole world is engulfed.

Neville Chamberlain bet everything on the hope that letting Hitler take Sudetenland from Czechoslovakia would satisfy him and there would be, according to his own words, ''peace in our time.'' It is not 1938, but it could be, and hopefully no world war confronts us like it did in 1938 when Prime Minister Neville Chamberlain made that trip to Germany and had that meeting that ended with the words ''peace in our time.''

We all know that Hitler took the rest of Czechoslovakia and then, in a short period of time, invaded Poland. We stayed out of that war until we were attacked at Pearl Harbor, and then World War II was raging both in the Pacific and in Europe.

So can we learn from history? Today, we have to decide again whether to respond to aggression with strength while the threat is manageable or opt for appeasement and hope, against experience, that it will not lead to a wider war as it did in the late 1930s.

Think about how much was lost in World War II, not just in dollars but in American lives. Now think about how much it would cost in American blood and treasure if Russia is emboldened to attack a NATO ally and article 5 of the NATO treaty would kick in and all 31 countries would be involved in that effort—and the United States would likewise be involved.

The United States has been spending about 5 percent of our annual military budget to arm Ukraine, and U.S. intelligence believes the war has severely degraded Russia's military power and its ability to threaten NATO allies. Ukraine has taken back about half the territory Russia occupied in 2022. But without American aid, Ukraine is almost out of ammunition, and Russia sees an opportunity.

Europe has spent more than twice as much as the United States on aid to Ukraine in total dollars. Think of the humanitarian aid that Europe lends to all those millions of Ukrainians who have sought refuge in other countries. Compared to Europe, when you look at it as a share of the economy, the United States ranks No. 32. No. 1 ranking Estonia has provided more than 12 times as much assistance as a share of its economy because Estonia knows what it was like to be occupied by the Soviet Union from 1940 to 1991.

Europe has stepped up big-time and keeps finding ways to do more. You read daily in the newspapers about European leaders wondering whether the U.S. Congress is going to step up, and they have tried to fill in the vacuum while we dither here, waiting to make a decision on more help for Ukraine.

The Czechs and the Estonians have led two efforts to pool Europe's funds to purchase shells from other countries to patch the gap left by the United States while Congress dithers on this issue, but the Czechs and Estonians do not have the military industrial base that we do, so they cannot do it all.

Opponents of Ukraine aid have started talking down our industrial base's ability to produce everything needed to stop Russian aggression while also preparing for China, which may just follow Russia's example against Taiwan if Russia is successful in Ukraine. These people argue that Ukraine can't win so we should cut our losses and worry about China. I disagree. The fact is, Russia has lost much of its experienced military and advanced equipment. Russia does have a vast population and has put its economy on full war footing, so it has been able to reconstitute; however, Russian soldiers are poorly trained, and the morale of these Russian soldiers is in the toilet.

Russia has resorted to its old tactic of ''meat assaults,'' where hundreds of poorly trained infantry try to overwhelm Ukrainian defenses with sheer numbers and great deaths.

Russia has only been able to make incremental advances while taking huge casualties in the face of superior Ukrainian morale and equipment.

Russia's economy is feeling the strain. Word has gotten out about how freely Russian commanders sacrifice the lives of their soldiers. It will only get a lot harder to replace the tens of thousands of Russian soldiers sent to their death in Ukraine.

Russia is pinning its hopes on U.S. military aid not coming and Ukraine running out of ammunition. I, for one, am happy to help dash Putin's hopes. The good news is that our defense industrial base is ramping up. That includes the Iowa Army Ammunition Plant, which has more than doubled production using its current facilities. It is also undergoing a major modernization program, accelerated by previous Ukraine supplemental bills.

In the near future, it will have a brandnew facility that will be able to produce many more 155mm shells and do it much faster.

Those arguing that the United States is no longer up to the task of producing the necessary military equipment are underestimating our economy.

I am reminded of President Carter's famous 1979 malaise speech where he identified a crisis of confidence among the American people. That was 1979.

In 1980, Ronald Reagan came along with his signature optimism that America's best days are ahead. And he worked to overcome the challenges that we faced, including the lagging economy and an underresourced military.

Just recently, the Japanese Prime Minister spoke to our Congress and delivered a message as a very good friend. He said he detected an undercurrent of self-doubt about Americans. The Japanese Prime Minister spoke movingly about the role of American leadership in championing freedoms and fostering the stability and prosperity of nations like Japan. That Japanese Prime Minister explained that while American leadership is indispensable, Americans are not alone in this world.

With allies like Japan and many countries in Europe stepping up, the free world has never been stronger or more united. So this is hardly a time for a crisis of confidence.

In fact, I am shocked to hear some people in my own party—the Republican Party—accepting American decline and advocating a return to the

Obama head-in-the-sand policy toward Russia.

Remember, back then, Obama was so afraid of escalation that he tried to appease Putin after Russia's 2014 invasion of Ukraine. Look at that mistake we made. Do we want to overdo it again?

Obama refused to provide any lethal aid—not one bullet for Ukraine under Obama. He pushed Ukraine to negotiate with a gun to its head.

President Trump came in, reversed the Obama policy, and provided equipment and training to the Ukrainian military. Thank God Trump did that. The Javelins provided by the United States played a major role in stopping the Russian advance towards Kyiv.

Take it from this Senator, elected to this body alongside President Reagan: The conservative position is to believe in America, to invest in our military, and to support freedom.

Like the Senate-passed bill, most of the money in this package goes straight to our military to replenish stockpiles—spent in the United States, using American labor. It will allow for more drawdowns to send vital military aid to Ukraine. This includes Patriot interceptors that can take down Russia's most advanced missiles and save lives at the same time.

Ukraine will get more Iowa-made howitzer shells that are far more accurate and reliable than those that Russia has begged from North Korea.

And an improvement added by Reagan Republicans in the House is a requirement for the Biden administration to provide the long-range ATACM missiles needed to take out Russia's supply lines.

I have been calling for these ATACMS to be provided for a long time. I think the reason they have not been provided by the Biden administration is due to the holdover of the Obama fear of escalation. That fear has proven to be misguided.

The only way to lasting peace is strength. That is what Ronald Reagan showed Americans. Strength is what we need now in the face of aggression from Russia and Iran and threats from China.

I don't buy this notion that it is a conservative or Republican position to abandon the American leadership that has kept the peace since World War II, meaning no World War III. I certainly do not think it is conservative to advocate a return to a weak and failed Obama policy.

I make no apologies for supporting Ukraine, Israel, and Taiwan in the face of threats from the axis of anti-American dictatorships. And, now, instead of the axis of the 1940s—Germany, Italy, and Japan—it is now the axis of the 21st century—Russia, Iran, China, North Korea. They have their sights set upon replacing the United States as leaders of this Earth. It is an investment worth making to prevent the United States getting sucked into World War III. It is also the right thing to do.

I yield the floor.

The PRESIDING OFFICER (Mr. PADILLA). The Senator from Alaska.

Mr. SULLIVAN. Mr. President, like my good friend from Iowa, Senator GRASSLEY, I am going to come down to the Senate floor to talk about the national security supplemental we are voting on today. I commend the senior Senator from Iowa. He is a great U.S. Senator. It was a really good speech. I am going to reinforce some of what he just said on the importance of this bill, but, importantly, the broader context of how we actually got here and where we need to be going in terms of our Nation's defense.

In my view, the current occupant of the White House, President Biden, has gotten a free pass on his numerous huge national security missteps that have been undermining our Nation's security and have forced the Congress of the United States to actually take action.

That is the whole point. We are taking action. I am a supporter of this legislation, but we are doing it because of the failures of the current occupant of the White House. I am going to encourage my colleagues, particularly my Republican Senate colleagues, to vote in favor of this bill.

But I think it is important to put it in the broader context of what is going on in the world. I made a couple of speeches on this before. I am just going to reiterate some and add to some of the challenges we are facing because of the Biden administration.

First, I think it is pretty obvious to everybody—to anyone who is watching—that we are in a new era of authoritarian aggression led by this dictator, Xi Jinping. Look at him. He gets in his ''cammies'' every now and then, threatening his neighbors.

By the way, China is going through the largest peacetime military buildup in the history of the world. If that doesn't make you a little nervous about what is going on around the world, it should. This guy is a brutal dictator. But it is led by him, Putin, the ayatollahs in Iran, the terrorists in Iran—the largest state sponsor of terrorism—and the ''Mini-Me'' North Korean dictator. They are all working together. They want to undermine our interest. They want to undermine the interest of our allies. They are driven by historical grievances. They are paranoid about their democratic neighbors. They are more than willing to invade them, as we are seeing across the world—whether Israel, whether Ukraine.

Again, they are working together, and they are spending boatloads of money on national security issues, military buildups. This is actually led by this guy. He is the big one that we have to keep a close eye on. That is No. 1.

We are in a real, real dangerous era. This is one thing I do agree with the Biden administration on.

We have had the Secretary of Defense, the Chairman of the Joint Chiefs come and say: Hey, we are in the most dangerous time since probably the end of World War II.

Dictators are on the march. They are invading their neighbors. They are massively building up their military, and they are all working together. It sounds a little bit like the 1930s to me.

The second reason we need a defense industrial base supplemental is our own industrial base—our ability to produce weapons for us, for America—has completely atrophied. I could give a speech for hours. This, again, is part of the Biden administration's fault.

But we can't build Navy ships. We can't build Navy subs. Every component of our industrial base is shrinking. It is brittle. It has atrophied. Yet we are in this dangerous period. So that is pretty alarming.

By the way, it is our responsibility, in article I of the U.S. Constitution, for the Senate and the House to raise an army, to provide and maintain a navy. My view is it is the No. 1 constitutional duty we have—securing this Nation. Yet we are behind.

The Navy just put out, 3 weeks ago, this alarming report saying the U.S. Navy is behind on every ship platform that they are building—3 to 5 years behind—carriers, subs. Almost 40 percent of our attack sub fleet is in maintenance, not even out to sea.

He is scared to death of U.S. subs. What is this guy doing? He is cranking out 10 to 12 ships—high-end navy ships—a year. The Chinese Communist Party's navy is now bigger than the U.S. Navy. The danger is our industrial base can't produce weapons the way it could.

And then the third reason I think we need a national security supplemental is given how weak the Biden administration has been on national security. The current budget of this President shrinks the Army, shrinks the Navy, shrinks the Marine Corps. Do you think Xi Jinping is impressed by that? He is not—neither is Putin, neither are the ayatollahs. That is what they are doing.

By the way, this President, in every budget he submits to Congress for the military during these really dangerous times, what does he do? He cuts it. He cuts the military. I am going to get more into that.

These are the big three reasons that I have been supportive of this bill. But here is the thing. When you read the bill and look at it and dig into the details, it is less of a foreign aid bill and much more of a bill to enhance our industrial capacity. It is not a perfect bill, and I am going to get into that in a minute. There is no such thing as a perfect bill, by the way, but almost 60 percent of this national security supplemental bill that we are going to be voting on goes directly into our industrial base, directly into our ability to build submarines—like $6 billion for submarines, $6 billion with the AUKUS agreement, $5 billion for 150mm artillery shells, over half a billion for

counter-UAS systems—Patriots, Javelins, Harpoons, Tomahawks, HARM missiles, TOW missiles—built by Americans for our own defense. That is in this bill. It is in the bill. That is a really important component. Almost 60 percent of this bill goes into that.

And it has other things in it: $3 billion for our troops in the CENTCOM area of responsibility, right now—who are in combat right now, taking incoming missiles from the Houthis. The USS *Carney* almost took 100 different missiles and drones. With sailors in combat, this replenishes their weapons systems and helps our troops in combat.

By the way, in my view, just that element alone is enough to support this bill. You have American troops in combat in the Middle East.

And, of course, this bill does go to help our allies and partners—Israel, Taiwan, Ukraine—who are facing existential threats, literally, from their very aggressive neighbors.

But, again, a lot of this is going to stay home. We are not sending subs to any of those countries. We are building submarines to be ready, if we have to, in a conflict with China. Xi Jinping—that dictator I was just showing you there—is scared to death of the nuclear sub capability of the United States.

This is mostly about us protecting our country and our industrial base to produce weapons for America. I think it is going to put a lot of workers to work. But this bill, primarily, if you read it, is about protecting our Nation.

As I said, it is not a perfect bill. There are a number of things—there are some amendments we were debating a couple months ago here on the Senate floor. For example, I think the direct budget support, the economic aid—that should go to our European allies to help the Ukrainians with that, that should go to the Gulf Arab allies who want to support Gaza in terms of economic aid. We should be providing the lethal aid.

But, I will say, Speaker JOHNSON definitely improved the bill from what the Senate sent over a couple of months ago. I applaud him for his impressive leadership.

There are a number of improvements, like the direct budget support and economic aid are now in the form of forgivable loans. That was a President Trump idea. That was a good idea.

On the REPO Act, Senator RISCH has been pushing on that hard. He has done a great job on that. That would enable us to seize Russian assets and use them to help pay for the Ukraine war.

There is a requirement that makes the Biden administration lay out a much more detailed strategy on Ukraine and forces them to provide Ukrainians ATACMS weapon systems.

It focuses on fentanyl. It focuses on TikTok and the improvements there, breaking the tie between the Chinese Communist Party and control of this popular app.

The House did try to take up some border security issues. I certainly wish those would have passed. I am not sure my Senate Democratic colleagues would have voted on it. That would have made it better.

But there are many improvements. The Speaker did a good job on it.

Mr. President, we had some critics on the left and on the right of this bill. I want to just address a few of those as we are getting ready to vote on this. Some are quite serious.

Some of my Republican colleagues have said: Hey, the Europeans need to do more, particularly when it comes to Ukraine.

I actually agree with that. No one in this Chamber has worked harder on the issue of making sure our NATO allies meet their 2-percent obligation in terms of defense spending.

I had an amendment to the Sweden and Finland accession treaties that we voted on here that said it is the sense of the Senate that all of these countries have to meet their 2-percent-of-GPD obligation on defense as a NATO member. That passed 98 to 0 here in the Senate.

I had an NDAA provision that is now law that says the Secretary of Defense shall prioritize training and troop deployments for countries in NATO with U.S. forces that meet their 2 percent obligation.

So I agree with those critiques, but some of the critiques from some of my colleagues—let's just say they weren't serious.

You might remember one—that this national security supplemental is some kind of secret trap for a future impeachment of President Trump. I am pretty sure that is not what Speaker JOHNSON was working on the last 2 months.

That this national security bill will ''strain our industrial base.'' Actually, it will do the opposite. I think that is clear. It is going to make generational investments in our industrial base that hopefully will continue for years. They will continue for years.

That the national security supplemental sends the ''wrong signal'' to what the warfighter in America needs for actual threats we face. Well, I find that really curious. Let me give one example. I worked directly with the INDOPACOM Commander, Admiral Aquilino, on exactly what he thought he needed to help American forces defend Taiwan and the Taiwan Strait. That is in the bill. The original bill from the Biden administration had very little on that. We made it a lot better, a lot stronger. But working directly with INDOPACOM and the admiral—there is no better expert in the world on what they need to fight in the Taiwan Strait. So, again, that criticism seems really off base and not a serious critique if you actually are one of the Senators doing the homework on what our warfighters need.

But the biggest issue I have with some of the arguments and critiques of this national security supplemental that are actually coming from the left and the right in the House and in the Senate is their claim that deterrence is divisible—deterrence is divisible. Now, what do I mean by that? Their argument, and I have heard it a lot, is that you can cut off aid to Ukraine, let Putin roll over them, roll over that country, move up to the borders of the Baltics and Poland—NATO allies, by the way—but somehow we can still be strong in the Taiwan Strait with regard to Xi Jinping and the ayatollahs in Iran.

So deterrence is divisible. You can kind of show weakness with regard to Putin but strength with regard to Xi Jinping and the ayatollahs. Well, that is not how the world works. Deterrence is not divisible. How do we know that? Well, I think we know that because of this debacle.

Joe Biden's failed approach to national security has shown us that deterrence is not divisible. What am I talking about? When this happened, the botched Afghanistan withdrawal—''Biden's debacle,'' as The Economist put it on their front cover—many in this Chamber—Democrats and Republicans, by the way, myself included—predicted that, given this botched Afghanistan withdrawal, dictators around the world are going to be emboldened to press us other places. Stand by. Putin and Xi are going to invade somewhere else because of this. I didn't only hear that from people here; I have talked to world leaders who have said there was no way Putin would have invaded Ukraine if it hadn't been for this Biden debacle.

So deterrence is not divisible, and that is exhibit A, which brings me to my final point here.

The press, our friends in the media, as usual are missing the bigger story on what is going on on this national security supplemental. All the focus has been on the House and how Republicans in the House have delayed the Senate bill for 2 months, that we Republicans in the Congress are not taking foreign policy seriously, and that this bill's passage is some kind of victory for President Biden's foreign policy leadership. But here is what I think is going on: This national security supplemental bill actually exposes even further the weakness of the Biden administration's approach to Ukraine on foreign policy that has only brought the world chaos.

I was at a Sunday talk show the other day and made the point—a very simple question: Is the world a safer place for America and its allies today relative to 4 years ago? I think everybody knows the answer is no, it is not even close. There is chaos all over the world.

I think what is really important is to focus on how we actually got to this point, why we need this defense supplemental in the first place. The reason we do is the failure of the current occupant of the White House's policies with regard to foreign policy and national security. That is the entire reason we

have to bring this bill, this national security bill, to the floor and why it is so urgently needed now. This bill is not some kind of exhibit of Joe Biden's foreign policy triumph; it is a needed correction of Joe Biden's foreign policy failure.

First, as I noted, the Afghan debacle certainly emboldened Putin to invade Ukraine. I think that is a view that is commonly held.

Secondly, our own border debacle has been something that has made it so Republicans who would normally support strong national security were, with a lot of good reasons, saying: Hey, let's take care of our own open borders and national security at the southern border first. The President has not done that. We have an open border that is a humanitarian and national security fiasco in America.

Third, this President, with regard to Ukraine, has not been in it to win it. What do I mean by that? Every major weapons system that the Ukrainians have said they need, they have delayed and delayed and delayed because they were fearful of Putin. Let's just call it like it is. The list is long: HIMARS, Stingers, Javelins, tanks, Abrams tanks, F16s, even the ATACMS that are in the House bill, forcing the President to say that we are going to get these really important, long-range, accurate artilleries to the Ukrainians. This is the No. 1 issue we heard from President Zelenskyy a couple months ago when we were in Munich—that they are just not getting weapons they need.

Imagine if the Biden administration had gotten all the weapons systems I just mentioned to Ukrainians a year and a half ago. And what has happened every time? This body—Democrats and Republicans—has gone to the President, saying: Mr. President, give them these weapons.

Well, we are going to delay. We don't want to escalate with Putin.

Escalate with Putin? He invaded a country.

They are not in it to win it.

The President called an LNG pause on our allies. Our allies in Europe are apoplectic about that.

Not in it to win it.

Finally, this President has never explained the stakes of why this is so important. He has given two speeches on Ukraine. Two. Two major speeches. And do you know what he does? He attacks Republicans in his speeches. That is not leadership. That is not leadership. Especially on a big national security issue, you want to bring people together and explain the stakes. Speaker Johnson has done more to explain the stakes in a calm, reassuring manner in the last 2 weeks than President Biden has done in 3 years.

Finally, again, in terms of lack of seriousness on national security issues, I think the most damning issue is the lack of seriousness with regard to our national defense. As I mentioned, the President puts forward budgets to cut defense spending every year.

I have asked the Secretary of Defense and the Chairman of the Joint Chiefs—three hearings in a row in the Armed Services Committee—if this is the most dangerous time since World War II, why are you cutting defense spending? Why are you going to bring defense spending in America next year to below 3 percent of GDP? We have only been there four times since World War II. Why are you dramatically undermining readiness?

They don't want to do that. The Secretary of Defense doesn't want to do that. The Chairman of the Joint Chiefs doesn't want to do that. So why are they doing it? The answer to that is, this is where our Democratic colleagues always are. Since Vietnam, just look at what every President who is a Democrat who has occupied the White House has done—Carter, Clinton, Obama, and now Biden. They come in, and they cut defense spending, and they cut readiness. This is in the DNA of the national party.

Republicans have a different tradition. It is this tradition: Peace through strength. Peace through strength—that is our tradition.

To my Republican colleagues and friends in the Senate, our tradition is much more serious, it is prouder, and I will tell you this: It is much more supported by the American people. Peace through strength, not American retreat.

As I am encouraging my Republican Senate colleagues to vote on this national security supplemental, this is in line with the peace through strength tradition we have in this party. Think about it—Teddy Roosevelt; Eisenhower; Reagan, of course; the Bush Presidencies; and, very much in the tradition of peace through strength, the Trump Presidency. I was here. Heck, I ran for the U.S. Senate in 2014 primarily because the second term of the Obama administration cut defense spending by 25 percent. Readiness plummeted—plummeted. Shocking how badly ready our troops were. When the Trump administration came in, working with Senate Republicans when we were in the majority, we reversed it. Peace through strength.

So through arguments, facts, understanding history, a serious view of the world, peace through strength—my Republican colleagues, we need to keep this tradition going, especially during these dangerous times. We certainly can't rely on our Democratic colleagues to support that. We certainly can't rely on this White House. President Biden cuts defense spending every year to support that. That is a really important reason why I encourage my colleagues to support this national security supplemental—imperfect bill, yes, but needed during these very dangerous times.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, the Senate will soon vote on a $95 billion supplemental spending package, and $95 billion—that is a lot of money, especially at a time when many Americans are unable to afford their rent or pay their mortgages, pay their bills, afford healthcare, struggling with student debt, and many other needs. Mr. President, $95 billion is a lot of money.

All told, this package includes tens of billions of dollars in additional military spending and major policy changes, many of which are controversial, many of which are disagreed with by the American people. Yet, unlike the House of Representatives, the Senate will not have the opportunity to hold separate votes on the various components of this bill.

I have heard from many of my Democratic colleagues—and I agree—who talk about the dysfunctionality taking place in the House of Representatives. In fact, I don't know if we are quite sure who the Speaker of the House will be in a couple of weeks or whether the extreme-right wing is going to get rid of Mr. JOHNSON. But what we can say about the House is that they at least gave their Members the opportunity to vote yes or no on funding for Ukraine, yes or no on aid to Israel, yes or no on TikTok, and yes or no on aid to Asian countries. That is more than can be said for the U.S. Senate right now.

I remind my colleagues that this is supposedly the greatest deliberative body in the world—except we don't have very many deliberations around here. You have one bill, up or down.

We need to have a serious debate on these issues. I think the American people want us to have a serious debate on these issues, and that is why I am trying my best to secure amendment votes, which, in my view, will significantly improve this bill.

As it happens, I strongly support the humanitarian aid included in this bill, which will save many thousands of lives in Gaza, Sudan, Ukraine, and many other places. Strongly support it. I strongly support getting Ukraine the military aid it needs to defend itself against Putin's Imperialist war. I support the Iron Dome to protect Israeli civilians from missile and drone attacks.

But let me be very clear: I strongly support ending the provision which will give $8.9 billion in unfettered offensive military aid to the extremist Israeli government, a government led by Prime Minister Netanyahu, who is continuing his unprecedented assault against the Palestinian people.

I also strongly oppose language in this legislation that would prohibit funding for UNRWA, the U.N. organization that is the backbone of the humanitarian relief operation in Gaza and the only organization that experts say has the capability to provide the humanitarian aid that is desperately needed there.

And I have filed two amendments to address these issues. These amendments would not touch funding for the Iron Dome and other purely defensive

systems to protect Israel against incoming missiles.

As we all know, Hamas, a terrorist organization, began this war with a horrific attack on Israel that killed 1,200 innocent men, women, and children and took more than 230 captives, some of whom remain today in captivity.

As I have said many times, Israel has and had the absolute right to defend itself against this terrorist attack, but Israel did not and does not have the right to go to war against the entire Palestinian people, which is exactly what it is doing.

Regarding offensive military aid to Israel, what we will be voting on is pretty simple: First, has Netanyahu and his government violated U.S. and international law in Gaza? Which, if he has, should automatically result in the cessation of all U.S. military aid to Israel. That is a pretty simple question.

Second—maybe even more importantly—as U.S. taxpayers, do we want to be complicit in Netanyahu's unprecedented and savage military campaign against the Palestinian people? Do we want to continue providing the weapons and the military aid that is causing this massive destruction? Do we want that war in Gaza to be not only Israel's war, but America's war?

On the first question, the legal issue, the answer is very clear. Netanyahu and his extremist government are clearly in violation of U.S. and international law and, because of that, should no longer receive U.S. military aid.

International law requires that warring parties facilitate rapid and unimpeded passage of humanitarian relief for civilians in need. That is international law. Israel has clearly not done that. Only in the last several weeks, after pressure from President Biden, has aid access begun to improve somewhat; though, it is still grossly insufficient given the scale of the humanitarian catastrophe.

Maybe more importantly is that U.S. law on this subject is extremely clear. There is no ambiguity. The foreign assistance act says that no U.S. security assistance may be provided to any country that ''prohibits or otherwise restricts, directly or indirectly, the transport or delivery of United States humanitarian assistance.'' That is the law. Israel is clearly in violation of this law. For 6 months, it has severely limited the amount of humanitarian aid entering Gaza. The result has been a catastrophic humanitarian disaster with hundreds of thousands of children facing malnutrition and starvation. Israel's violation of this law is not in debate. It is a reality repeatedly confirmed every day by numerous humanitarian organizations. Israeli leaders themselves admit it.

At the start of this war, the Israeli Defense Minister declared a total siege on Gaza, saying—this is the Israeli defense minister:

> We are fighting human animals and we [are acting] accordingly.
>
> There will be no electricity, no food . . . no fuel . . . Everything [is] closed.

And they kept their word on that. In January, Netanyahu himself said that Israel is only allowing in the absolute minimum amount of aid. For months, thousands of trucks carrying lifesaving supplies have sat just miles away from starving children—trucks with food miles away from children who are starving. And Israel has kept these trucks from reaching people in desperate need.

Israel's blockade pushed the United States—this is rather incredible—to extreme measures, including airdropping supplies and the construction of an emergency pier in order to get food to starving people. In other words, the President and the United States did the right thing. Children are starving. We are trying to do airdrops, build a pier. In other words, we are now in the absurd situation where Israel is using U.S. military assistance to block the delivery of U.S. humanitarian aid to Palestinians. If that is not crazy, I don't know what is; but it is also a clear violation of U.S. law.

Given that reality, we should not today even be having this debate. It is illegal to continue current military aid to Israel, let alone send another $9 billion with no strings attached.

Let me take a moment to describe what is happening in Gaza right now to further explain why these amendments are absolutely necessary and why we must end U.S. complicity in Netanyahu's war in Gaza.

More than 34,000 Palestinians have been killed and 77,000 wounded since this war began; 70 percent of whom are women and children—70 percent of whom are women and children. That means some 5 percent of the 2.2 million residents of Gaza have been killed or wounded in 6½ months—5 percent of the entire population in 6½ months have been killed or wounded. That is a staggering, rather unbelievable number.

Mr. President, 19,000 children in Gaza are now orphans—19,000 children are orphans—having lost their parents in this war. And I might add, for the children of Gaza, the psychic damage that has been done to them will never cease in their lives. They have witnessed—little kids; Gaza is a young community, a lot of children—they have witnessed unbelievable carnage, destruction of houses. They have experienced hunger, thirst. They have been thrown out of their homes. What is being done to these many hundreds of thousands of children is unforgiveable.

And the killing has not stopped. Over the weekend, 139 Palestinians were killed and 251 were injured. Of these, 29 were killed in and around Rafah, including 20 children and 6 women, 1 of whom was pregnant.

Roughly 1.7 million people, over 75 percent of the population, have been driven from their homes in Gaza. Satellite data shows that 62 percent of homes in Gaza have been either damaged or destroyed, including 221,000 housing units that have been completely destroyed—221,000 housing units completely destroyed. That is more than 1 million people made homeless by Israeli bombing.

Not only housing, it is Gaza's entire civilian infrastructure that has been devastated. In Gaza today, there is no electricity, apart from generators or solar power, and most roads are badly damaged. More than half of the water and sanitation systems are out of commission. Clean drinking water is severely limited, and sewage is running through the streets spreading disease.

Israel has not only destroyed the housing stock in Gaza, not only destroyed the infrastructure, they have systemically destroyed the healthcare system in Gaza. Mr. President, 26 out of 37 hospitals are completely out of service in a country which now has tens and tens of thousands of people who are sick and wounded. Only 11 hospitals are partially functioning, but they are overwhelmed by the many, many people who are sick and injured, and they are all short of medical supplies. Doctors have had to perform countless surgeries without anesthesia or antibiotics, only three hospitals are now providing maternal care in Gaza, where 180 women are giving birth every day. Overall, 84 percent of health facilities have been damaged or destroyed in Gaza, and more than 400 healthcare workers have been killed.

But it is not only the housing that has been destroyed, not only the infrastructure, not only the healthcare system, the education system in Gaza has collapsed, with 56 schools destroyed and 219 damaged. The last of Gaza's universities was demolished in January. Some 625,000 students now have no access to education. I really do not understand what the military utility of destroying a university is. Mr. President, above and beyond the destruction of homes, the destruction of the infrastructure, the destruction of the healthcare system, the destruction of schools, universities, and the educational system, unbelievably, there is something even worse now taking place in Gaza, and that is that more than 1 million Palestinians, including hundreds of thousands of children, face starvation.

People in Gaza are foraging for leaves. They are eating animal feed or surviving off the occasional aid package. At least 28 children have already died of malnutrition and dehydration. The real number is likely much, much higher. But without sustained humanitarian access throughout Gaza, it is impossible to know. Recently, USAID Administrator Samantha Power said that famine was already present in northern Gaza.

Without food, clean water, sanitation or sufficient healthcare, hundreds of thousands of people are at severe risk from dehydration, infection, and easily preventable diseases.

I keep hearing discussion from the pundits and the experts about the ''day after in Gaza,'' when the war is over. But what kind of ''day after'' can there be amidst this incredible destruction? Gaza today can barely sustain human life.

Hamas started this war. That is true. But this war stopped being about defending Israel a long time ago. What is going on now is the destruction of the very fabric of Palestinian life. It is impossible to look at these facts and not conclude that the Israeli Government's policy has been quite deliberately to make Gaza uninhabitable for Palestinians. And, clearly, there are powerful voices in Israel's extreme-rightwing government who have been quite open about their desire to drive the Palestinian people out of both Gaza and the West Bank.

This is not the Israel of Golda Meir. Netanyahu's government is beholden to outright racists and religious fanatics who believe that they have exclusive right to dominate the land.

That is why we must end our complicity in this terrible war. That is why we should support the amendment I am offering to end unfettered military aid to Netanyahu's war machine.

Let's be clear: Cutting military aid to Netanyahu's government is not just my view. It is what the American people believe and are demanding. The American people, in fact, are fed up with Netanyahu and his war. They do not want to see their taxpayer dollars support the slaughter of innocent civilians and the starvation of children.

A recent Gallup poll showed that just 36 percent of Americans approve of Israel's military action, with 55 percent disapproving. A Quinnipiac poll showed that U.S. voters oppose sending more military aid to Israel by 52 percent to 39 percent. An earlier YouGov poll also showed that 52 percent of Americans said the United States should stop sending weapons to Israel until it stops attacks in Gaza.

Maybe—and here is a very radical idea—maybe it is time for Congress to listen to the American people. I would urge strong support for my amendment.

Mr. President, my second amendment would remove the ban on funding for UNRWA, a U.N. organization with 30,000 employees that is delivering essential humanitarian aid in Gaza and supporting basic services in other neighboring countries, including Jordan. Millions of people rely on those services.

Israel has said that 12 UNRWA employees were involved in the October 7 terrorist attack. These are serious charges and, obviously, any involvement with Hamas by UNRWA employees is unacceptable. That is why every year UNRWA provides Israel with a list of its staff and goes to great lengths to cooperate with Israeli authorities. UNRWA learned about Israel's accusations from the media, and immediately fired the accused employees while the U.N. launched an investigation.

Thus far, Israel has refused to cooperate with the U.N. investigation. I should add, importantly, that most major donors have now restored funding to UNRWA and are satisfied by the agency's protocols to ensure independence from Hamas.

The U.S. National Intelligence Council, meanwhile, said that Israel's claims were plausible but could not be confirmed, and noted that Israel has tried to undermine UNRWA for years. In the last 6 months, Israel has harassed UNRWA employees, blocked shipments of supplies including medicines, frozen its bank accounts, and killed 181 U.N. staff.

UNRWA plays a critical role both in Gaza and across the region. Whatever the investigation shows in the end, it is my view that you do not deny humanitarian aid to millions of people because of the alleged actions of 12 UNRWA employees out of a workforce of 30,000.

And, by the way, when we talk about investigations, maybe—just maybe—we should not just be talking about investigating UNRWA. Maybe we should also investigate what is going on in the West Bank. Last weekend, after an Israeli teenager was killed, large groups of armed Israeli settlers—vigilantes—rampaged through 17 villages, shooting dozens of people and burning homes. Israeli soldiers watched the attacks unfold, doing nothing to stop them. No arrests have been announced. Maybe we need an investigation there as well.

This past weekend, the Israeli military killed 14 more Palestinians in the West Bank. An ambulance driver was shot and killed as he tried to recover people wounded in another violent attack by Israeli settlers.

Since October 7, Israeli soldiers and settlers have killed more than 470 Palestinians in the West Bank, including more than 100 children. But for some reason, I don't know why, I just don't hear any of my colleagues calling for an investigation of that.

We are in a critical moment, not just in terms of what is happening in Gaza but, in many ways, what is happening right here in America and what is happening here in the U.S. Senate. Given the fact that a majority of the American people now want to stop funding for Netanyahu's war machine, I find it incomprehensible that we are not going to be able to vote on that issue.

I find it outrageous that, at a time when Netanyahu's government has clearly broken the law, Members of this Congress, Members of the Senate, are not going to be able to vote as to whether or not they want to continue providing billions more of unfettered military aid to Netanyahu's war machine.

So I would hope that we will have the decency to allow a little bit of democracy here in the U.S. Senate. I would hope that we will allow the Members to vote on some of these very, very important issues, and I certainly hope that we will pass these amendments.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. MORAN. Mr. President, my colleagues, we live in a dangerous world. Fellow Americans and Kansans, we live in dangerous times, and the world is a real challenge.

The national security crises abroad and here at home are increasing. They are ever increasing. Iran launched a full-scale attack on Israel. Hamas has stated its intent to wipe Israel off the map. Russia continues its brutal aggression in Ukraine. And China is rapidly modernizing its military and using companies to spy and track Americans.

Each of these conflicts is interconnected, and it would be naive to send aid to Israel but take a pass on supporting Ukraine, Taiwan or our other allies. It is vital the United States be a steadfast and reliable partner in the midst of so many dangers that threaten the world and our own nation's peace and prosperity.

In a joint FOX News op-ed with former Secretary Mike Pompeo, we stated:

> The preservation of freedom requires enormous effort; indeed, liberty demands the marshaling of every resource necessary in its defense against those who would see it destroyed.

Vladimir Putin has chosen to pursue the reconstitution of the Russian Empire according to his own vision of Russian history. He has made clear that his aspirations go beyond Ukraine and that he views NATO as Russia's enemy. Under Putin's leadership, Russia is increasingly collaborating with other nations that oppose us—Iran and our most powerful adversary, communist China.

Allowing the war in Ukraine to fester will only prolong and deepen the instability already wrought, and it puts at greater risk the 100,000 U.S. servicemembers defending NATO's borders, including those from Fort Riley in Kansas.

I have said, from the beginning, the world is a better and safer place if Ukraine wins and Russia loses. Ending the war on terms favorable to Kyiv will leave Ukraine and the NATO front in a stronger and better position to deter further Russian aggression.

Just a week ago, Iran launched a full-scale attack on Israel from its own soil. Through an impressive and coordinated effort with the United States and other countries, Israel successfully defended itself from the barrage of missiles fired at it. It was a victory for Israel, but Iran has demonstrated that it is capable and willing to act on its desire to eliminate the State of Israel.

Standing with Israel and Ukraine also means standing with our Indo-Pacific partners. We cannot be tough on China and weak on defending Ukraine and Israel.

The Pentagon describes China as the most ''comprehensive and serious challenge'' to U.S. security. The Japanese Prime Minister stood before Congress,

just a few days ago, and reaffirmed that ''Japan is already standing shoulder to shoulder with the United States.'' The United States must send the message that we are committed and that we are standing shoulder to shoulder with our allies in the Indo-Pacific.

The bill that we are about to debate, discuss, and presumably vote on allows the United States to respond to immediate needs as China increases its military provocation of Taiwan, while also modernizing our own U.S. fleet to compete in the Pacific.

It is in America's—it is in America's—vital national interest to assist Ukraine in repelling Russian invasion, assist Israel in driving out terrorism, and assist our Indo-Pacific partners in standing up to China's threats. We must project strength. Failure to do otherwise undermines our credibility, and that undermining of credibility, unfortunately, resonates around the globe. That credibility was already damaged after the administration's disastrous and chaotic withdrawal from Afghanistan.

Additionally, in this funding package, a majority of those funds provided to Ukraine—and those provided in previous packages—will be directly injected back into the U.S. economy.

There has been a significant amount of misinformation on this bill, and that is important to clarify: 70 percent of funding in the Ukraine bill—$42 billion of the $60.8 billion—will be used to replenish U.S. stockpiles and develop, produce, and purchase U.S.-made weapons, including weapons from production facilities in Kansas and the Kansas City area.

This package also requires the administration to develop a strategy to support Ukrainian victory.

The American people deserve to know the objectives of supporting Ukraine, our interests as they relate to this war, the cost of not satisfying those interests, and an estimate of the resources that are needed. The supplemental will deliver on all of these aspects.

There is no path forward for Ukraine; there is no path forward for Israel or for Taiwan if the United States of America disengages in the world. The pricetag is significant. But in the absence of taking a stand now, we have to take a stand tomorrow. Do what we need to do today or pay a price later, and later will be even more costly, but these costs must be shared with our NATO allies and our partners elsewhere in the world.

I commend NATO and the European nations that have, up to now, pledged more support to Ukraine's cause even than our own country has. Europe has pledged more money than the United States; yet it is critical to rapidly fulfill these commitments, such as through the delivery of necessary equipment like air defense systems, to help Ukraine better withstand Russia's onslaught.

I am reluctant—and so are many Kansans—to spend more money or to be engaged further in the world, especially with a crisis at our own southern border. I share my colleagues' frustrations that we were unsuccessful. We came close, but we were unsuccessful in including border policies in this package. The crisis at the southern border is a grave national security threat. There are lots of reasons to be concerned about people coming across our borders, but I would highlight, in this conversation, it is a security threat. The administration's continued inaction at the border is particularly frustrating when the administration has many of the tools that it needs to improve the situation.

I will continue working to pass legislation to protect the border, but at the same time, we must work to bolster our national security in the areas that we can agree upon. We can't wait for a new administration or a new Congress to try and pass perfect border legislation, if such a thing exists. Some of the national security challenges we face are not strictly military in nature and reflect the changing nature of what conflict is. What does ''conflict'' mean today?

Our adversaries use technology companies to collect vast amounts of personal data from Americans. This information can be used to control or influence each of us, often without our even realizing it is happening. This bill takes the first step to protect U.S. data, but significant work is left to ensure America's data is secured by a Federal comprehensive data privacy and security law.

The challenges we face, unfortunately, will not just go away. They will not resolve themselves on their own, and the preservation of freedom requires enormous effort. I have always believed that our greatest responsibility as American citizens is to make sure that those who follow us live with the freedom and liberties that were guaranteed by our Constitution and that were fought to protect and defend by those who sacrificed, many of them who sacrificed their own lives. This week, we have an opportunity to deliver on that effort—to do, to live up to our responsibilities as Americans to be a steadfast and reliable partner.

I am grateful to my colleagues in the House for their work in getting the National Security Supplemental passed and sent back to the Senate.

I underscore to my colleagues in the Senate the importance of doing the work we were elected to do. Americans who will be directly impacted, they are paying attention—but so are our adversaries and allies. I hope we are successful in fighting for and defending the liberties and freedoms of America and Americans and in protecting and helping to secure the remainder of the world. It is in our benefit—in America's benefit—to do so.

I yield the floor.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from Illinois.

Mr. DURBIN. Madam President, I feel fortunate, of course, to serve in the Senate and equally fortunate to represent the State of Illinois and the city of Chicago. What an amazing gathering place for America Chicago has been over the years—and still is to this day.

When we talk about issues here in Washington, many times I can relate them not just to neighborhoods but to people in Chicago who feel so intensely about the land of their birth or causes of other countries. I have gone through that same experience myself—my mother an immigrant from Lithuania. I was fortunate to witness the freedom struggle in Lithuania when they finally broke from the Soviet Union. If you go down Chicago Avenue west of Michigan Avenue, you go into an area known as Ukrainian Village. That nomenclature speaks for itself. There are churches and gathering places, schools, and families who are watching the war in Ukraine with personal intensity. To them, it is a land where their mothers and fathers were born and where many of them were born, and they have prayers and pleas to the politicians not to forget.

You can also step right outside of this Chamber, a few steps away, and find a group of Ukrainian Americans who have been demonstrating on behalf of the cause of Ukraine for as long as this war has gone on. I saw them this morning, and as we go by, the typical greeting in the Ukrainian Village is ''Slava Ukraini''—''Long Live Ukraine''—to which they reply that they agree with me. It is a great feeling to see these demonstrators peacefully demonstrating for a cause that means so much to them and to realize that, as a Senator, I am going to have a vote today or tomorrow that can make a real difference in whether Ukraine prevails against Vladimir Putin or whether it doesn't.

Last week, my Ukrainian Caucus cochair, Senator ROGER WICKER—the Republican of Mississippi—and I hosted the Ukrainian Prime Minister. The Presiding Officer was there, and we were joined by several colleagues from both sides of the aisle. It was truly a bipartisan turnout.

The Prime Minister's point was simple: With continued U.S. and allied support, Ukraine can defeat Russia's brutal war and, in doing so, help defend greater security in Europe.

I agree. That is why the weekend vote in the House and the vote here this week in the Senate are so important.

We always have had an isolationist sentiment in the United States. If you are a student of history, you know that we had to overcome that sentiment in both World Wars; but in both cases and here today with Ukraine, in the larger national security supplemental bill which we are considering, it was not only in our interest to stop wars of aggression but also to help maintain the international world order that reflects our values and benefits here at home.

Russia's unprovoked invasion of Ukraine and its earlier seizure of land in Georgia and Moldova threaten decades of hard-won peace and stability in Europe. Make no mistake, China, Iran, and North Korea are watching to see if the United States and our allies allow Russia's aggression to stand. Doing so not only would embolden Putin to try for more European land, including from NATO allies like the Baltics and Poland, but it would also raise the risks faced by allies in the Indo-Pacific and the Middle East. That is why I am so pleased that this supplemental includes security assistance for our key allies in those regions of the world as well.

It also includes considerable humanitarian aid to help with the number of growing needs, including in Gaza, Sudan, and in drought-stricken areas of the world that are facing food insecurity.

Quite simply, what we do today has consequences—global historic consequences. NATO Secretary General Stoltenberg recently issued his blanket warning to us all.

He said:

If Vladimir Putin wins in Ukraine, there is a real risk that his aggression will not end there.

Putin will continue to wage his war beyond Ukraine, with grave consequences.

Stoltenberg went further to remind us:

Our support is not charity; it is an investment in our own security.

I want to remind my Republican colleagues that President Ronald Reagan understood this 37 years ago when he said at the Brandenburg Gate dividing East and West Berlin: ''Mr. Gorbachev, tear down this wall.'' I was lucky enough to be in Berlin when the wall was coming down. The euphoria felt by the people of Berlin was palpable. I remember groups coming to the Brandenburg Gate, bringing little hammers with them to try to chip off a piece of the wall and save it for their children and grandchildren. It meant that much to them.

Only a few years after his historic speech, the Soviet Union collapsed, ushering in decades of freedom and prosperity in Eastern Europe and a welcomed end to the Cold War. Vladimir Putin called this historic wave of liberation from the shackles of Communism ''the greatest geopolitical catastrophe of the 20th century''—a wave of freedom he clearly wants to reverse that continues to this day.

And my friend and former colleague John McCain, with whom I will never forget walking through the makeshift shrines to those killed fighting for democracy in Ukraine's Maidan Square, saw this battle of ideas and freedom so clearly.

Recently, House Foreign Affairs Committee chair MIKE MCCAUL happily noted:

The eyes of the world are watching, and our adversaries are watching, and history is watching—and that's what I kept telling my colleagues: Do you want to be a Chamberlain or a Churchill?

So I urge a strong bipartisan vote this week to send a clear message to Putin that he cannot prevail in Ukraine; to ensure that other key allies and humanitarian crises will receive much needed aid; and to uphold basic international norms.

The Washington Post called the House's approval of the supplemental ''the vote heard around the world.'' Let's make sure our actions in the Senate this week are also heard around the world.

This package contains many elements beyond aid to Ukraine. The Indo-Pacific section provides $2 billion in weapons for Taiwan and $3.3 billion for a submarine base, and provisions relating to humanitarian aid to Gaza, Sudan, and other vulnerable populations around the world will make a difference between life and death.

We want to crack down on the fentanyl trafficking. I recently had Anne Milgram, who is the head of the Drug Enforcement Administration, back to my office to give me a briefing on the fentanyl crisis in this country. It bears repeating what she said over and over again:

One pill can kill.

That message has to be communicated to our children and families all across the United States. We lost over 100,000 Americans last year to fentanyl. Some of them had no idea what they were ingesting. What they did, of course, was to take a fatal dose of fentanyl, which can be very small.

Yesterday, I was at O'Hare Airport in Chicago and was taken on a tour to show the efforts to intercept precursor drugs and pill pressers, tablet pressers, that are coming into this country and killing so many people. So many innocent people have no idea of the danger. A young person, a teenager in Chicago, felt that he was ordering a Percocet pill—a harmless Percocet pill—over the internet. It was laced with fentanyl, and he died on the spot. One pill can kill.

We take significant steps forward in the enforcement of laws against fentanyl and drug trafficking, as we should.

We also have new sanctions on Iran, Russia, and China. And, of course, there was a controversial issue, the sale of TikTok, which is included in this.

My greatest fear is that Netanyahu and his rightwing coalition, once they receive these American funds, will act irresponsibly. I am afraid that they will revert to their devastating tactics in Gaza. In the name of stopping Hamas, they will, unfortunately, revert to their devastating tactics, which kill many innocent people, mainly women and children—Palestinian women and children—who have no place to turn, no place to escape. These innocent people living in Gaza should not be victims of this war.

There are requirements for all civilized nations in wartime when it comes to protecting individuals and civilians, and they certainly should apply in this situation. There is no question—and it bears repeating every time we talk about this topic—that Israel has the right to exist; it has the right to defend itself; and it had the right to strike back at Hamas after the atrocities of October 7, but the humanitarian crisis which was unleashed in Gaza is unspeakable, indefensible, and we cannot be a party to it.

There are provisions in the law for those who receive aid from the United States, and that would include all of the countries that I have mentioned here—provisions in the law which require them to adhere to international standards when it comes to protecting the innocent and when it comes to facilitating the delivery of humanitarian aid. We must hold Israel and all recipients of U.S. aid to those standards to make certain that they are doing everything in their power to protect the innocent.

This is an important vote, and as usual, in the Senate, we find that it is not a single issue that we will be voting on but, in fact, perhaps, a dozen key issues, any one of which could be a major bill debated at length on the floor of the Senate. But time is wasting. We passed this defense supplemental for the first time in February of this year, and here we are in April. It is time to get this done for the relief and the support of the people in Ukraine and for the good of American values all around the world.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Madam President, less than 2 weeks ago, Iran attacked Israel with a barrage of more than 300 missiles and drones. The attack was a notable escalation on Iran's part since the weapons were fired not just by Iranian proxies but also directly from Iran.

It was a reminder of two things:

First and foremost, the attack was a reminder of the need for the United States and the free world to make it clear to Iran that we are not going to stand idly by while Iran attacks Israel and continues to foment terror in the Middle East.

Iran's malign activities have been allowed to go on for far too long, and it is past time not just for the United States but for nations in Europe, the Middle East, and elsewhere to call a halt to Iran's activities.

On a larger scale, Iran's attack on Israel was a reminder that bad actors and hostile powers are going to fill any space that they think they can fill. And if the United States and other free countries abdicate leadership or telegraph weakness on the global stage, bad actors are going to be happy to step in to fill the vacuum.

I would not be surprised if the Biden administration's all-too-frequent posture of appeasement toward Iran—and the lack of clarity the administration

has telegraphed about U.S. support for Israel—has emboldened Iran to reach further and engage in the kind of escalation that we saw this month.

Bad actors around the world are flexing their power right now: Iran in the Middle East, Russia in Europe, China in the Indo-Pacific and beyond. And these powers are forging alliances with each other to advance their activities.

Iran has provided Russia with weapons to use in its war on Ukraine and is working with Russia to produce drones at a Russian facility. Meanwhile, Russia has committed to supplying Iran with fighter jets and air defense technology—assets which, as a recent Washington Post article noted, ''could help Tehran harden its defenses against any future airstrike by Israel or the United States.''

When it comes to China, the Secretary of State recently reported:

> We see China sharing machine tools, semiconductors, other dual-use items that have helped Russia rebuild the defense industrial base that sanctions and export controls had done so much to degrade.

In the face of increased aggression from these powers, the United States' response needs to be one of strength. That includes not just having a strong military and a strong economy but engaging on the global stage.

As I said, bad actors will fill any space they think they can fill. And when the United States and other free countries abdicate leadership on the global stage, bad actors will step in to fill the vacuum.

The foreign aid contained in this bill is an important part of telegraphing America's refusal to cede the global stage to hostile powers.

It will help demonstrate to Iran our support for Israel and help our ally rid itself of the threat of Hamas on its border.

It will help make it clear to Russia that the United States is not going to give Russia free rein in Eastern Europe.

It will help make a credible investment in our own industrial base and replenish interceptors that we have used in the Red Sea.

And it will let China know that while Taiwan may be small, its backing is not.

Sending these messages is important. It is in our Nation's interest to ensure that a newly victorious and emboldened Putin isn't sitting on the doorstep of four NATO states that we are bound by treaty to protect.

It is in our Nation's interest to ensure that a China inspired by a Russian victory in Ukraine doesn't decide it is time to invade Taiwan.

And it is in our Nation's interest to ensure that Israel is equipped to defend itself from Iran and its terrorist proxies.

I am pleased that in addition to the funding for Israel, Taiwan, and Ukraine we considered before, the bill before us today includes some new measures. Notable among them is legislation to ban TikTok if the company is not purchased by an entity unaffiliated with the Chinese Communist Party.

Currently, the Chinese Communist Party is able to gain unlimited access to the account information of TikTok users if it so chooses. And the news that emerged last week that the Chinese Embassy has actually lobbied congressional staff against legislation to force the sale of TikTok was a stunning confirmation of the value the Chinese Government places on its ability to access Americans' information and shape their TikTok experience. So I am very pleased that the bill before us today would ban TikTok if it is not sold to a company without ties to the Chinese Communist Party.

I am also pleased that this legislation includes the Rebuilding Economic Prosperity and Opportunity for Ukrainians Act—or the REPO Act—which would direct frozen Russian assets to rebuilding efforts in Ukraine. Russia has caused a horrifying amount of destruction in Ukraine, and it is right that Russian assets should go toward its rebuilding.

This bill also contains additional accountability measures for our support for Ukraine, including a provision that would turn some of the funding into loans to be repaid by Ukraine when it is back on its feet.

Does this bill cover everything we should be doing on the national security front either at home or abroad? No, it doesn't. But it will provide essential support to our allies that will not only help them preserve their freedom but will advance U.S. interests around the globe.

So I look forward to the Senate's passing this legislation this week and sending a clear message about American resolve and about American strength.

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

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

Mr. CARDIN. Madam President, I come to the floor to talk about the pending business, the supplemental appropriations bill that came over to us from the House of Representatives.

In February of this year, I was in Munich for the security conference, and the question that was asked of me the most by just about every world leader is whether the Congress would pass the Ukraine supplemental appropriations bill. Our colleagues around the world understood how important the supplemental appropriation passage was to the security of Ukraine and its ability to defend itself.

I want to tell you, when I was asked that question by the world leaders, I said, yes, we would pass it. I don't know if they were so convinced that we would get it done, and I am not so sure how convinced I was at that time that we would be able to reach a point where we would be able to keep the supplemental intact and be able to pass it. For, you see, the aid in that supplemental is so critical to the defense in Ukraine. Ukraine is literally running out of ammunition. The U.S. leadership is absolutely indispensable.

It also, of course, includes the humanitarian assistance and so many other important issues. But it also represents U.S. leadership, the ability for us to keep the coalition of the democratic states and the West together in our campaign to make sure that Mr. Putin does not succeed in taking over Ukraine and then moving to other countries in Europe.

Now we can definitely answer the question. By our actions in this body, we can tell our friends around the world that, yes, the supplemental appropriation will pass, will be signed by President Biden, and the aid will be flowing to Ukraine to defend itself.

So much depends on the passage of this supplemental. First and foremost, it is the defense of Ukraine—incredibly brave people in Ukraine who are holding up the defense against a great, mighty Russian army. They have been very, very successful, but they need to have the ability to defend themselves. That is what they are asking the United States to do: not to provide the soldiers but to provide the wherewithal so we will not have to send our soldiers to Europe.

It is the frontline for defense of democratic states, where we all know that Russia will not stop with Ukraine if they are successful; that Moldova and Georgia, the Baltic States, and Poland are all very much in the view of what Mr. Putin wants to take over.

But there is more to the supplemental than just Ukraine. There is the financing for the Middle East. Israel is defending unprecedented Iranian drone attacks. We saw that last week. They need our assistance to make sure that they can protect against these missiles and drones.

We know the leaders of Taiwan are looking to passage of this supplemental because they have to look across the Taiwan Strait at the People's Republic of China and their aggressive language and their concerns about whether China will use force against Taiwan. The passage of this supplemental gives great hope to Taiwan that the United States is with them.

Then, as I mentioned earlier, the humanitarian workers who are desperate to help in the Sudan need our resources in order to meet that crisis that is going on every day. The passage of this supplemental will help the humanitarian workers deal with the humanitarian crisis that we have in the Sudan, that we have in Gaza, and that we have in Ukraine and so many other areas around the world.

So, yes, it has been difficult to understand the delay in getting this done, and it has affected Ukraine's ability to defend itself, the delay in getting the supplemental to the finish line. So it is absolutely essential, as Senator SCHUMER said, that we complete our work as quickly as possible and to remove any doubt about America's support of Ukraine. If there was any doubt, the vote in the House of Representatives on the Ukraine package passed by a strong bipartisan vote of 311 to 112.

Now, the entire package enjoys strong bipartisan support, and that is critically important for the success of our foreign policy—$60 billion for Ukraine, $26 billion for Israel, $8 billion for Taiwan and our Indo-Pacific partners, and $9 billion for global humanitarian assistance. But in addition to the appropriations that were in the bill when we passed it in the Senate months ago, the House added some additional provisions which, quite frankly, I think all strengthen the bill.

It provides a way to hold Russia accountable for its own actions, the damage it has caused. That is a positive addition to the package. It strengthens our sanctions against some of our most extreme adversaries. That also strengthens the bill.

I was pleased that there was a reauthorization of the Elie Wiesel Genocide and Atrocities Prevention Act, a bill that I authored that deals with trying to avoid conflicts from turning into genocide or atrocities so we can prevent having to deal with the challenges we see in so many parts of the world. We need to invest in prevention, and the Elie Wiesel Act gives us the tool to do that.

I want to recognize President Biden for his leadership on these issues, his leadership globally in keeping the coalition together in support of Ukraine and our foreign policy objectives in the free world, and also for what he did here in the United States: staying true to the principles, connecting the dots for the American people, and dealing with the strategy so we can finally get this bill to the finish line. I congratulate the Biden administration for staying with this and helping us reach this moment where we are on the verge of passing the Supplemental Appropriations Act.

It reinforces our foreign policy that is rooted in our values that promote human rights and defend democracy—a foreign policy drawn by basic human decency. That is what the U.S. foreign policy is about, and this supplemental reinforces our objectives in each one of those categories.

This gives the world a credible vision of the future—a future that discourages dictators and autocrats, a future for a Europe whole and free, a future for a thriving Indo-Pacific, a future for a peaceful and prosperous Middle East, and a future that prioritizes civil society movements and human rights around the world.

I know that the challenges we face today on the global stage seem immense because they are. Anyone can see that. Russia is relentlessly bombing Ukraine's oil and gas sector. Ukraine is running out of ammunition. But, shortly, we will take a historic vote—a vote that, as President Zelenskyy says, gives Ukraine ''a chance at victory.''

So I urge my colleagues to join me in voting for the supplemental that passed the House of Representatives. I urge them to vote yes to funding America's foreign policy and national security priorities, yes to supporting the war-stricken people of the world who will not give up hope for democracy, yes to standing up with our allies and partners across the globe, and yes to a future American leadership on the global stage that is based on our values.

EARTH DAY

Madam President, on Monday, April 22, we celebrate Earth Day. Since April 22, 1970, millions have come together worldwide to highlight the urgent action needed to save our planet.

In 1970, the American environmental movement began in earnest as concerned individuals mobilized en masse to protect the planet.

The status quo was unacceptable—rivers so polluted they caught fire, children getting sick just from playing outside, and wildlife showing clear signs of distress.

In Congress, Senator Gaylord Nelson of Wisconsin championed the Earth Day movement, with the hope of bringing environmental awareness to the political and national stage.

Back then, the exact causes of our planet and people's ailments were not totally understood. The American people were not aware the extent to which the reliance on fossil fuels, fertilizers, and pesticides were causing irreparable harm.

We know a lot more now. However, we are still learning about how harmful everyday products are. Items that we accept as part of our daily life—plastic products, for example—are ubiquitous.

This year's Earth Day theme, planet vs. plastics, reminds us that the threat of plastic pollution continues to grow. Plastics are actively causing harm to human life, animal life and our Earth.

It is estimated that the average American ingests more than 70,000 microplastics in their drinking water supply. The origins of these plastics range from littering to stormwater runoff, to poor wastewater management in treatment facilities.

Plastic pollution is one of the most pressing environmental issues we currently face. Microplastics and microfibers are smaller than 5 millimeters in size. An estimated 50 to 75 trillion pieces of microplastics are in the ocean. Because these microplastics are so small, many animals mistake them for food. These microplastics have been found to attract and carry pollutants that are present in the water, making them carriers of various harmful chemicals.

Evidence such as this prompted then-President Barack Obama to pass the Microbead-Free Waters Act. The Microbead-Free Waters Act helped to ban plastic microbeads in certain products from being sold in the United States.

However, this same regulation does not apply to the limiting of microplastics in bottled water or microfibers in clothing.

When synthetic clothes are washed in the washing machine, an estimated 3.5 quadrillion microfibers are released—a process known as microfiber shedding. This particle is the most prevalent type of microplastic found in the Chesapeake Bay. With over 3,000 miles of coastline, Maryland is extremely vulnerable to plastic marine debris and its environmental consequences.

A study by NOAA took samples of various locations of the Chesapeake Bay watershed and found that 98 percent of the samples contained microplastics.

A modeling exercise conducted by researchers from Pennsylvania State University and the Virginia Institute of Marine Science found that the majority of plastic pollution in the Chesapeake Bay stays within the local waters and is not exported to the ocean.

The study suggests that the bay acts as a catchall for plastics, with about 94 percent of microplastics staying in the system, most likely on or along the shores. Only 5 percent of the particles were carried from the bay to the ocean, and 1 percent remained suspended in the water column.

In 2020, Maryland produced nearly 12 million tons of solid waste, with 13 percent attributed from plastics, including plastic bags.

Research concluded that the COVID–19 pandemic led to a rise in carryout services and grocery store visits, resulting in a 30 percent increase in plastic waste in 2020.

My home state of Maryland has taken many steps to combat plastic pollution. In September 2020, Maryland made history by becoming the first State to enact a ban on expanded polystyrene foodware, the single-use plastic foam that is often used for takeout cups and containers.

In October 2021, Baltimore effectively banned the use of plastic bags used for grocery and restaurant services, while also imposing a 5-cent bag tax on alternative bag use. The Salisbury City Council unanimously approved a ban on certain types of plastic bags that took effect on July 1, 2023. These are all significant steps my home State has taken to address plastic waste.

Plastics not only threaten the marine life, like oysters and crabs, that call the Chesapeake Bay home, but they can also negatively impact the economy and health of Maryland and the region at large.

In light of the threat of microplastics and the broader environmental challenges we face, I am proud of the accomplishments we have made to address the plastic pollution crisis.

The Save Our Seas 2.0 Act was signed into law in December 2020. One of the crucial components to this Act was the authorization of the NOAA Marine Debris Program. The NOAA Marine Debris Program serves as a model for finding ways to track marine debris, including plastics, around the world.

Congress must continue to take action to support legislation that seek to reduce the use and production of plastic and improve recycling facilities.

I am proud to be a cosponsor of the Plastic Pellet Free Waters Act, introduced by my colleague Senator DICK DURBIN.

Last year, I was privileged to lead a bipartisan delegation to Dubai for COP28. During this summit, we emphasized that the United States is concerned about the impacts of climate change and is ready to continue taking action to combat it.

At the summit, Under-Secretary-General of the United Nations and Executive Director of the U.N. Environment Programme warned of the climate implications of plastics to our coastal ecosystems and oceans. He urged the plastic industry to find non-plastic alternatives for products to help the environment.

When Earth Day was first celebrated, the topic of environmental protection was not as partisan as it is today. Our focus should be on passing legislation that works to protect and preserve our Earth. We see the evidence before us. The longevity of our Earth is at stake.

While Earth Day only comes around once a year, it should be celebrated every day. We must not forget the responsibility we have to protect our planet. On this Earth Day, I celebrate the progress we have made so far and ask that we reaffirm our commitment to environmental stewardship and sustainable development.

With that, I would 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. KELLY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

H.R. 815

Mr. KELLY. Madam President, these are dangerous times for our national security, and the actions we take here this week will shape the world that our kids and our grandkids grow up in.

Putin continues to wage a brutal war to annex Ukraine and has been making gains as Ukraine runs low on ammunition. Israel is under threat from not just Iran's proxy terrorist groups like Hamas and Hezbollah but Iran itself. Just 10 days ago, we saw them launch hundreds of ballistic missiles, cruise missiles, and drones against Israel. China continues its aggression toward its neighbors in Asia as it renews its threats to take Taiwan by force.

Our partners and allies and the democratic values we hold dear are in real danger. That should be enough to compel us to act, but it is bigger than that. Iran, China, and even North Korea are helping to supply Russia's desperate war machine. China's President Xi is watching to see if we can hold together the coalition supporting Ukraine. He is judging what the cost would be if he were to invade Taiwan.

Our adversaries are testing us, and they see instability and dysfunction as an opportunity. That creates a real risk that one or more of these threats could boil over into a wider conflict that would be much more costly for the United States and potentially put more Americans in harm's way.

I spent yesterday at the Naval Air Station in Patuxent River, MD, with U.S. Naval Academy midshipmen. They shouldn't have to go to war years from now in Europe, the Middle East, or the Pacific because of a failure of leadership in Washington, DC, this week. That must be avoided at all costs.

So what do we do? We get our allies and partners—Ukraine, Israel, and Taiwan—the weapons and ammunition to help them defend themselves; we modernize our own forces so our adversaries know they will lose any fight they pick with us; and we provide humanitarian support to those harmed by these conflicts, including innocent Palestinians in Gaza.

The Senate is once again preparing to vote on a national security bill that will accomplish these goals and meet the dangerous moment we find ourselves in, but let's get something straight here. We should have gotten this done shortly after the President proposed it in October. The Senate spent months negotiating before we ultimately passed it with 70 votes. And then the House—well, they let it sit for more than 2 months before sending it back to us with 311 votes.

It should disappoint all of us that partisanship and obstruction meant it took 6 months—6 months—for Congress to pass something that clearly the vast majority of us—in fact, 71 percent of us—in the Congress agreed on. Ultimately, bipartisanship will win the day. It will win the day in the House and in the Senate. But the delays have come at a real cost, especially on the battlefield in Ukraine.

There are a lot of factors that go into winning a war. Russia is a massive country, and even with its heavy losses, it can throw a lot of manpower at the problem to overcome and cover up its incompetent leadership, its culture of corruption, and its underperforming weapons systems.

At the same time, I have seen in my two trips to Ukraine since the war broke out that the Ukrainians have a remarkable spirit that can only come from a unified country fighting for its own existence. They are literally fighting for their own lives. But because of delays in getting this bill passed, Ukraine's fighters are desperately low on artillery shells, on missiles, and even on small arms ammunition. That is tying the hands of their commanders at the same time that Russia is revitalizing its war effort with increased domestic military production and a lot of help from China and Iran.

With the right equipment and enough of it, Ukraine can win this war. Passing this bill will allow us to transfer them more of the weapons, armored vehicles, and ammunition from our stockpiles that Ukraine needs to turn the tide, and then we will be able to replenish our own stockpiles with modern equipment to deter our adversaries from testing us any further. This is a win-win for us.

At a very dangerous time, this is what we must do to prevent further destabilization and conflict that will cost us more in the end. I know that a majority of my colleagues agree with me.

Let's not wait any longer. Let's not wait a day longer. Let's get this done right now and show the world that the United States continues to lead, continues to stand by our allies, and continues to be the strongest force for peace and stability in the world.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Madam President, I rise to urge my colleagues to strongly support the national security supplemental appropriations package before us. This important legislation, which was approved overwhelmingly by the House of Representatives, reflects, in many ways, the bipartisan bill that Chair MURRAY and I negotiated and the Senate passed in February by a vote of 70 to 29.

This bill would strengthen our military's readiness, rebuild our defense industrial base, and assist our partners and allies at a volatile and dangerous time in world history.

The national security package before us totals $95 billion. Now, 71 percent of that funding—$67 billion—is defense funding. It will be used to continue vital U.S. military support to Europe and the Middle East, where our partners and allies are under attack by authoritarian regimes, rogue states, terrorists, and other extremists. It will expand and modernize U.S. defense production capacity. It will replenish our own stockpiles with updated, more capable weapons and equipment. And it will strengthen the U.S. submarine industrial base.

In the past few months, I have received briefings from two combatant Commanders—General Kurilla of the U.S. Central Command and Admiral Aquilino of the U.S. Indo-Pacific Command. Each of them has told me that this is the most dangerous global environment that they have seen. One said in 40 years; the other said in 50 years.

The point is, the threats that the United States faces from an aggressive Iran and its proxies, an imperialistic Russia, and a hegemonic China are interconnected. How we respond to one affects how the other will operate. They require a strong response.

The package before us provides the resources to address each of those threats. Let me take just a few moments to highlight some of the bill's key components.

With regard to Iran and its proxies, earlier this month, as we are all painfully aware, Iran attacked Israel with more than 300 drones and missiles. Thanks to the U.S. Navy's heroic response in assisting Israel, as well as the great coordination and response from our allies and partners, fewer than 1 percent of Iran's weapons reached their targets in Israel.

In all, more than 80 incoming drones and at least 6 missiles were intercepted by American forces, including the crews of two destroyers, I am proud to say, that were built in Bath, ME—the USS *Carney* and the USS *Arleigh Burke*.

But let us make no mistake about what was going on with this attack. Iran fully intended to kill as many Israelis as possible and to cause horrific damage. It was only the skill, the bravery, and the precision of Israel, the United States, the United Kingdom, France, Jordan, and Saudi Arabia that prevented that from happening.

This national security package includes $2.4 billion to support the ongoing U.S. Central Command operations in the Middle East, such as those that I have just mentioned, but, also, to keep open vital shipping lanes and to protect commercial ships from all over the world from attack as they are transiting.

It also includes $4 billion to replenish Iron Dome and David's Sling air defense systems, which have proven to be so critical to Israel's self-defense, as well as $1.2 billion for Iron Beam, a promising new air defense capability.

This legislation would also provide vital assistance to Ukrainians battling a brutal, unprovoked Russian invasion. And I know how strongly the Presiding Officer feels about this issue, as do I.

It includes $15.4 billion to help Ukraine purchase American-made weapons to use in its defense and $11.3 billion to support our servicemembers in Poland and Germany who are helping our allies equip and train Ukrainian forces.

But let me underscore an important point. It is not our troops who are dying on the Ukrainian battlefield. It is the Ukrainians who are bravely defending their country. If, however, Putin is allowed to succeed in Ukraine, he will continue to pursue his goal of re-creating the former Soviet Union. He has made no bones about that. He has said that repeatedly.

In my judgment, he would likely seize Moldova next; again, invade Georgia, as he did in 2008; continue to menace the Baltic nations; and threaten Poland. And then, our troops would be involved in a much wider European war because Putin would be ultimately attacking our native NATO allies.

The funding in this package aims to prevent such an outcome by supporting Ukraine as it defends itself against Putin's aggression.

And let me debunk a myth that I keep hearing over and over again, and that is that the Europeans somehow are not doing their part in helping to equip Ukraine. That is just inaccurate.

I have a chart that I used a few months ago, when the supplemental was on the floor, that ranked our European allies. Well, today, the United States would be even further down on this list, which measures security assistance to Ukraine as a percentage of GDP of that nation.

Today, we rank 16th on that list. In other words, 15 other countries—Estonia, Denmark, Latvia, Lithuania, Finland, Poland, Sweden, North Macedonia, Albania, Romania, Netherlands, Germany, the Czech Republic, and the United Kingdom—are all spending more of their GDP to help Ukraine than we are.

I think that is such an important point, and yet we hear, over and over again, by those who are opposed to assistance that the Europeans are not doing their part. They are clearly doing their part.

With regard to the Indo-Pacific, this package would help deter a menacing China, whose navy now exceeds the size of ours. And in the budget that the President just sent up, that would only grow worse, since the President is requesting the lowest number of new ships in 15 years. And we cannot allow that to happen.

This legislative package also includes $1.9 billion to replenish U.S. military inventories transferred under Taiwan Presidential drawdown authority, as authorized by last year's National Defense Authorization Act. This is the fastest way for DoD to get Taiwan the weapons it needs to strengthen its own defense.

The bill also includes $2 billion to provide Indo-Pacific allies and partners with American defense equipment and training, as well as $542 million for the U.S. Indo-Pacific Command's top unfunded requirements.

The package includes humanitarian assistance to address global needs, such as in Sudan and Gaza. It prohibits, however, funding from being provided to the U.N. Relief and Works Agency, known as UNRWA, which employed several terrorists who participated in the October 7 attack on Israel.

Finally, I want to note that this bill includes the FEND Off Fentanyl Act, which I am proud to be a cosponsor of. This bill would help disrupt the flow of fentanyl into the United States, including by requiring the President to sanction criminal organizations and drug cartels involved in trafficking fentanyl and its precursors.

We are losing too many of our family friends, coworkers, and neighbors to this scourge, and we must be more aggressive in combating it. And I thank my colleague Senator TIM SCOTT for his leadership on this piece of the package.

I once again call on my colleagues to recognize the perilous times in which we are living and to vote for this essential national security legislation. We must pass it without further delay.

Our adversaries are watching. With our vote on this package, let us send them a strong message. Terrorists will not succeed in wiping Israel off the map. Authoritarian states will not be allowed to invade their free, independent, and democratic neighbors without consequences. And this Congress, despite its divisions, will come together to ensure that the United States and its military have what they need to stand tall, firm, and beside our allies.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Madam President, I ask unanimous consent that I be recognized for up to 10 minutes, Senator SCHMITT be recognized for up to 5 minutes, Senator LEE be recognized for up to 10 minutes, and Senator SANDERS be recognized for up to 2 minutes prior to the scheduled vote.

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

Mrs. MURRAY. Madam President, I have been warning for months about the need to meet this moment of global uncertainty and chaos with a robust, national security supplemental—not delay, not half steps, but investments that show the world we are serious about standing by all of our allies, providing humanitarian aid, and maintaining America's leadership on the world stage, which is why I am glad the House sent us legislation that includes every pillar of the package we passed overwhelmingly here in the Senate.

And I hope now we can all come together to pass these policies once again. We cannot send the message that division has won out against action, that isolationism has won out against leadership, because the challenges that we face and that our allies face are immense, urgent, and interconnected.

Putin is waging a brutal invasion of Ukraine, which is running low on supplies.

The war between Israel and Hamas threatens to escalate into a far more dangerous regional conflict. Civilians caught in conflict desperately need food, water, medical care, and other humanitarian aid. And the Chinese Government is making aggressive moves to grow its influence in the Indo-Pacific.

Those are the stakes of this moment, as I have reminded my colleagues time and time and time again. Inaction cannot be an option. We need to meet this moment, address all the challenges before us, and show the world American leadership is still strong.

I believe that strongly, and I know, when push comes to shove, a clear majority of Members on both sides of the aisle, in both Chambers of Congress, feel the same way.

That is why I have come to the floor so many times over the past several months to lay out in painstaking detail

how much is at stake, how crucial it is that we meet this moment with a robust package that addresses the many interconnected challenges before us. It is why here in the Senate we took action over 2 months ago now and overwhelmingly passed a bipartisan national security supplemental. I and many others—Vice Chair COLLINS, Leader SCHUMER, Leader MCCONNELL—all worked very hard over months to craft legislation that could pass both the Senate and the House, that both Democrats and Republicans could get behind.

So I am glad we are now working to pass the national security supplemental the House sent over, particularly since it is materially identical to the Senate package we cleared with such great support.

I have to say I am relieved to see Speaker JOHNSON finally do the right thing, ignore the far right, and send us what is essentially the bill we wrote and passed months ago. But let's be clear about a few things. This delay has not been harmless. Putin's forces have been on the march. His missiles and Iranian-made drones have been striking critical Ukrainian infrastructure. We measure time in hours; Ukrainians are measuring it in how many bullets they have left, how many more missiles fall on their cities, and how much closer Putin's tanks are getting. That was clear even before I said that 2 months ago.

The path forward, the path we are finally now on, was painfully clear because unfortunately we have seen this movie before in debt limit negotiations and in funding the government.

I believe Congress can actually work together. We can actually hammer out a compromise.

This is not the bill either party would have written on their own but one that gets the job done. Let's be clear. The package before us gets the job done. It gets aid to soldiers in Ukraine, who are counting their bullets and wondering how long they can hold out. It gets support to Israel, which faces serious threats on all fronts. It gets support to our allies in the Indo-Pacific, where the Chinese Government has been posturing aggressively. It gets critical humanitarian aid to civilians in Ukraine, Sudan, and Gaza, including kids who are caught in the crossfire who are in desperate need of food and water and medical care.

That was a redline for me. I pushed hard at every stage of this to make sure we provide humanitarian aid. At every stage of these negotiations, I made clear Congress will not advance a supplemental that fails civilians. I will not let us turn our backs on women and children who are suffering and who are often hit hardest by the fallout of chaos and conflict.

Madam President, at a time when the world is watching and wondering if the United States is still capable of meeting the challenges before us, if we are still united enough to meet them, this package won't just send aid, it will send a message. It will show our allies that our word is still good and that we will stand by them in times of need. It will show dictators that our warnings are serious and that we will not let their flagrant attacks go unchecked. And it will show the world that American leadership is still alive and well and that we are still a strong protector of democracy and provider of humanitarian aid. That is a message that is well worth sending now more than ever.

I wish we were able to wrap this up much sooner. I am glad we are at this final threshold now. I urge my colleagues to vote yes on the final package.

Before I wrap up, I absolutely have to recognize some of the people who have worked incredibly hard to get us here today. It starts with my vice chair on the Appropriations Committee, Senator COLLINS, and our House colleagues, former Chairwoman GRANGER, Ranking Member DELAURO, and Chairman COLE, and their staffs for help getting this package through the House. It includes Leader SCHUMER and Leader MCCONNELL, as well, and in the House, Leader JEFFRIES and Speaker JOHNSON.

We also would not have gotten here without Members on both sides of the aisle coming together and understanding that this is a moment we cannot leave our allies behind and then all pulling in the same direction so we can deliver support to our allies in Ukraine, Israel, and the Indo-Pacific, humanitarian aid to civilians, and that message to the world.

Most importantly, we wouldn't have gotten here without the tireless work of our dedicated staff. The stakes have been high, the nights have been very long, and the men and women working to get this package together and get it across the finish line have absolutely risen to the challenge.

Madam President, from Vice Chair COLLINS' team, I want to recognize Betsy McDonnell, Matt Giroux, Ryan Kaldahl, Paul Grove, Viraj Mirani, Lindsay Garcia, Patrick Magnuson, and Lindsey Seidman for their hard work.

I owe a huge thanks to many members of my excellent team. Excuse me for one moment. It is a list, but every one of them deserves recognition and for us to all hear who they are. From my team, I want to thank Evan Schatz, John Righter, Carly Rush, Kate Kaufer, Mike Clementi, Robert Leonard, Ryan Pettit, Abigail Grace, Brigid Kolish, Gabriella Armonda, Katy Hagan, Kimberly Segura, Laura Forrest, Alex Carnes, Drew Platt, Kali Farahmand, Sarita Vanka, Doug Clapp, Jennifer Becker-Pollet, Aaron Goldner, Kami White, Elizabeth Lapham, Jim Daumit, Michelle Dominguez, Jason McMahon, Mike Gentile, Ben Hammond, Valerie Hutton, and Dylan Stafford.

I know there are many others as well, including House staffers who have worked tirelessly on this. I want to personally thank each and every one of them.

Madam President, we hammer out a lot of meaningful bills here. Just about every bill we pass touches the lives of the American people directly—every one. But, as I said before, in this moment of global uncertainty, the balance of world power and the strength of American leadership are at stake. So I am deeply grateful to every Member, every staffer, and every person who came together to make sure we pass this test by passing the resources that are so clearly needed.

I reserve the balance of my time.

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

Mr. SCHMITT. Mr. President, I will speak for just a moment. I know that as the day goes on, I am sure we will have a mutual admiration society of the Wilsonian view that permanent Washington has about foreign policy in this country, so I do not wish to speak about that at this time. I do believe that view is on a collision course with history and the will of the American people. But I rise to speak about sort of the process of the Senate—where we are, how we got here—and to quote a famous St. Louisan, Yogi Berra, ''It's like deja vu all over again.''

Here we are debating. Senator LEE, my friend from Utah, has a motion to table, essentially, Senator SCHUMER's effort to fill the tree. To the American people who are watching or listening or being reported upon, that means that the majority leader of this Chamber is boxing out everyone. That is right. The 99 other people who were elected by an entire State to advocate for their interests don't get a say. They don't get to offer an amendment. They don't get to say: I would like to build a unique coalition with either somebody from my own party or somebody on the other side of the aisle on something we might agree upon.

I think the world's most deliberative body has been reduced to Kabuki theater. There is no uncertainty ever. The only time—and this is the cold, hard truth to my friends in the Gallery—the only time you get to offer an amendment in this place is if it is sure to fail. Think about that. Senator SCHUMER won't allow U.S. Senators to offer ideas unless he knows they will fail.

So, to my Republican and Democrat colleagues, colleagues who may be watching on TV, or their staff, it doesn't need to be that way. This is perhaps one of the most obstructive measures that the majority leader employs, and I don't pretend it is just him. I think one of the things that all of us have to look in the mirror about is whether or not that is what we want this place to be.

Mr. President, if we think we have come together on an issue that affects both of our States, we should be allowed to offer those things up. We don't get a chance to do that.

Appropriations bills—I know the Senate appropriators have worked hard on

individual bills. CHUCK SCHUMER didn't allow those bills to be debated on the floor. It never happened. We ended up with a few minibuses.

That would be a great reform. How about, instead of every hour maybe you show up, what if we sat in our seats and actually voted on this stuff for 4 or 5 hours? We could get through a lot. But the Senator from New York is allergic to work unless he can control the outcome; or, say, if you object now, everyone has to change their plans last minute; or if you don't support this without an opportunity to affect it, you are against—pick the poison—you want to shut down the government or you are for Putin. All these ridiculous things get thrown out here.

Open it up. I will tell you why it won't happen—because it is a real threat. It is a threat to him because the idea that other Senators who aren't part of the two who get to make all the calls—that we would find a different way. That is a threat to his power because right now he gets to say: Come to me with everything. I will put it in some omnibus. There won't be any time to debate it. They probably won't be able to read it. But if they don't vote for it, you want to shut down the government.

So to all the Senators, I would like to work with you to dislodge this concentration of power that no doubt our Founders would be rolling in their graves over. This diffusion of power that is defined by our separation of powers and federalism was meant to spread it out to protect individual liberty. It certainly was never intended for one person in the Senate who can always be recognized and, like last week, did something that had never happened in the history of our Republic, which was to dismiss Articles of Impeachment even though we are supposed to have a trial. Granted, he had accomplices in that. Every single Democrat voted with him. But he is recognized first. He can fill the tree. There are no amendments. We have to beg to be heard, which is why I objected to that farce last week. I don't think it is becoming of a U.S. Senator to say: Oh, thank you, Senator SCHUMER, for giving me 2 minutes to speak.

Anyway, there is a better way.

It is playing out again here today because we are essentially taking what the House gives us. The upper Chamber is capitulating to the House to say that we can't actually affect this thing, we can't change anything, and if you do it—pick the poison—you are threatening the security of another country or something ridiculous.

I would just hope that this is a clarion call for reform. The Senate is broken.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. I echo and endorse the wise comments just uttered by my friend and colleague, the distinguished Senator from Missouri. What we are witnessing here is the destruction of the legislative process in the Senate.

The Senate is here today preparing to vote on one of the most significant pieces of legislation this entire Congress—that is, a bill to send nearly $100 billion overseas—and Senators are unable even to offer an amendment to that bill.

By filling the amendment tree this afternoon, the majority leader has prevented every single Member of this body from offering amendments to the legislation, any efforts to improve it. If we want to have any amendment considered, we have to beg the majority leader to let it come before the full Senate for a vote.

You may remember that just a couple of months ago, we were in a very similar position on a very, very similar bill.

Senator SCHUMER promised a ''fair and open'' amendment process on the national security supplemental in February of this year, but not one amendment—not a single amendment—was considered on the Senate floor.

Republicans filed over 150 proposed amendments to improve the bill, but not one vote on a single one of those amendments or any other was allowed. Why? Why?

Well, Senator SCHUMER blocked every amendment from even being considered by filling the amendment tree. That blocked all of the other 99 Senators from participating meaningfully in that process.

Now, why wouldn't he want amendments? That is, after all, the hallmark characteristic of what defines us as a body. It is why we call ourselves the world's greatest deliberative legislative body. So why wouldn't he want those?

Well, I think it has a lot to do with the fact that an amendment might point to some of the weaknesses in the bill, some of the defects of the bill. It might prompt Members to—I don't know—slow down and ask whether this is a prudent idea—to send a lot of humanitarian aid to Gaza, up to $9 billion, $9.5 billion that could go there with minimal guardrails, where Hamas will, with certainty, seize it to wage war against Israel; or if the U.S. taxpayer should be footing the bill for ''gender advisors'' in Ukraine's military. Should they really vote for a bill that does this? That is what an amendment forces all of us to ask ourselves and decide on one particular question or another.

But leadership in the Senate wants to avoid these thorny questions that might rock the boat. Leadership wants to ram this bill through the Senate with minimal debate and perhaps no amendments because they know that aspects of it, especially the $60 billion for Ukraine, are massively controversial with the American people, those who elected us, those who pay taxes to fund these efforts.

Now, my colleagues and I are working in good faith to reach a unanimous consent agreement to bring forward a handful of amendments and set up a stand-alone vote in exchange for expediting the passage of the bill.

We nearly had that agreement locked in late Friday night—an agreement to vote on just two amendments and one stand-alone bill—but a couple of Senators on the other side of the aisle panicked and started objecting to any and all agreements.

They panicked because they knew that one of those items set up as part of a UC—the stand-alone legislation to redesignate the Houthis as a foreign terrorist organization, as has been offered by my friend and colleague the Senator from Texas—might actually pass. Remember, this is the same entity that has been firing on U.S. forces in the region and those of our allies, and yet they couldn't let that happen. Democrats will agree only to amendments that they find politically palatable or know will not pass.

Now, it has not always been this way in the Senate. When I first joined this body in 2011 as a new Member, individual Members could call up our amendments freely and then make them pending, and the Senate would then have to dispose of them as it does with pending amendments, either by voting them in; voting them out, up or down; or by a motion to table or reject them.

But Members had to vote. They had to take ownership for their opinions in public. They had to let their constituents know where they stood.

Today, the majority leader hides the ball from the public by filling the amendment tree, ensuring that the amendments that he and his party dislike will never see the light of day.

This is a circus. It is a madhouse. Filling the amendment tree isn't about creating an orderly process. It is about limiting real debate.

When we had an open process, when Members could call up their amendments and make them pending on most bills, it actually sped up consideration of a bill. Members knew that they would have a fair shot in the debate and debate eventually. So they would be more cooperative, would be more willing to collapse time, and wait until the next bill to offer their amendment or take a motion to table as a proxy for their amendment vote.

But in today's Senate, we do nothing on the floor for hours while Members and the staff hide in the cloakroom and argue about what we can and cannot vote for. They twist arms, pressure Members in private, and make assurances they can't and don't intend to keep, saying: Oh, you will get the amendment in the base text of the next bill or you will get it as a free-standing measure another time.

And then they shrug their shoulders when it just doesn't work out.

Why not have these debates in public? Why not allow our Senators and their constituents to know what is

going on? Well, it is because the majority leader doesn't want to give up control.

Sadly, while the Democrats pioneered this change in the amendment process, Republican leadership chose to tolerate the practice and even continue it while we were in the majority by filling the amendment tree so that no one could offer an amendment without the leadership's blessing. For both sides, it is about control. It is about protecting Members from voting, the very thing we all came to this body to do.

On the Republican side of the aisle, our aspiring leaders need to ask if they want to perpetuate this awful trend. Will they tolerate blocking out Members, including Members of their own party from offering amendments? Will they continue to lock down the floor? Will they continue to disenfranchise Members and, more importantly, those they represent, by preemptively blocking them from exercising their procedural rights? Or will they finally stop this barbaric practice of filling the amendment tree? Will they let Members make their amendments pending so that Senators must actually debate and vote?

Republicans need to ask these questions of anyone desiring to lead our conference.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. I rise finding myself in the unusual position of supporting Senator LEE's effort of opening this bill up to amendment votes. I don't often agree with Senator LEE. I know that it is a radical idea. But, maybe, in the greatest deliberative body in the world, we might, on rare occasion, actually have debate and votes on major issues.

To that end, I plan on offering two very important amendments to this legislation. Members can agree with me on these issues or disagree, but they should be voted upon.

My first amendment would ensure that we are not providing any more offensive military aid to Netanyahu's war machine while he continues to violate U.S. and international law.

This amendment would not touch funding for the Iron Dome or other purely defensive systems, but it would end aid to a war machine which has already killed 34,000 Palestinians and wounded 77,000, 70 percent of whom are women and children. And, right now, as we speak, hundreds of thousands of children face starvation as a result of that war machine.

Poll after poll shows that the American people are sick and tired of seeing their taxpayer dollars support the slaughter of innocent civilians and the starvation of children.

And while there is strong Republican support for ending aid to Netanyahu's war machine, the support, I should tell my Democratic colleagues, is overwhelming.

The second amendment that I am offering would remove the prohibition on funding for UNRWA, the backbone of the humanitarian relief operation in Gaza and the only organization that experts say has the capability to provide the humanitarian aid that is desperately needed.

Israel has alleged that 12 UNRWA employees out of 30,000 were involved in the Hamas terrorist attack on October 7. That is being investigated.

I ask unanimous consent for 30 seconds.

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

Mr. SANDERS. That is being investigated, and it should be. But you don't allow thousands of children to starve because of the alleged violations and actions of 12 people.

The bottom line: We are debating one of the most serious issues we have faced in a long time. The American people want us to vote and debate these issues, and we should be able to do so.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. A bipartisan majority has been working for months to get this aid across the finish line and, after so long, we are at the threshold. Any further delay will waste time we do not have, that our allies do not have. That is exactly what this motion is. We need to get this bill passed ASAP.

Let's remember: This bill is essentially the same bill we already passed overwhelmingly 2 months ago. There is no reason, no excuse for delay, not when bombs are falling on our allies, not when civilians, including kids, are suffering and starving, not when the world is watching to see if America is still united enough to lead.

I urge my colleagues to vote no on the table motion.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Mr. President, we just heard the astounding claim that it would be a waste of time to allow individual Senators to come here and do what they were elected to do, which is to offer improvements to pending legislation.

We are not a rubberstamp for the House. We are not a rubberstamp for either party's leadership in either Chamber. We are U.S. Senators, and we should be able to vote as such.

And so I am asking for the support of my colleagues in tabling the amendment tree so we can have the ''fair and open'' process that Senator SCHUMER promised the last time we addressed the national security supplemental.

If we table the tree, Members can actually, finally, be able to call up their amendments on the floor, instead of begging Senator SCHUMER to give his blessing for their consideration.

If you support a fair and open amendment process, if you want to improve the bill, you should support my motion to table.

This will not create the post-apocalyptic hellscape that those in leadership would have us believe will ensue.

There will not be dogs and cats living together in the streets, nothing out of the Book of Revelations. We will just find ourselves in the position of being able to do our job.

MOTION TO TABLE

To that end, I move to table the motion to refer.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Missouri (Mr. HAWLEY) and the Senator from Kentucky (Mr. PAUL).

The result was announced—yeas 48, nays 50, as follows:

[Rollcall Vote No. 151 Leg.]

YEAS—48

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

NAYS—50

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

NOT VOTING—2

Hawley	Paul

The motion was rejected.

The PRESIDING OFFICER. The majority leader.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the mandatory quorum call with respect to the cloture motion on the House message to accompany H.R. 815 be waived.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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 legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to concur in the House amendment to

the Senate amendment to H.R. 815, a bill to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes.

Charles E. Schumer, Patty Murray, Chris Van Hollen, Mark Kelly, Richard J. Durbin, Alex Padilla, Sheldon Whitehouse, Jack Reed, Michael F. Bennet, Gary C. Peters, Jon Tester, Robert P. Casey, Jr., Tammy Duckworth, Richard Blumenthal, Jeanne Shaheen, Angus S. King, Jr., Margaret Wood Hassan, Benjamin L. Cardin.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to concur in the House amendment to the Senate amendment to H.R. 815, a bill to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Kentucky (Mr. PAUL).

The yeas and nays resulted—yeas 80, nays 19, as follows:

[Rollcall Vote No. 152 Leg.]

YEAS—80

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

NAYS—19

Barrasso	Hawley	Sanders
Blackburn	Johnson	Schmitt
Braun	Lee	Scott (FL)
Budd	Lummis	Tuberville
Cruz	Marshall	Vance
Daines	Merkley	
Hagerty	Rubio	

NOT VOTING—1

Paul

The PRESIDING OFFICER. On this vote, the yeas are 80, the nays are 19.

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

The motion was agreed to.

The PRESIDING OFFICER. Cloture having been invoked, the motion to refer and the amendments pending thereto fall.

The majority leader.

Mr. SCHUMER. Mr. President, today, the Senate sends a unified message to the entire world: America will always defend democracy in its hour of need.

We tell our allies: We will stand with you.

We tell our adversaries: Don't mess with us.

We tell the world: We will do everything to defend democracy and our way of life.

In a resounding bipartisan vote, the relentless work of 6 long months has paid off. Congress is sending the supplemental to President Biden's desk.

Getting this done was one of the greatest achievements the Senate has faced in years, perhaps decades. A lot of people inside and outside Congress wanted this package to fail. But, today, those in Congress who stand on the side of democracy are winning the day.

To our friends in Ukraine, to our allies in NATO, to our allies in Israel, and to civilians around the world in need of help: Help is on the way.

To our friends in Ukraine: America will deliver more ammo and air defenses and basic supplies that you need to resist Putin on the battlefield.

To our friends in Israel: America will soon deliver aid to help you fight the scourge of Hamas and stand up to Iran.

To innocent civilians in the midst of war, from Gaza to Sudan: America will deliver food and medicine and clothing.

To our friends in the Indo-Pacific: We will stand with you to resist the Chinese Communist Party.

And to the whole world: Make no mistake, America will deliver on its promise to act like a leader on the world stage, to hold the line against autocratic thugs like Vladimir Putin.

A few months ago, Putin made a bet that American aid would sooner or later come to an end. We are showing Putin that betting against America is always—always—a grave mistake.

Over the past few months, I have spoken repeatedly and at length about the supreme importance of getting this supplemental package done. Starting in October and through Thanksgiving and Christmas and New Year's and into the spring, I said again and again that we had to work in a bipartisan way, Democrats and Republicans alike, if we wanted to pass this bill.

When we succeeded in getting the supplemental through the Senate the first time in February, it was for two reasons above all: persistence and bipartisanship. At certain points, it might have seemed hard to see how we would reach our goal, but we never lost hope that if we persisted, we could finish the job.

Today, thank God, our persistence has been validated, and the bill sent to us by the House is largely the same as the bill in substance as what the Senate has championed all along.

It wasn't easy to reach this point, but today's outcome yet again confirms another thing we have stressed from the beginning of this Congress: In divided government, the only way to ever get things done is bipartisanship. I am very pleased that in this moment, when it mattered most, both parties found a way to work together even when it wasn't easy.

Again, persistence and bipartisanship are what saved the day. Leader MCCONNELL and I, who don't always agree, worked hand in hand and shoulder to shoulder to get this bill done. Together, we were bipartisan and persisted.

Now, it is troubling that a very small minority within the hard right tried desperately for months to prevent Congress from doing the right thing. These isolationists have now secured their ignominious place in history as the ones who would see America stick its head in the sand as our enemies sought to undermine us. Had they won, they would have presided over a declining America. I am glad that today we will see that effort fail.

This is an inflection point in history. Western democracy faces perhaps its greatest test since the end of the Cold War. The conflicts we see right now in Europe, in the Middle East, and the tensions of the Indo-Pacific will go a long way in shaping the balance of power between democracy and autocracy in the decades to come, and the consequences for America's long-term security will be profound.

If Putin is allowed to seize the territory of a neighboring sovereign nation, if the Chinese Communist Party is allowed to consume the Indo-Pacific, if Iran is allowed to dominate the Middle East, and if America were to stand by and do nothing, it is the United States that would suffer the consequences most of all in the long run.

Failure to act now could not only undermine the legitimacy of our democratic values, it would have impacts across American life. It would hurt us politically, economically, militarily, and socially. It would harm the competitiveness of U.S. businesses, endanger the safety of our troops, cripple America's innovative potential, and make the world a more hostile place for our civic values—individual liberty, freedom of expression, equal justice under law, and opportunity for all. We always try to live up to these ideals, but they will not survive if autocratic powers like Putin and the Chinese Communist Party overtake America in this century.

That is what is at stake in the war in Ukraine, where we face Putin. That is what is at stake in the Indo-Pacific, where we face Xi. That is what is at stake in conflicts in the Middle East, where we face Iran. Nothing less—nothing less—than the future of American security and the future of the democratic order that has survived since the end of the Second World War.

So we have a choice. We can either make a downpayment on defending our

security or find ourselves on the back foot, facing much graver threats in years and decades to come. The only answer is the right one: We must act now.

We have learned in recent years that democracy is a fragile and precious thing. It will not survive the threats of this century—the new threats—if we aren't willing to do what it takes to defend it. And if America will not lead the way to protect democracy in this age, no other nation will. That is the burden, that is the duty of a nation as great as ours.

There are so many people on both sides of the aisle who deserve credit for this immense accomplishment.

I thank President Biden for his stalwart leadership. He never flinched or winced. He knew how important this was and was always working with us and importuning us to move forward.

I thank Leader MCCONNELL, as I have mentioned before, for working hand in hand with us, not letting partisanship get in the way.

I thank Speaker JOHNSON, who rose to the occasion. In his own words, he said he had to do the right thing despite the enormous political pressure on him.

I thank Leader JEFFRIES, who worked so well together in his bipartisan way with Speaker JOHNSON.

Let me say this once again about my friend the Republican leader: We were of one mind to get this bill done. It was our bipartisanship, our linking of arms together, that got this large and difficult bill through the Congress despite many political ideologues who wanted to bring it down. Bipartisanship once again prevailed, and I thank him for his leadership.

I want to thank my Senate colleagues, particularly in my caucus. The dedication and unity and strength you have shown have made this possible. I was able, as leader, to work with the Republican leader in the House, the Speaker, the minority leader in the House, and the President because I knew I had our full caucus behind us—strongly, fervently.

The speeches that we heard at our Tuesday lunches, made by many who are sitting here, would make every American proud, and I thank you, thank you, thank you for that.

For the past 6 months, our friends and allies across the world have been watching what has been going on in Congress and asking themselves the same thing: Will America stand by her friends to face down the forces of autocracy? Will America follow through on its commitment to be a leader on the world stage and safeguard the cause of democracy? Will America summon the strength to come together, overcome the centrifugal pull of partisanship, and rise once again to meet the magnitude of the moment? Today, with both parties working together, the Senate answers these questions with a thunderous and resounding yes.

I yield the floor.

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

Ms. CANTWELL. Mr. President, I rise to urge my colleagues to pass this important legislation, and I want to thank Leader SCHUMER for his tremendous leadership on this entire package. It is amazing. His dedication and support to getting this done. He really, really held steadfast as well as our caucus, as he just described, and so many of our colleagues on both sides of the aisle.

I also want to thank Senator MURRAY for her continued leadership on appropriations bills.

This supplemental will supply Ukraine with desperately needed equipment, weapons, training, and logistics.

For over 2 years, the Ukrainian people have shown courage and resilience, enabling them to resist Russian aggression. As just described by our leader, it would be disastrous for our national security and democracy and human rights if we had not supported them.

This bill also continues to support American taxpayers by authorizing the President to use an estimated $5 billion in frozen Russian assets. These assets will help pay for Ukraine's reconstruction. And it designates the U.S. economic assistance, which Ukrainians will have to pay back once they have repelled the Russians.

The supplemental also includes support for our Middle East ally Israel, including support to make sure, just like these past few days, of shooting down 99 percent of missiles and drone attacks by Iran.

It also includes $9 billion of humanitarian aid for Gaza, Ukraine, and for people caught in conflicts around the world. These conflicts have taken an immeasurable toll on the Palestinian and Ukrainian people.

The supplemental also contains a range of sanctions that will make it harder for each of Israel's adversaries—Iran and Hamas—to finance their operations.

It contains the SHIP Act, which requires the President to post sanctions against individuals and companies that knowingly help evade oil sanctions. Illegal revenues funnel tens of billions to designated organizations and terrorist groups. And it builds on legislation Senator MURKOWSKI and I enacted over a decade ago that helped expose the middlemen who were enabling Iran to evade these sanctions.

This package also includes over $8 billion to support Taiwan and other Indo-Pacific allies in this critical part of the world where we stand shoulder to shoulder with these democracies.

It also contains legislation, the FEND Off Fentanyl Act, of which I was proud to be a cosponsor—It is critically important legislation that does a couple of things. One, it declares that fentanyl is a national emergency. This enables the President to impose sanctions on fentanyl traffickers, enabling the U.S. Treasury to better fight fentanyl-related money laundering. Those fentanyl traffickers and money launderings have ties to organized crime and to drug cartels.

These issues have been clearly outlined in my State by communities, health providers, law enforcement, and others who want help in stopping the traffickers.

Part of the solution is stemming the flow of fentanyl. This supplemental would allow the proceeds from those seized assets of those narco-traffickers to be used by law enforcement in our local communities to fight this fentanyl scourge.

We must give our communities all the tools they need to stop this product from flooding across our borders, and this legislation will do just that.

I also want to address that technology should be a tool to help solve our greatest challenges, to improve the human condition, and to drive innovation and support economic opportunity. But foreign adversaries use technology for social and political control.

There is no individual right to privacy or freedom of speech in these autocracies. U.S. social media companies are not allowed to operate in China. In fact, China leads the world in using surveillance and censorship to keep tabs on its own population and to repress dissent.

Governments that respect freedom of speech do not build backdoors into hardware or software, into apps on phones, or into laptops. Backdoors allow foreign adversaries to target vulnerable Americans based on their user name or sensitive data. Backdoors allow foreign adversaries to use proxy bots to bombard—bombard—vulnerable populations—Americans—with harmful content or even to blackmail people.

The U.S. Department of Justice has stated: ''Hostile foreign powers are weaponizing bulk data and the power of artificial intelligence to target Americans.''

I do not want technology in the United States used this way. I want the United States to work with our most sophisticated technologically advanced countries, like-minded democracies—places like Japan, South Korea, our European allies—and set the global standards for technology and data protection. I want to see a technology NATO, one in which our allies come together and say there cannot be a government backdoor to any hardware or software if it wants to see global adoption.

We should have a trusted framework for cross-border data flows, as has been discussed by the Organization for Economic Cooperation and Development and the G7. And criteria for trusted data flow should include commitments to democratic governance, the rule of law, and the protection of property rights and free speech.

I believe in trade, and I want trade. And I believe that business should be about business. But business is not

about business when foreign adversaries weaponize data, weaponize technology, and weaponize business approaches that hurt Americans.

I want to yield to my colleague, the chairman of the Senate Intelligence Committee, for his perspective on why this legislation before us is so important.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, first of all, I want to agree with my friend, the chairman of the Commerce Committee, on issues she already outlined, whether it be the need for aid for Ukraine, support for Israel, humanitarian aid for Gaza, or the necessary funding that has taken place for the Indo-Pacific, and, obviously, legislation that we all supported on fending off fentanyl.

But I want to particularly commend her for comments she has made on these technology issues. Over the last 7 years, as vice chair and now chairman of the Intelligence Committee, I spent an awful lot of time looking at what I think is one of the most significant intelligence failures of the last half century, and that was the failure we had to anticipate and disrupt Russian efforts to meddle in our elections. Since that time, though, we have seen a wide spectrum of foreign adversaries who tried to copy the Russian playbook.

But don't just take it from me. A succession of now-declassified intelligence assessments has described the ways in which foreign adversaries like Iran, like the People's Republic of China, and others are seeking to stoke social, racial, and political tensions in the United States. They are seeking to undermine confidence in our institutions and our elections systems and even to sow violence amongst Americans. The extent to which our adversaries have exploited American social media platforms is a matter of public record.

The committee I chair has held many hearings—open hearings—on the failure of U.S. social media platforms to identify the exploitation of their products by foreign intelligence services. As a Senator, along with the Senator from Washington, I have been among the leading critics of these platforms for their repeated failures to protect consumers.

While the exploitation of U.S. communication platforms by adversaries continues to be a serious issue, at the end of the day, our platforms are at least independent businesses. They do not have a vested interest in undermining our basic democratic system.

The truth is, though, I can't say the same for TikTok, the fastest growing social media platform in the United States, whose parent company ByteDance is based in the PRC. Even as U.S. social media platforms have fumbled in their response to foreign influence operations, there was never any concern that these platforms would operate at the direction of a foreign adversary. Again, I cannot say the same for TikTok.

I yield back to Senator CANTWELL.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. I thank Senator WARNER for his perspective as chairman of the Intelligence Committee and his hard work. He and I both drafted legislation more than a year ago trying to give our government the tools to deal with this issue.

In 2020, India concluded that TikTok and other Chinese-controlled apps were national security threats and prohibited them. As a result, India TikTok users migrated to other platforms, including Google's YouTube, and Indian small businesses found other ways to operate on other platforms.

This supplemental contains the Protecting Americans from Foreign Adversary Controlled Applications Act. Congress has a nonpunitive policy purpose in passing this legislation. Congress is not acting to punish ByteDance, TikTok, or any other individual company. Congress is acting to prevent foreign adversaries from conducting espionage, surveillance, and malign operations harming vulnerable Americans, our servicemen and women, and our U.S. Government personnel.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I would like to expound a little bit on what Senator CANTWELL just said. It has been made absolutely clear that a number of Chinese laws require Chinese companies and their subsidiaries to assist PRC security agencies and abide by the secret and unchallengeable government directives. The truth is, these Chinese companies, at the end of the day, don't owe their obligation to their customers or their shareholders, but they owe it to the PRC Government.

In the context of social media platforms used by nearly half of Americans, it is not hard to imagine how a platform that facilitates so much commerce, political discourse, and social debate could be covertly manipulated to serve the goals of an authoritarian regime, one with a long track record of censorship, transnational oppression, and promotion of disinformation.

In recent weeks, we have seen direct lobbying by the Chinese Government, indicating, perhaps, more than anything we will say on the floor here, how dearly Xi Jinping is invested in this product—a product, by the way, that is not even allowed to operate in the Chinese domestic market, itself.

Story after story, over the last 18 months, have exposed the extent to which TikTok had grossly misrepresented its data security and corporate governance practice, as well as its relationship with its parent company. Countless stories have refuted the claims made by TikTok executives and lobbyists that it operates independently from its controlling company ByteDance.

We have also seen documented examples of this company surveilling journalists. We have seen corresponding guidance from leading news organizations, not just here in America but across the world, advising their investigative journalists not to use TikTok. These public reports, based on revelations of current and former employees, also reveal that TikTok has allowed employees to covertly amplify content.

Unfortunately, those who suggest that the United States can address the data security and foreign influence risk of TikTok through traditional mitigation have not been following TikTok's long track record of deceit and lack of transparency.

I yield back to Senator CANTWELL.

Ms. CANTWELL. I thank Senator WARNER for his comments.

I find it most disturbing that they used TikTok to repeatedly access U.S. user data and track multiple journalists covering the company. Researchers have found that TikTok restricts the information that Americans and others receive on a global basis.

As of December 2023, an analysis by Rutgers University found that TikTok posts mentioning topics that are sensitive to the Chinese Government, including Tiananmen Square, Uighurs, and the Dalai Lama were significantly less prevalent on TikTok than on Instagram, the most comparable social media.

Foreign policy issues disfavored by China and Russian Governments also had fewer hashtags on TikTok, such as pro-Ukraine or pro-Israel hashtags. Here are some of those hashtags on TikTok:

The example of Tiananmen Square, which we all know was an example of students standing up to the military, and yet for Tiananmen Square, there are 8,000 percent more hashtags on Instagram than on TikTok.

The Uighur genocide protecting a Muslim population, there are 1,970 percent more hashtags about that on Instagram than on TikTok.

And my personal favorite, just because I had the privilege of meeting the Dalai Lama here in the Capitol, 5,520 percent more hashtags where the Dalai Lama is mentioned on Instagram than on TikTok.

And pro-Ukraine, 750 percent more hashtags on Instagram than on TikTok about Ukraine and support for Ukraine.

I think that says it all in this debate today. Are we going to continue to allow people to control the information by using an export-controlled algorithm and China-based source code?

My colleagues and I are urging for this deweaponization by saying that TikTok should be sold. Now, I know that the Chinese have an export control on that algorithm. Congress believes that you have to have adequate time to sufficiently address this issue posed by our foreign adversaries. That is why the legislation before us is for ByteDance to sell its stake in TikTok.

We think a year is ample time to allow potential investors to come forward, for due diligence to be completed, and for lawyers to draw up and

finalize contracts. This is not a new concept to require Chinese divestment from U.S. companies.

The Committee on Foreign Investment in the United States requires Chinese divestment from hotel management platforms—StayNTouch, from a healthcare app called PatientsLikeMe, from the popular LGBTQI dating app Grindr, among other companies. And even after the Chinese owner divested from Grindr in 2020, Americans had continuity of service on this platform.

So I turn it back to my colleague, but we are giving people a choice here to improve this platform and have the opportunity for Americans to make sure that they are not being manipulated by our foreign adversaries.

Mr. President, I ask unanimous consent that H. Res. 1051, the House resolution originally on this legislation, be printed in the RECORD.

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

H. RES. 1051

Whereas TikTok collects vast amounts of data on Americans, though the total extent of its collection is unknown:

(1) On August 6, 2020, the President concluded that TikTok ''automatically captures vast swaths of information from its users'' and that TikTok's ownership by ByteDance Ltd. enables the People's Republic of China (referred to in this resolution as the ''PRC'') and Communist Party of China (referred to in this resolution as the ''CCP'') to gain access to ''Americans' personal and proprietary information,'' potentially allowing the CCP ''to track the locations of Federal employees and contractors, build dossiers of personal information for blackmail, and conduct corporate espionage''.

(2) Outside reporting has confirmed the breadth of TikTok's reach, concluding that its data collection practices extend to age, phone number, precise location, internet address, device used, phone contacts, social network connections, content of private messages sent through the application, and videos watched.

(3) On November 11, 2022, Federal Communications Commissioner Brendan Carr explained that ''underneath [TikTok], it operates as a very sophisticated surveillance app.'' He characterized it as ''a big risk'' for multiple reasons, including espionage. The risk posed by TikTok is exacerbated by the difficulty in assessing precisely which categories of data it collects. For example, outside researchers have found embedded vulnerabilities that allow the company to collect more data than the application's privacy policy indicates.

Whereas PRC law requires obligatory, secret disclosure of data controlled by Chinese companies at the PRC's unilateral request:

(1) Pursuant to PRC law, the PRC can require a company headquartered in the PRC to surrender all its data to the PRC, making it an espionage tool of the CCP.

(2) The National Intelligence Law, passed in China in 2017, states that ''any organization'' must assist or cooperate with CCP intelligence work. Such assistance or cooperation must also remain secret at the PRC's request.

(3) The PRC's 2014 Counter-Espionage Law states that ''relevant organizations . . . may not refuse'' to collect evidence for an investigation.

(4) The PRC's Data Security Law of 2021 states that the PRC has the power to access and control private data.

(5) The PRC's Counter-Espionage Law grants PRC security agencies nearly unfettered discretion, if acting under an effectively limitlessly capacious understanding of national security, to access data from companies.

(6) On September 17, 2020, the Department of Commerce concluded that the PRC, to advance ''its intelligence-gathering and to understand more about who to target for espionage, whether electronically or via human recruitment,'' is constructing ''massive databases of Americans' personal information'' and that ByteDance has close ties to the CCP, including a cooperation agreement with a security agency and over 130 CCP members in management positions.

(7) On December 2, 2022, the Director of the Federal Bureau of Investigation, Christopher Wray, stated that TikTok's data repositories on Americans ''are in the hands of a government that doesn't share our values and that has a mission that's very much at odds with what's in the best interests of the United States. . . . The [CCP] has shown a willingness to steal Americans data on a scale that dwarfs any other''.

(8) On December 5, 2022, the Director of National Intelligence, Avril Haines, stated, when asked about TikTok and PRC ownership, ''It is extraordinary the degree to which [the PRC] . . . [is] developing frameworks for collecting foreign data and pulling it in, and their capacity to then turn that around and use it to target audiences for information campaigns and other things, but also to have it for the future so that they can use it for a variety of means''.

(9) On December 16, 2022, the Director of the Central Intelligence Agency, William Burns, explained that ''because the parent company of TikTok is a [PRC] company, the [CCP] is able to insist upon extracting the private data of a lot of TikTok users in this country, and also to shape the content of what goes on to TikTok as well to suit the interests of the Chinese leadership''.

(10) On August 2, 2020, then-Secretary of State, Mike Pompeo, stated that PRC-based companies ''are feeding data directly to the Chinese Communist Party, their national security apparatus''.

(11) Public reporting has repeatedly confirmed statements made by the Executive Branch regarding the tight interlinkages between ByteDance, TikTok, and the CCP.

(A) The Secretary of ByteDance's CCP committee, Zhang Fuping, also serves as ByteDance's Editor-in-Chief and Vice President and has vowed that the CCP committee would ''take the lead'' across ''all product lines and business lines'', which include TikTok.

(B) On May 30, 2023, public reporting revealed that TikTok has stored sensitive financial information, including the Social Security numbers and tax identifications of TikTok influencers and United States small businesses, on servers in China accessible by ByteDance employees.

(C) On December 22, 2022, public reporting revealed that ByteDance employees accessed TikTok user data and IP addresses to monitor the physical locations of specific United States citizens.

(D) On June 17, 2022, public reporting revealed that, according to leaked audio from more than 80 internal TikTok meetings, China-based employees of ByteDance repeatedly accessed nonpublic data about United States TikTok users, including the physical locations of specific United States citizens.

(E) On January 20, 2023, public reporting revealed that TikTok and ByteDance employees regularly engage in practice called ''heating,'' which is a manual push to ensure specific videos ''achieve a certain number of video views''.

(F) In a court filing in June 2023, a former employee of ByteDance alleged that the CCP spied on pro-democracy protestors in Hong Kong in 2018 by using backdoor access to TikTok to identify and monitor activists' locations and communications.

(G) On November 1, 2023, public reporting revealed that TikTok's internal platform, which houses its most sensitive information, was inspected in person by CCP cybersecurity agents in the lead-up to the CCP's 20th National Congress.

Whereas the PRC's access to American users' data poses unacceptable risks to United States national security:

(1) As a general matter, foreign adversary controlled social media applications present a clear threat to the national security of the United States.

(2) The Department of Homeland Security has warned that the PRC's data collection activities in particular have resulted in ''numerous risks to U.S. businesses and customers, including: the theft of trade secrets, of intellectual property, and of other confidential business information; violations of U.S. export control laws; violations of U.S. privacy laws; breaches of contractual provisions and terms of service; security and privacy risks to customers and employees; risk of PRC surveillance and tracking of regime critics; and reputational harm to U.S. businesses''. These risks are imminent and other, unforeseen risks may also exist.

(3) On September 28, 2023, the Department of State's Global Engagement Center issued a report that found that ''TikTok creates opportunities for PRC global censorship''. The report stated that United States Government information as of late 2020 showed that ''ByteDance maintained a regularly updated internal list identifying people who were likely blocked or restricted from all ByteDance platforms, including TikTok, for reasons such as advocating for Uyghur independence''.

(4) On November 15, 2022, the Director of the Federal Bureau of Investigation, Christopher Wray, testified before the Committee on Homeland Security of the House of Representatives that TikTok's national security concerns ''include the possibility that the [CCP] could use it to control data collection on millions of users or control the recommendation algorithm, which could be used for influence operations if they so choose, or to control software on millions of devices, which gives it an opportunity to potentially technically compromise personal devices''.

(5) On March 8, 2023, the Director of the Federal Bureau of Investigation, Christopher Wray, testified before the Select Committee on Intelligence of the Senate that the CCP, through its ownership of ByteDance, could use TikTok to collect and control users' data and drive divisive narratives internationally.

Whereas Congress has extensively investigated whether TikTok poses a national security threat because it is owned by ByteDance:

(1) On October 26, 2021, during the testimony of Michael Beckerman, TikTok head of public policy for the Americas, before a hearing of the Subcommittee on Consumer Protection of the Committee on Commerce, Science, and Transportation of the Senate, lawmakers expressed concerns that TikTok's audio and user location data could be used by the CCP.

(2) On September 14, 2022, lawmakers expressed concerns over TikTok's algorithm and content recommendations posing a national security threat during a hearing before the Committee on Homeland Security and Governmental Affairs of the Senate with Vanessa Pappas, Chief Operating Officer of TikTok.

(3) On March 23, 2023, during the testimony of TikTok CEO, Shou Chew, before the Committee on Energy and Commerce of the House of Representatives, lawmakers expressed concerns about the safety and security of the application, including TikTok's relationship with the CCP.

(4) On February 28, 2023, former Deputy National Security Advisor, Matthew Pottinger, emphasized that it has already been confirmed that TikTok's parent company ByteDance has used the application to surveil United States journalists as a means to identify and retaliate against potential sources. The PRC has also shown a willingness to harass individuals abroad who take stances that contradict the Communist Party lines. The application can further be employed to help manipulate social discourse and amplify false information to tens of millions of Americans.

(5) On March 23, 2023, Nury Turkel, the Chair of the United States Commission on International Religious Freedom, raised the alarm that TikTok's parent company, ByteDance, has a strategic partnership with China's Ministry of Public Security, and China's domestic version of the application, Douyin, has been used to collect data and sensitive information from Uyghurs and other oppressed ethnic minority groups.

(6) On July 26, 2023, William Evanina, the former Director of the National Counterintelligence and Security Center, pointed to TikTok as just one of many areas of concern that combine to paint a concerning picture of the CCP's capabilities and intent as an adversarial, malign competitor.

(7) On November 30, 2023, John Garnaut of the Australian Strategic Policy Institute (ASPI) remarked that TikTok has sophisticated capabilities that create the risk that TikTok can clandestinely shape narratives and elevate favorable opinions while suppressing statements and news that the PRC deems negative.

(8) On January 18, 2024, the Select Committee on Strategic Competition between the United States and the Chinese Communist Party of the House of Representatives was briefed by a set of senior interagency officials to discuss these matters.

(9) On March 22, 2023, elements of the intelligence community provided a classified briefing on the threat to members of the Permanent Select Committee on Intelligence of the House of Representatives and leadership for the Committee on Energy and Commerce of the House of Representatives.

(10) On April 26, 2023, the Executive Branch provided a classified briefing on the threat to members of the Committee on Commerce, Science, and Transportation and the Select Committee on Intelligence of the Senate.

(11) On June 5, 2023, the Executive Branch provided a classified briefing on the threat to staff of the Committee on Banking of the Senate and the Committee on Energy and Commerce of the House of Representatives.

(12) In June 2023, at the request of the Permanent Select Committee on Intelligence of the House of Representatives, the intelligence community provided a classified threat briefing open to all Members of the House of Representatives.

(13) On November 15, 2023, elements of the intelligence community provided a classified briefing to the Select Committee on Intelligence and the Committee on Commerce, Science, and Transportation of the Senate on, inter alia, the Peoples Republic of China's conduct of global foreign malign influence operations, including through platforms such as TikTok.

Whereas Congress and the Executive Branch are of one mind on the risks presented by TikTok's data collection practices:

(1) On May 15, 2019, the President issued an Executive Order on Securing the Information and Communications Technology and Services Supply Chain, which stated that ''unrestricted acquisition or use in the United States of information and communications technology or services designed, developed, manufactured, or supplied by persons owned by, controlled by, or subject to the jurisdiction or direction of foreign adversaries . . . constitutes an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States''.

(2) On June 9, 2021, the President issued an Executive Order on Protecting Americans' Sensitive Data from Foreign Adversaries, which stated that ''[f]oreign adversary access to large repositories of United States persons' data also presents a significant risk.'' The EO stated that ''the United States must act to protect against the risks associated with connected software applications that are designed, developed, manufactured, or supplied by persons owned or controlled by, or subject to the jurisdiction or direction of, a foreign adversary''.

(3) In May 2019, in connection with a review by the Committee on Foreign Investment in the United States (CFIUS), a company based in the PRC agreed to divest its interest in a popular software application reportedly due to concerns relating to potential access by the PRC to American user data from the application.

(4) On July 8, 2020, then-National Security Advisor, Robert O'Brien, stated that the CCP uses TikTok and other PRC-owned applications to collect personal, private, and intimate data on Americans to use ''for malign purposes''.

(5) On August 14, 2020, the President found ''there is credible evidence . . . that ByteDance, Ltd. . . . might take action that threatens to impair the national security of the United States''.

(6) In February 2023, the Deputy Attorney General, Lisa Monaco, stated, ''Our intelligence community has been very clear about [the CCP's] efforts and intention to mold the use of [TikTok] using data in a worldview that is completely inconsistent with our own.'' Deputy Attorney General Monaco also stated, ''I don't use TikTok and I would not advise anybody to do so because of [national security] concerns''.

(7) On July 13, 2022, Federal Communications Commission Commissioner, Brendan Carr, testified before the Subcommittee on National Security of the Committee on Oversight and Reform of the House of Representatives that ''there is a unique set of national security concerns when it comes to [TikTok]''.

(8) On March 23, 2023, the Secretary of State, Antony Blinken, testified before the Committee on Foreign Affairs of the House of Representatives that TikTok is a threat to national security that should be ''ended one way or another''.

Whereas the Executive Branch has sought to address the risks identified above through requiring ByteDance to divest its ownership of TikTok:

(1) On August 14, 2020, the President issued an Executive Order directing ByteDance to divest any assets or property used to enable or support ByteDance's operation of the TikTok application in the United States and any data obtained or derived from TikTok application or Musical.ly application users in the United States. The Order, however, remains the subject of litigation.

(2) On August 6, 2020, the President issued an Executive Order (E.O. 13942) that directed the Secretary of Commerce to take actions that would have prohibited certain transactions related to TikTok in 45 days if ByteDance failed to divest its ownership of TikTok. The companies and content creators using the TikTok mobile application filed lawsuits challenging those prohibitions, as a result of which two district courts issued preliminary injunctions enjoining the prohibitions.

(3) Following the multiple judicial rulings that enjoined the Executive Branch from enforcing the regulations contemplated in E.O. 13942, on June 9, 2021, the President issued a new Executive Order that rescinded E.O. 13942, and directed the Secretary of Commerce to more broadly assess and take action, where possible, against connected software applications that pose a threat to national security.

Whereas Congress has passed, and the Executive Branch has implemented, a ban on ByteDance-controlled applications like TikTok from government devices because of the national security threat such applications pose; even so, the application's widespread popularity limits the effectiveness of this step:

(1) Prior to 2022, several Federal agencies, including the Departments of Defense, State, and Homeland Security, had issued orders banning TikTok on devices for which those specific agencies are responsible.

(2) On December 29, 2022, following its adoption by Congress, the President signed into law a bill banning the use of TikTok on government devices due to the national security threat posed by the application under its current ownership.

(3) A majority of States in the United States have also banned TikTok on State government devices due to the national security threat posed by the application under its current ownership.

(4) To date, as long as TikTok is subject to the ownership or control of ByteDance, no alternative to preventing or prohibiting TikTok's operation of the application in the United States has been identified that would be sufficient to address the above-identified risks.

(5) The national security risks arise from and are related to the ownership or control of TikTok by a foreign adversary controlled company. Severing ties to such foreign adversary controlled company, for example by a full divestment, would mitigate such risks.

(6) As has been widely reported, TikTok, Inc. has proposed an alternative, a proposal referred to as ''Project Texas,'' which is an initiative to try and satisfy concerns relating to TikTok's handling of United States user data.

(A) Under the proposal, United States user data would be stored in the United States, using the infrastructure of a trusted third party.

(B) That initiative would have allowed the application algorithm, source code, and development activities to remain in China under ByteDance's control and subject to PRC laws, albeit subject to proposed safeguards relating to cloud infrastructure and other data security concerns. Project Texas would also have allowed ByteDance to continue to have a role in certain aspects of TikTok's United States operations.

(C) Project Texas would have allowed TikTok to continue to rely on the engineers and back-end support in China to update its algorithms and the source code needed to run the TikTok application in the United States.

(D) Allowing code development in and access to United States user data from China potentially exposes United States users to malicious code, backdoor vulnerabilities, surreptitious surveillance, and other problematic activities tied to source code development.

(E) Allowing back-end support, code development, and operational activities to remain in China would also require TikTok to

continue to send United States user data to China to update the machine learning algorithms and source code for the application, and to conduct related back-end services, like managing users' accounts.

(7) On January 31, 2024, the Director of the Federal Bureau of Investigation, Christopher Wray, testified before the Select Committee on Strategic Competition between the United States and the Chinese Communist Party of the House of Representatives that TikTok gives the PRC ''the ability to control data collection on millions of users, which can be used for all sorts of intelligence operations or influence operations,'' and ''the ability, should they so choose, to control the software on millions of devices, which means the opportunity to technically compromise millions of devices''.

(8) The risks posed by TikTok's data collection would be addressed by the Protecting Americans from Foreign Adversary Controlled Applications Act, despite the potential that the PRC might purchase similar types of data from private data brokers.

(9) The degree of risk posed by TikTok has increased alongside the application's immense popularity in the United States.

Resolved, That the House of Representatives has determined that ByteDance and TikTok pose an unacceptable risk to the national security of the United States.

Ms. CANTWELL. I turn it back to my colleague Senator WARNER and again thank him for his leadership.

Mr. WARNER. Mr. President, I want to commend the Senator from Washington for her leadership going through the disparate effects of TikTok versus other social media platforms.

And let's acknowledge, TikTok, I think, realized they had a problem over a year ago. So they tried to develop a response—it was something called Project Texas—to allegedly address concerns related to TikTok's handling of America's data.

However, Project Texas would still allow TikTok's algorithm, source code, and development activities to remain in China. They would remain so under ByteDance control and subject to Chinese Government exploitation.

Project Texas allows TikTok to continue to rely on engineers and back-end support from China to update its algorithm and source code needed to run TikTok in the United States.

How can they say there is not the possibility of interference? This reliance on resources based in China, again, makes it vulnerable to Chinese Government exploitation.

That is why Project Texas does not resolve the United States' national security concern about ByteDance's ownership of TikTok.

Now, let me acknowledge—and I think Senator CANTWELL and I worked on a more, frankly, comprehensive approach that, in a perfect world, we might have been debating today, but we work in the world of getting things right.

So I stand firmly in support, as Senator CANTWELL has, of taking action now to prevent the kind of intelligence failure we first saw back in 2016.

And, again, the chair of the Commerce Committee has indicated this is not some draconian or novel approach. For decades, we have had systems in place to examine foreign ownership of U.S. industry. We have seen even more scrutiny in instances where foreign buyers have sought to control U.S. telecom and broadcast media platforms.

Frankly, this country should have adopted a similar regulatory approach for social media—again, something that Senator CANTWELL and I worked on—which has considerably more scale and barriers to entry than broadcast media had a decade ago.

But this bill is an important step in fixing that glaring gap. It goes a long way toward safeguarding our democratic systems from covert foreign influence, both in its application to TikTok and forward-looking treatment of other foreign adversary control over future online platforms.

Before I yield back, I want to make clear to all Americans: This is not an effort to take your voice away. For several months now, we have heard from constituents how much they value TikTok as a creative platform. And yesterday was the 4-year anniversary of my once-viral tuna melt video on another social media platform. I can kind of understand why TikTok has become such a cultural touchstone.

To those Americans, I would emphasize: This is not a ban of a service you appreciate.

Many Americans, particularly young Americans, are rightfully skeptical. At the end of the day, they have not seen what Congress has seen. They have not been in the classified briefings that Congress has held, which have delved more deeply into some of the threat posed by foreign-controlled TikTok. But what they have seen, beyond even this bill, is Congress's failure to enact meaningful consumer protections on Big Tech and may cynically view this as a diversion or, worse, a concession to U.S. social media platforms.

To those young Americans, I want to say: We hear your concern, and we hope that TikTok will continue under new ownership, American or otherwise.

It could be bought by a group from Britain, Canada, Brazil, France. It just needs to be no longer controlled by an adversary that is defined as an adversary in U.S. law.

And with that, I urge that we take action on this item, and, again, appreciate the great leadership of the chairman of the Commerce Committee on working with our friends in the House to bring this important legislation to the floor of the Senate.

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

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

The Senator from Alabama.

Mr. TUBERVILLE. Mr. President, I cannot believe we are here again. Americans cannot believe what we are witnessing here today.

Less than a week ago, House Republican leadership sold out Americans and passed a bill that sends $95 billion to other countries. With the Speaker's blessing, the House Rules Committee approved a package of foreign aid bills that undermines America's interest abroad and paves our Nation's path to bankruptcy.

The Speaker relied on Democrats to force this $95 billion package through committee, over the objection of three conservative Members.

Unfortunately, our leadership here in the Senate, both Democratic and Republican, are complicit.

The Senate is about to follow the House's lead, further violating the trust of those who sent us here. We are about to vote on another $60 billion for Ukraine; this, on top of the $120 billion American taxpayers have already sent to this black hole, with no accountability.

We are a country that is $35 trillion in debt. We are a country whose southern border is wide open thanks to the Biden administration. Illegal immigrants are invading our country. Drugs, including fentanyl, are flooding across, killing hundreds—hundreds—of Americans a day.

We are printing money for other countries while inflation continues to crush the American citizen. Not one dollar of this bill is paid for or offset. Not one. We will have to print more money or borrow it from China, all to fund foreign wars while we are losing the fight at our own southern border.

What we are doing is a slap in the face to the Americans who sent us here to represent them. Instead of debating legislation to close the border and fix the economy, we are about to send billions of dollars to one of the most corrupt countries in the world.

The war in Ukraine is a stalemate. It has been for a while. Pouring more money into Ukraine's coffers will only prolong the conflict and lead to more loss of life. No one at the White House, Pentagon, or the State Department can articulate what victory looks like in this fight.

They couldn't when we sent the first tranche of aid over 2 years ago and they still can't do it over 2 years later. We should be working with Ukraine and Russia to negotiate an end to this madness. That is called diplomacy, by the way, a tactic this administration has been completely unwilling to use.

Instead, Congress is rushing to further bankroll the waging of a war that has zero chance of a positive outcome.

The Speaker claims he is privy to special, classified information that justifies support for this massive package.

If this critical information exists, all elected representatives who are being asked to vote on this massive spending package should have access to it.

Republican leaders in the Senate argue that Russia will roll through

Ukraine and into NATO if we don't immediately send another $60 billion we don't have.

I wouldn't be surprised if we get a letter signed by fifty or so ''high ranking, former intelligence officials'' confirming this and the dire consequences of delay. Don't fall for it.

I had a classified briefing from the Department of Defense just this morning. I can tell you there is no justification to prioritize Ukraine's security before our own. None.

To add insult to injury, we are financing this conflict on the backs of the American taxpayer. As I said earlier, this country is $35 trillion in debt. Today we are borrowing $80,000 a second—you heard that right—$80,000 a second, $4.6 million a minute. And I want this body to explain that to the American people next election. This is irresponsible and unsustainable.

On top of that, we are now considering adding another $95 billion to that mountain of debt with this foreign aid package. This funding will be financed by deficit spending the American people will eventually have to pay back.

This group doesn't have to pay it; the American people do. It is easy to spend somebody else's money.

Unlike the so-called loan to Ukraine—loan, we are hearing, which will never be repaid—don't be fooled—unfortunately, some of my colleagues will vote yes on this bill claiming that, hey, this money for Ukraine is a loan. This was a concept originally floated by President Trump.

However, this bill not only allows the President to set the terms of loan repayment, it lets him cancel the payment any time and the interest on it. Sounds a little fishy to me.

I and the majority of Americans are highly skeptical that we will ever see a cent paid back to the American taxpayer. The chickens are going to come home to roost, and when they do, it is going to get really, really ugly. Every Member of this body should be laser-focused on getting our own house in order, not bankrolling foreign wars.

Mr. President, $46 billion of this foreign aid package is supposedly for Israel. Sadly, that is not reality.

If you read the fine print, $9 billion of that funding would go to the Palestinians for what is being billed as humanitarian aid for Gaza. Of course, sending any money to Gaza will immediately be used to line the pockets of Hamas terrorists. They will provide zero relief to the civilians suffering under their control.

There is no requirement that any hostages—also in this bill—be released for any exchange of this money. Why is that not happening? We have American citizens and we have Israeli citizens who have been captive for 5, 6 months. We are giving $20-something billion—$9 billion to the people who are holding hostages—and we are not getting any relief for the people who have been suffering as hostages going on 6 months.

Why in the world would America agree to funding both sides of this war? Israel is our greatest ally in the Middle East. We should be standing firm in support of our friends in their battle against Hamas. Sadly, the White House is more focused on playing politics and appeasing their radical, pro-Palestinian base. Why else would we send billions of dollars to Hamas? Is this a political payoff in an election year? Sounds like it to me. What a sad state of affairs this country is in.

While Congress rushes—rushes—today to bankroll Ukraine and the Palestinians, our leadership is avoiding the key crisis facing our Nation: our southern border. Wake up.

According to a recent Gallop poll, immigration is the top concern of people in this country who pay our bills, but the American people were just sold out. It is that simple.

You are witnessing the swamp at its worst—a swamp more concerned about maintaining power and being smarter than everybody else and lining the pockets of their friends than representing the interests of the American people.

Colleagues, wake up. The clock is ticking. How many Americans must die before we take on our own security as seriously as we are taking on other people's borders, including Ukraine's?

We lose 100,000 people to fentanyl. Does anybody care in this body? I haven't heard it. This is a direct result of the border policy under President Biden. Fentanyl is manufactured in China and ran by the cartel in Mexico. At what point does that horrific reality become important enough for us to come in here and vote and shut this dang border down? The left loves to tell you about threats. What kills more Americans than the Biden border policy? Nothing. It is the biggest disaster in history since I have been alive and a citizen of this country. Ukraine is losing soldiers by far fewer than the number of Americans who are dying from fentanyl. We have to take care of our own people before we take care of the rest of the world.

The Biden administration is failing this country. We know what the problem is. We know the solution. But nobody wants to solve it. That is an ineffective government.

President Trump proved that we can get operational control of our border. He had control. The problem is, no one in this administration or this body actually wants to solve this problem, which means we are also failing this country.

Americans are counting on this body to stand up and correct the course. I hope we don't let them down.

For these reasons, I will be voting against this massive supplement of taxpayer money that we don't have today going to Ukraine.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BUDD. Mr. President, you know, we meet this week at a critical time. The threats we face on the world stage are demanding our attention in a way that we have not seen in decades.

From the Middle East, to Europe, to the Indo-Pacific, weakness from President Biden has allowed chaos to spread across this globe. In Israel, they are in a fight for survival against genocidal Hamas terrorists. In the Indo-Pacific, China is saber-rattling and making provocative moves towards Taiwan and the Philippines. In Ukraine, Russia continues its brutal war of aggression by committing war crimes against innocent civilians. But right here at home, we are facing a crisis of our own—most notably, the worst border crisis in American history.

The truth is that the consequences of our border crisis affect our citizens the most. For example, in my home State of North Carolina, we have seen a 22-percent increase in drug overdose deaths—the highest level ever recorded. This is primarily due to deadly fentanyl that was transported into our country through an open southern border on President Biden's watch.

Police departments from Charlotte to Raleigh have uncovered tens of thousands of pounds of fentanyl—enough to kill every man, woman, and child not just in North Carolina but in the whole country. Right now, we have an administration ignoring that crisis, and the only attempt the Senate made to address it—it fell far short of what is needed.

So as we again debate foreign aid and foreign spending, I will repeat what I have said throughout the process. We must secure our own border before we help other countries protect theirs. In order to be a strong nation, we first have to have a strong border here at home.

During one of my recent telephone townhalls a few month ago, I asked a poll question to the thousands of people who had joined me that evening on the phone. I asked: If you could be assured that the southern border was secure, would you then support sending aid to allies and partners? Roughly two-thirds of the respondents said yes. You see, most people aren't opposed to helping our friends; they just think we need to take care of our own country first.

For me, ''America First'' does not mean ''America Only,'' so when I oppose this package, it won't be because I oppose helping our friends and our allies. We should send Israel the weapons they need to eliminate Hamas and free the remaining hostages—one, by the way, who is a North Carolinian. We should counter the Chinese Communist Party's military aggression in the Indo-Pacific and its social media subversion inside our country. We should counter Russia's brutality and force Putin to the negotiating table on terms most favorable to Ukraine. We should rebuild the arsenal of democracy and make significant investments in our national defense. We should do all of those things but not before we fix what affects our own citizens first.

Too many Americans are suffering. Too many Americans are dying. This is an order of priorities, and my first priority as a U.S. Senator will always be to make life better for us here in the United States and back home in North Carolina.

I will oppose this foreign aid package because we must put America first—not alone, not alone, but first.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. MARKEY. Mr. President, I rise today not in defense of TikTok but in defense of TikTok's users, especially the 170 million American users. Congress is rapidly heading towards passing legislation that will likely result in the blocking of the most popular application among young people in this country—an app whose fundamental purpose is to facilitate and promote speech; an app that has revolutionized how people connect, share, do business, and communicate online; an app that is bringing competition to the heavily concentrated social media market.

It should be a serious flag that a bill with such significant implications for freedom of speech and online competition has gone from being an idea in the House of Representatives to all of a sudden being passed on the floor of the Senate in a matter of weeks, just weeks.

So when political elites who otherwise fiercely disagree with each other come together to pass legislation that may result in significant censorship—yes, censorship—often in the name of national security, we should be hypervigilant about the true intentions of this legislation.

Episodes in history of using national security as a pretext to crack down on dissenting or unpopular speech loom as warnings about the ease of compromising our values when national security is supposedly at stake.

I want to be clear. I rise today on this greatest of debate floors not to defend TikTok. I don't deny that TikTok poses some national security risks. Instead, I come here today with a plea to my colleagues to think carefully about the impact of this bill, the consequences of its implementation, and the tradeoff between supposed national security threats and freedom of expression and basic rights to free speech.

This legislation may address or at least mitigate a national security risk, but it could and likely will result in widespread censorship. This censorship would predominantly impact young people in our country, many of whom are just gaining their political consciousness and obtaining the right to vote. We should be clear-eyed about these stakes.

Censorship is not who we are as a people. We should not downplay or deny this tradeoff. Some say the legislation merely forces ByteDance to sell TikTok within a year. That is a sale that won't affect its users at all. The ownership will change, so bill supporters say, but the app will stay the same.

Realistically, the actual chances of divestment in a year, if ever, are very small. A TikTok sale would be one of the most complicated and expensive transactions in history, requiring months, if not years, of due diligence by both government and business actors.

We should be very clear about the likely outcome of this law: It is really just a TikTok ban. And once we properly acknowledge that this bill is a TikTok ban, we can better see its impact on free expression: 170 million users—170 million Americans use TikTok to watch videos, learn about the news, run a business, and keep up with the latest pop culture trends. They connect with friends and family, sell new products and build community. The culture and expression on TikTok are unique and unavailable anywhere else on the internet.

In fact, TikTok is a threat to business, a threat to Facebook and Instagram and other American companies precisely because of its unique style and community which cannot be replicated anywhere else.

And while many of my colleagues are sincere in their fears for U.S. national security, others appear to support this legislation for a far more dangerous reason: They want to ban TikTok because of its users' content, because of TikTok's viewpoints. They don't like that many TikTok users support progressive or liberal politics or perspectives that they simply don't agree with.

The bill's supporters dress up this censorship by arguing that the Chinese Government is manipulating TikTok's algorithm to promote certain viewpoints. In this view, a TikTok ban is about combating Chinese propaganda, not penalizing TikTok's content.

TikTok, from their perspective, is ''poison[ing] the minds of young Americans with pro-Communist China propaganda.'' This isn't just some hypothetical risk, critics say, but an actual ongoing operation by the Chinese Communist Party.

Don't be fooled by these arguments. Although the Chinese Government certainly censors online speech in China, there is no credible evidence that the CCP has done so in the United States through TikTok. In fact, when U.S. national security officials talk about the risk of China manipulating TikTok's algorithm, they refer to it as a ''hypothetical'' risk—a hypothetical risk. This is the real objection, an objection to the political content, the most valuable and protected speech in a democracy.

We should be very clear about the impact and intent of this legislation. This bill is, for all intents and purposes, a ban on TikTok, and it is intended to suppress disfavored speech on the platform, plain and simple. We could see that in the cross-examination—the questioning in the House of Representatives hearing—on this subject.

For my colleagues who are awake to this reality, they may, nevertheless, believe that such speech suppression is a small cost to pay to keep Americans safe. To them, I urge a strong note of caution. The defense that a little speech suppression is necessary when our national security is at stake is ultimately un-American. This reasoning may seem convincing, but American history has too many examples of controversial laws that ultimately infringe on civil liberties in the name of national security. In the United States, we often look back on these episodes with regret. We should not add TikTok to that history.

Don't get me wrong. TikTok has its problems. No. 1, TikTok poses a serious risk to the privacy and mental health of our young people. In fact, TikTok paid a fine for violating my Children's Online Privacy Protection Act just 5 years ago. But that problem isn't unique to TikTok, and it certainly doesn't justify a TikTok ban, which is what we heard over and over again in the House of Representatives in their hearing on this issue. The reason is that YouTube, Facebook, Instagram, and Snapchat are making our children sick, as well, and exploiting our children and teenagers and their information for profit. American companies are doing the same thing, too, to children and teenagers in our country, as is TikTok.

So why aren't we thinking of this as a common goal that we are going to have in order to protect those teenagers and children?

If the bill's supporters truly wanted to protect the well-being of our young people, they would broaden their lens and address the youth mental health crisis plaguing our children and teenagers that has, in part, been caused by Big Tech in the United States—in the United States—along with TikTok.

I want you to hear the statistics. To my colleagues, it is powerful. One in three high school girls in the United States just 2 years ago considered suicide. At least 1 in 10 American high school teenage girls attempted suicide that year—attempted suicide. Amongst LGBTQ youth, the number is more like 1 in 5 attempted suicides just 2 years ago.

Now, it is not exclusively because of social media, what TikTok, Instagram, Facebook, Discord—all of them are doing it, but it plays a big role according to our own Centers for Disease Control. It plays a big role according to our own Surgeon General. It plays a big role, and we should be talking about that out here. That is a clear and present danger. That is not a hypothetical danger. That is not a hypothetical threat that may occur sometime in the long, distant future. It is happening right now. If we are talking about TikTok, we should be talking about all the other companies at the same time.

Instead of suppressing speech on a single application, we should be addressing the root causes of the mental health crisis by targeting Big Tech's pernicious privacy invasion business model of teenagers and children in our country. We could be passing our bipartisan Children and Teens' Online Privacy Protection Act and banning targeted ads to kids and teens on TikTok and everywhere else.

My legislation with Senator BILL CASSIDY has been intensely vetted, passed through Senate committee, and is supported by the chair and ranking member of the Senate Commerce Committee. And unlike a TikTok ban, it addresses the problem that is universally recognized, the compromised health and well-being of all of our children and teenagers.

Today, if you hear out on the floor Senators talking about the impact TikTok is having upon young people in our country, it is a good question, and we should be dealing with it, but you can't deal with it just by talking about TikTok. You have to talk about every American company that actually created the model that has led to this mental health crisis, and we are not doing that today. That is something that is a clear and present danger right now, not a hypothetical threat in the future, which is what we are actually doing by passing this legislation.

Instead of protecting young people online, we are censoring their speech, and this is a grave mistake. We should be having a much bigger discussion about what the implications of this legislation are for the future. I thank the Presiding Officer for giving me the opportunity to come out here on the Senate floor to talk about this very important issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. RUBIO. In a few hours here, the press headlines are going to read that the Senate just passed the Ukraine funding bill. That is what they will call it. This bill is about a lot more than just Ukraine. There is a lot in this bill, and I want to go through some of it.

First of all, it provides something I have strongly supported, which is providing, in this case, $26 billion to the State of Israel to defeat Hamas, to defend itself against its enemies. This is actually something we tried to pass on its own or could have passed on its own months ago. It was blocked. It was held hostage for Ukraine funding, but it is something we should have done months ago.

It is interesting. I think Israel, in and of itself, is a miracle country. On the first day of its existence, it was invaded, I believe, by 12 separate armies. The whole world thought they would be overrun and defeated very quickly, and they survived. And they have throughout their entire existence had to deal with the fact that everywhere they turn, they have enemies all around them.

It also happens to be the only pro-American democracy in the Middle East. Today, it is engaged in a battle to not just defeat these vicious criminals and terrorists who committed a slaughter on the 7th of October of last year, but they also have to deal with rockets being launched against them from Lebanon. You have 90-something thousand, potentially, Israelis permanently displaced in their own country. They can't go back to where they live in the northern part of their country. And then there is the threat from Iran and the threat from all the terror groups—Hezbollah and the like—that are constantly targeting Israel and then having to face all the things that are happening around the world, as well, in this effort to delegitimize their right to be a Jewish State.

I am a strong supporter of Israel's defense. We should have done this weeks and months ago, and it could have been done as its own bill, but it was held hostage.

This bill provides, as well, $8 billion to help nations in the Indo-Pacific, particularly Taiwan, and the purpose of that is to build up the military capacity of our partners in the region, frankly, to dissuade and prevent the Chinese Communist Party from starting a war in the Indo-Pacific that would make the one going on in Europe look like child's play—far more dangerous.

By the way, that is something I have been trying to do since 2019. I believe I was the first Member of Congress to call for a banning—not a banning of TikTok, a banning of ByteDance, which is the company that owns TikTok. If ByteDance sells TikTok, TikTok could continue to operate. But we should not have a company operating in the United States with the algorithm that it has and the access to the data that it has that powers the algorithm. We should not have a company like that operating in the United States that happens to do whatever the Chinese Communist Party tells them to do.

But the reason why the headlines are going to be about Ukraine funding is because that is the part of this bill that, frankly, has been controversial and has people who oppose it.

I, personally, believe it is in the national interest of the United States to help Ukraine. Ukraine was invaded, not once but twice, by Vladimir Putin. I supported Ukraine in helping Ukraine back in 2014 when they were first invaded by Putin; and President Obama would only supply them with blankets and meals, ready-to-eat. And I support continuing to help them now to defend themselves. They didn't start this war. I support helping them defend themselves to the extent we can afford it and to the extent we can sustain it.

But while this invasion of Ukraine most certainly poses a national security risk to the United States and a risk to our country, the invasion of America across our southern border is even more important. It is even more a severe threat.

Today, and every single day for the last 3 years, thousands of people—many if not most of whom we know very little about—are pouring into the United States across our southern border.

I made it clear months ago that while I support helping Ukraine, I would only vote to do so if the President issued Executive orders that would help stop this. It was his Executive orders ordering us not to enforce immigration laws that created the incentive and the driver that has led to this crisis and only that. Only Executive orders to begin to enforce our immigration laws will allow us to stop what is happening now.

But the President continues to refuse to issue those Executive orders. He continues to refuse to enforce our immigration laws, and so the crisis continues. And sadly, just a few moments ago, we took a vote here that basically says that we here in the Senate will not be allowed to vote on amendments to make changes to this bill.

So we are left with the choice. I am left with this choice. If I want to help Israel, if I want to help Taiwan, if I want to ban ByteDance from operating TikTok in the United States, then I have to drop my demand that the President enforce our immigration laws, and, by the way, I have to vote for billions of dollars to be spent on all kinds of programs around the world that I will describe in a moment, including for people who are illegally entering this country. This is moral extortion.

First of all, 9 million people over 3 years—that is how many have entered our country. This is not immigration. We should always be a country that welcomes immigration. It enriches our country. Controlled immigration, in which we control how many people come, who comes, knowing enough about them—that is immigration. But 9 million people and counting in 3 years? That is mass migration, and mass migration is never good. There is never such a thing as positive mass migration, particularly of 9 million people in 3 years. At a time when our country, from the inside and the outside, is being infiltrated by people and by movements that seek to destroy America, mass migration is catastrophically dangerous.

Last week, in a coordinated effort—and it was a coordinated effort; they admitted it—to cause the most economic impact possible in the United States, at least until our leaders abandoned Israel—that was their demand—we had pro-terrorist mobs, which is what they are—these are not protesters; these are pro-terrorist mobs—shut down traffic on an interstate highway in Oregon. They blocked passengers from getting to the airport in Chicago and Seattle. They closed down the Golden Gate Bridge in San Francisco.

At this very moment—right now, as I speak on the Senate floor—at some of

our most prestigious universities, their campuses are closed because they have been taken over by pro-terrorist mobs, chanting things and harassing Jewish students to go back to Poland, they say. Others are chanting: ''Go Hamas. We love you. We support your rockets too.'' Others—I have heard these chants—here it goes: ''We say justice. You say how. Burn Tel Aviv to the ground.''

The situation has gotten so intolerable that, just 2 days ago, a rabbi advised Jewish students to leave Columbia University and go home for their safety.

This morning, I got a text message from a friend—a Jewish friend—and I read something I never thought I would ever have to read. Here is what he wrote me:

I have to tell you, for the first time in my life, I see Jewish people scared for their safety and considering exit strategies from the USA, including buying homes in foreign countries and looking to liquidate USA assets.

I never thought I would ever read that from anybody in America.

These mobs, by the way, don't just want to destroy Israel. They want to destroy America. Some of these mobs are out there chanting ''death to America'' in the streets of American cities.

As for one of the mob leaders at one of these riots, this is what he said into a microphone:

It is not just ''Genocide Joe'' that has to go; it is the entire system that has to go. Any system that would allow such atrocities and devilry to happen and would support it—such a system does not deserve to exist on God's Earth.

Do you know what system he is talking about? This system—our system, our system of government—that is what he was talking about.

Where did all of this come from? How did all of this happen from one day to the next? How can things that we once only saw happening in the streets of Tehran, manufactured by the evil regime—how are those things now being chanted in our streets in our country? Where did this come from? The clues are everywhere.

Hamas and Hezbollah have been very, very public about how these violent, anti-Israel, anti-Semitic mobs are part of their strategy to intimidate American leaders to support policies that will help destroy Israel.

Hamas, Hezbollah, and other terror groups have repeatedly called on their supporters around the world to protest ''in cities everywhere,'' and they boast about how their friends—or who they call their ''friends on the global left''—were actually now responding to their calls.

By the way, they openly brag. This is all coming from interviews that they do on television programs that can be monitored. They openly brag that this is ''because of the introduction of colonialism, racism, and slavery studies into history curricula.''

They go on to say that many young Americans have been—this is my term, a term I read today in the Wall Street Journal—have been groomed to ''support armed resistance,'' to support intifada in the United States.

By the way, it is not just the mobs that we are seeing. Beyond that, as the Director of the FBI has acknowledged, ISIS generates income—they generate revenue—by running a human smuggling ring that brings migrants to the United States.

Just the bare minimum common sense would lead you to conclude that, if ISIS has a business to smuggle migrants into the United States, why wouldn't they use that to smuggle a few terrorists here to do in America what they did in Moscow a few weeks ago?

So we have Hamas, and we have Hezbollah, and we have all of these terror groups encouraging and supporting violent mobs calling for intifada inside America. We already have people here, on student visas, calling for ''Death to America,'' and ISIS controls a migrant smuggling ring that they can use to bring people into the United States to conduct attacks.

But if I want to help Israel, if I want to help Taiwan, if I want to help Ukraine, if I want to ban TikTok, I have to agree; I have to vote to do nothing to stop thousands of people a day whom we know literally nothing about—just allow them to come across our border and be released into our country.

As far as some of the money that is being spent all over the world, I have always supported the United States being engaged in the world, and I continue to be, but I ask you this: I have senior citizens, and I have veterans, and they call my office, and they call our offices, and they say: I have nowhere to live. Housing is too expensive.

I met a senior, a couple of days ago, in his eighties. He still has to work nights as a security guard, and he literally lives in a mobile home—not even a mobile home, in like a trailer parked in someone's backyard.

These people call. They have lived in this country their whole lives. They have served our country. They call for help, and the most we can often do is help get them on a waiting list for section 8 housing. This is a problem that exists in America right now.

But if I want to help Israel, if I want to help Taiwan, if I want to help Ukraine, if I want to ban TikTok, I have to vote for spending billions of dollars to give to charity groups so they can fly people around the country here and put them up in hotel rooms or so they can help for resettlement in another country.

We have rich countries in the Middle East, allies of ours. Their leaders own some of the largest yachts in the world. Some of their leaders own some of the most expensive horses you could possibly buy in the world. They have built some of the most extravagant and luxurious resorts on the planet in some of these countries. These are rich countries and strong supporters of the Palestinian cause, as they call it.

But if I want to help Israel, if I want to help Taiwan, if I want to help Ukraine, if I want to ban TikTok, I have to vote to send American taxpayer money to deal with the catastrophe that has been created by Hamas in Gaza—100 percent by Hamas. There was no war. There was a ceasefire before Hamas crossed over and slaughtered and raped and kidnapped. But now the American taxpayer is on the hook.

Look, I understand that, in our Republic, in our system of government, compromise is necessary. We have to do it all the time. I have passed a lot of bills—I am very proud of that—and every one of them involved my finding someone from a different ideological perspective, from the other side of the aisle. You have to compromise, meaning you are not going to get everything you want. You are going to have to give them something they want in exchange for something you want or you may have to change the way you wrote what you want. That is what you have to do in order to pass laws.

I understand compromise—I do—but this bill is not that. This bill is not a compromise. This bill is basically saying that, if I don't agree to drop my demands that the President secure our border, if I don't agree to spend billions of taxpayer dollars all over the world to resettle people here and in other places in the midst of our own migratory crisis—if I don't agree to all of that, then Israel and Taiwan and Ukraine do not get the help they need and that I support, and TikTok does not get banned. This is not compromise. This is legislative blackmail, and I will not vote for blackmail.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. RICKETTS. Mr. President, does anybody believe that hashtag ''StandwithKashmir'' is organically more popular than hashtag ''TaylorSwift''? No, of course not, but right now, on TikTok, hashtag ''StandwithKashmir'' has 20 times more posts than hashtag ''TaylorSwift.''

This is a direct example of the Chinese Communist Party using their control of TikTok to skew public opinion on foreign events in their favor. China is our chief foreign adversary in the world. They are a threat to our national security, our values, our economy, and the CCP works tirelessly every day to undermine our entire way of life. TikTok is one of the ways they are doing that.

I understood that as Governor. That is why I was the first Governor in the country to ban the use of TikTok on State devices back in 2020, and that is why I will be voting for this bill today. Today, we are taking action to end the Chinese Communist Party's ability to own and operate TikTok in the United States.

TikTok's active users include over 150 million Americans. That is almost half of our country's entire population. It has become the most influential news platform in the country. The percentage of TikTok users who regularly get their news from this app has doubled since 2020. The problem, however, is that what that news is, what slant that news has, is being entirely controlled by the Chinese Communist Party. We don't allow this for TV stations or radio stations. You have to be a U.S. citizen to own a TV station or a radio station in this country. Why are we letting our greatest adversary in the world own a news platform?

TikTok, under CCP ownership, promotes or demotes content based on whether it aligns with the CCP's interests and its agenda. This has major, real-world implications here at home and around the world.

Look at what is happening on our college campuses right now in this country. Pro-Hamas activists are taking over public spaces and making it impossible for campuses to operate. Jewish students are being told to leave campus because their universities can't guarantee their safety. There are a lot of other things wrong with this, including the failure to prioritize student safety over appeasement of terrorist sympathizers.

But why is this happening?

Well, let's look at where young people are getting their news. Nearly a third of adults 18 to 29 years old—these young people in the United States—are regularly getting their news exclusively from TikTok. Pro-Palestinian and pro-Hamas hashtags are generating 50 times the views on TikTok right now despite the fact that polling shows Americans overwhelmingly support Israel over Hamas. These videos have more reach than the top 10 news websites combined.

This is not a coincidence. The Chinese Communist Party is doing this on purpose. They are pushing this racist agenda with the intention of undermining our democratic values, and if you look at what is happening at Columbia University and other campuses across the country right now, they are winning.

I want to talk about another example that means a lot to folks back home whom I represent in Nebraska.

We know that the COVID–19 pandemic originated in China. Instagram and TikTok currently have about the same number of users in the United States; However, if you look at the content, there is a 400-to-1 ratio for content that blames China for this pandemic on Instagram compared to TikTok. Again, Instagram has 400 times the number of posts blaming China for COVID than on TikTok.

On TikTok, the Chinese Communist Party has quashed dissent or criticism. They have done this for Tiananmen Square—which, again, on Instagram, there are 80 times the posts around Tiananmen Square than there are on TikTok, and on Hong Kong, there are 180 times the posts on Hong Kong being censored or being repressed versus on TikTok.

The Federal Government's job is to protect Americans against foreign and domestic threats. TikTok is a major foreign threat. The bill we are passing today puts an end to that. This bill ensures that our citizens are not improperly targeted, surveilled, or influenced by any foreign adversary.

Right now, the major threat is TikTok, but China can make another TikTok. That is why, instead of going after any specific app, this bill simply prohibits marketplaces, like the App Store or Google Play, from hosting applications controlled by foreign adversaries. This is just common sense.

It also establishes a narrow framework to protect against future apps. It allows the Federal Government to require divestment of applications controlled by a foreign adversary or face a prohibition on app stores and be denied access to web-hosting services in the United States. That power has very strict guidelines. The authority can only be exercised if an application is under the control of an adversarial foreign entity, presents a national security threat, and has over 1 million active users annually.

It also protects individual users. No enforcement action can be taken against individual users of banned applications. Civil enforcement actions may only be initiated against companies that violate the act.

The bill incentivizes China to divest from TikTok or TikTok will face a ban. If TikTok is divested from the CCP, it can continue to operate in the United States. If the restrictions are already in effect and TikTok is divested later, the restrictions will be lifted.

I believe the Chinese Communist Party is the greatest threat we face in this Nation. They are fighting smart, trying to undermine us from within, and using technology like TikTok to do it. Together, by passing this bill, it is my hope that we will send a loud message and a clear message that America is not open to the CCP for influence.

We are taking a stand to protect our own, protect our values, and end a major Communist Chinese Party tool to attack us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, long before I ever thought of running for office, I was a little kid born in a West Virginia coal mining town called Beckley. My sister and I ended up going to the same grade school not too far from our house.

As a kid, I was pretty well behaved and didn't get into much trouble, but in the first grade, I got in a fight. I got in a fight because some kid was picking on my sister, who was a year older, in the second grade. He was a much bigger guy, and it was not a fair fight. I got involved in it and took him out with one swing. That was the last punch that I think I had thrown in anger. But I didn't like the idea of a big guy, a bully, trying to push around somebody, whether it was my sister or not. I have never cared for that in other situations growing up and watching the behavior of people in all kinds of different situations.

Our country, if you go back to our founding, if you recall, we took on the biggest nation on Earth, the strongest nation on Earth, Great Britain. It was not a fair fight. They had us badly outgunned, outnumbered. And somebody came to our rescue. The persons who came to our rescue were the French. If it weren't for the French, we would still be, maybe, a colony of Great Britain. But the French stood up and said: We are here to help.

There is a time for people to stand—countries to stand by and allow things to happen, and there is a time to stand up and be heard. We were helped as a nation over 200 years ago by the French. We have, I think, a moral obligation to help make sure that Ukraine has an opportunity to continue to go forward and to be a democratic nation. They are a democratic nation. They actually choose—they elect their own leaders. Vladimir Putin doesn't care very much for that. He thinks they shouldn't be allowed to do so and has decided to use force to be able to take away the opportunity to be a free nation.

We have a couple of opportunities. We can criticize Putin, the Russians, for what they are doing or we can actually do something about it.

I think I may be the last Vietnam veteran serving here in the U.S. Senate. When we go out from here, I like to run. Many, many mornings when I have gone for a run near the Capitol, I have run out to the Lincoln Memorial. On my way back, I run right by the Vietnam Memorial. It is black granite. There are names of I want to say maybe 59,000 people who died in that war I served in.

We got involved in that war. It was not a popular war. It wasn't popular with my generation. But we got involved in that war. The communists in North Vietnam were coming in and trying to take over the south. We ended up, for better or for worse, aligning with the south. We know what the outcome turned out to be. A lot of people died. A lot of people died in that war. I know a number of them, and my guess is my colleagues do as well.

I tell that story because we have a situation here that is not altogether different in which the Ukrainian people, who want to defend themselves—they want to preserve their democracy, and they are willing to make the tough fight if we will help them and the rest of the free world will help them.

God bless our President and leaders of a bunch of other countries who said: We are not going to walk away and let

Putin have his way and take away the democracy of the people of Ukraine. We are going to help them. We are going to help them not by sending—as we did in the Vietnam war—our own young soldiers, sailors, and airmen. We are not going to send them to Ukraine to defend Ukraine. We are going to send them munitions. We are going to send them drones. We are going to send them missiles. We are going to send them ships and aircraft. We will do that.

That is really all the Ukrainians are asking for. That is all they are asking for. They are asking for that kind of help. We ought to provide it. We ought to provide it.

I used to fly missions. I was a naval flight officer, P–3 aircraft mission commander. We used to fly a lot of surveillance missions around the world, track Soviet submarines everywhere across the planet. We also flew a lot of missions off the coast of Vietnam and a lot of missions in the South China Sea.

Even decades ago when I was flying missions with my squad in the South China Sea, we were concerned about the militarization of the South China Sea by China and China taking over islands that were not theirs, that maybe had been claimed by the Philippines and other nations. The Chinese were taking them over with the idea of militarizing them and ultimately making maritime trafficking—the moving of ships and aircraft through the South China Sea—more difficult.

We used to fly missions in the Vietnam war. We used to fly missions out of Vietnam. I was commissioned in 1968. By that time, we pulled a lot of land-based aircraft—B–52s, P–3s, just land-based aircraft with the Navy—we pulled them out of Vietnam, and we flew our missions out of Thailand, a big Air Force base.

We flew missions out of Taiwan, places in the southern part of the island, Tainan, which is an Air Force base in Taiwan. I had a chance be to deployed there from time to time. I got to know some of the people who lived in Taiwan—wonderful people, lovely people. Do you know what they were concerned about all those years ago? They were concerned about China coming in and taking them over, trying to take away their independence—not just militarize the South China Sea and transfer a bunch of islands into bases, if you will, for the Chinese military but actually take over a democratic country that has never been a part of China and make them do the bidding of China.

Mark my words. If Vladimir Putin is successful in prevailing in Ukraine, if he is successful, Taiwan will be next. As sure as I am standing here today, President Xi, the leader of China who says Taiwan is theirs, will hunt right into the fight. That would trigger a real-world conflict between them and us. It wouldn't be good for either of us, but we would, I think, be beholden to defend Taiwan.

Why don't we bring a halt to that idea of China getting involved and trying to come after Taiwan and having to commit our own troops? Why don't we just take care of it by making sure the people of Ukraine have the ships, the aircraft, the tanks, the missiles, and the armament they need to prevail on their own against Russia?

We wouldn't have to commit our own troops. We wouldn't have to worry about the kind of body bags that came back from Vietnam when I was serving in the Vietnam war. We would end up with a free Ukraine, and I think we would have a much better chance of making sure that the folks in Taiwan would continue to enjoy their independence as well.

I am wearing a lapel pin here that people ask me about from time to time—even today. They say: What kind of lapel pin is that? It is an American flag, and it is a Ukrainian flag as well.

A couple of days after Russia invaded Ukraine, I sent somebody over from my staff to the Ukrainian Embassy to get this lapel pin. I have worn it every day since, every day since.

And I get a lot of people—I go back and forth on the train, as my colleagues know. I live in Delaware and go back and forth on the train almost every day. It is amazing how many people I run into on the train, at the train stations, or traveling around the country. They will say: What is that that you are wearing? And when I explain it, I don't recall one person ever saying: You shouldn't wear that, or, That is a bad idea. People say: Good for you. Good for you. We ought to help them.

The Presiding Officer may recall a couple of months ago when—in fact, this year and maybe even last year—President Zelenskyy came here. Not to this Chamber, but he came into the Old Senate Chamber just down the hall. And he spoke in a closed room to Members of the Senate, Democrats and Republicans, in very emotional, very compelling language where he laid out the situation that they faced, laid out how important our support was and how grateful that they were for us being willing to stand by them, stand up for them.

And his speech was interrupted any number of times by standing ovations by Democrats and by Republicans. I happened to be sitting right in front of his podium when he was speaking, about as far away as our stenographer is standing from me today. And during the course of his speech, a couple of times he made eye contact, and I tried to give him encouragement in a sort of way. And I think I did.

But when it was over, he walked away from the podium, and I walked up to him and I shook his hand and I hugged him. I don't get to hug international leaders every day, but I hugged him and he hugged me. And I said to him, ''You are a hero.'' I said to him, ''You are a hero.'' And he reached over and touched my lapel pin, and he said to me, ''No, no. You are our heroes.'' He said, ''You are our heroes.''

Now, I just want to say, in the months that have passed since then when we have floundered, kind of waffling around and trying to figure out how we are going to continue to provide aid and support for Ukraine, and I thought—he was back a couple of months later, and I had a chance to talk to him again. And again he said, ''You are our heroes; you are our heroes,'' talking about us in this body and the House of Representatives.

And I said to my staff later that day and my colleagues later in the day: You know what—it is funny—I don't feel much like a hero.

This was a couple of months ago when he was here because we were on the verge of pulling the plug on the aid and the assistance we were going to provide for Ukraine. There was a very real chance that we could pull the plug, take away the help, and Putin and the Russians would just move in and take over. And I didn't feel like a hero with that sort of staring us in the face.

When we leave this week and go back to our districts, our States, and our homes across the country and reflect back on what we have done, what we have decided, I want to feel like a hero. I want all of us to feel like a hero and a heroine and deserve to be feeling that way.

I am a great student of World War II, and some of my colleagues are as well. I remember a time when Churchill was leading the allied world and rising and standing up and warning against the threat that Germany provided for the rest of us, urging us to be brave and be strong, be vigilant, come to the aid of Europe.

There was another guy named Chamberlain whose name is sort of thought of in terms of appeasement. Churchill: engage, defend, be strong. Chamberlain: appease. We have a chance here to be more like Churchill and less like Chamberlain. And I hope and pray, when we vote here today—maybe even tomorrow—that is exactly what we will do.

I want us to make not just the folks in Ukraine, Taiwan, and—I don't want them just to be grateful. I want the people who we serve, who elect us and sent us here—I want them to be proud of what we have done and the work that we have done on their behalf and on behalf of these other countries who need our help.

We are the beacon for democracy for the world. Our Constitution is the longest living constitution in the history of the world. It lays out how the democracy should operate; and for all these years, we have. We need to hold that to our heart, and we need to do the right thing.

The last point I would say is this: My mom was a deeply religious woman. I have shared this with some of my colleagues before. She would drag my sister and me, in the West Virginia coalmining town in West Virginia—she would drag us to church every Sunday morning, every Sunday night, every

Wednesday night, and even on Thursday night. And then we would go home, and she would turn on the TV and we would watch Billy Graham on television. She wanted us to have a deep faith, but she really wanted us to hold dear the Golden Rule, the idea that we should treat other people the way we want to be treated.

How would we want to be treated if we were the Ukrainian people today? How would we want to be treated if we were Taiwanese people today, facing the kind of threats that they face? We would want the rest of the free world to come to their aid—not to send troops, not to send fighter pilots and all, but give them the tools that they need to take on this fight and to win it. When we do that, if we do that—and I am encouraged that we will—we will deserve the words of President Zelenskyy when he said, ''You are our hero. You are our hero.'' Let's be that hero.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VANCE. Mr. President, with respect to my colleagues who voted in the other direction on this particular piece of legislation, let me offer some serious concerns about the direction we are headed as a country and about what this vote represents in terms of American readiness; American capacity to defend itself and its allies in the future; and, most importantly, the American leadership's ability to acknowledge where we really are as a country: our strengths, our weaknesses, what can be built upon, and what must be rebuilt entirely.

I am extraordinarily aware of a couple of historical analogies that should inform this debate, one that seems to always inform debate and another that seems to never come up. Now, opponents of further aid in Ukraine—and I count myself among them—say that this is a Chamberlain vs. Churchill kind of moment. You just heard my distinguished colleague from Delaware make this observation.

With no disrespect to my friend from Delaware, we need to come up with some different analogies in this Chamber. We need to be able to understand history as not just World War II replaying itself over and over and over again. Vladimir Putin is not Adolf Hitler. It doesn't mean he is a good guy, but he has significantly less capability than the German leader did in the late 1930s. America is not the America of the late 1930s or the early 1940s. We possess substantially less manufacturing might, in relative terms, than we did almost 100 years ago. And most importantly, there are many ways in which the analogy falls apart even if you ignore America's capacity, Russia's capacity, and the like.

There are ways in which we should be looking at other historical analogies, and I would like to point to just a couple of those right now. The Second World War, of course, was the most devastating war, arguably, in the history of the world. Close behind it is the First World War. And what is the lesson of the First World War? It is not that there are always people appeasing the bad guys or fighting against the bad guys. The lesson of World War I is that, if you are not careful, you can blunder yourself into a broader regional conflict that kills tens of millions of people, many of them innocent. In 1914, alliances, politics, and the failure of statesmanship dragged two rival blocs of militaries into a catastrophic conflict.

In the past week alone, the Council on Foreign Relations has published an essay calling for European troops to sustain Ukraine's lines as Ukraine struggles to raise troops. Some European leaders have said they might send troops to support Ukraine in a conflict.

Perhaps the history lesson we should be teaching ourselves isn't Chamberlain vs. Churchill. Perhaps we should be asking ourselves how an entire continent, how an entire world's set of leaders allowed itself to blunder into world conflict.

Is there possibly a diplomatic solution to the conflict in Ukraine? Yes, I believe that there is. Indeed, as multiple people—both critics of Vladimir Putin and supporters of Ukraine—have pointed out, there was, in fact, a peace deal on the table approximately 18 months ago. What happened to it? The Biden administration pushed Zelenskyy to set aside the peace agreement and to engage in a disastrous counteroffensive, a counteroffensive that killed tens of thousands of Ukrainians, that depleted an entire decade's worth of military stocks, and that has left us in the place that we are now, where every single objective observer of the Ukraine war acknowledges today that the war is going worse for Ukraine than it was 18 months ago.

Could we have avoided it? Yes, we could, and we should have avoided it. We would have saved a lot of lives, we would have saved a lot of American weapons, and we would have had this country in a much, much more stable and much better place if we had.

Now, there is another historical analogy that I think is worth pointing out, and that is the historical analogy of the early 2000s. Now, in 2003, I was a high school senior, and I had a political position back then. I believed the propaganda of the George W. Bush administration that we needed to invade Iraq, that it was a war for freedom and democracy, that those who were appeasing Saddam Hussein were inviting a broader regional conflict.

Does that sound familiar to anything that we are hearing today? It is the same exact talking points, 20 years later, with different names. But have we learned anything over the last 20 years? No, I don't think that we have. We have learned that if we beat our chest instead of engage in diplomacy, that it will somehow produce good outcomes. That is not true. We learned that if we talk incessantly about World War II, we can bully people and cause them to ignore their basic moral impulses and lead the country straight into catastrophic conflict.

Now, as one of the great ironies of my time in the U.S. Senate for the last 18 months, I have been accused by multiple people of being a stooge of Vladimir Putin. Well, I take issue to that because in 2003, yes, I made the mistake of supporting the Iraq war. I also, a couple months later, enlisted in the U.S. Marine Corps, one of two kids from my small block on McKinley Street in Middletown, OH, to enlist in the marines just that year. I served my country honorably, and I saw when I went to Iraq that I had been lied to, that the promises of the foreign policy establishment of this country were a complete joke.

Just a few days ago, we saw our friends in the House waving Ukrainian flags on the floor of the U.S. House—which, I would love to see them waving the American flag with such gusto. And I won't complain about the fact that it was a violation of the rules of decorum, though it certainly was. But it reminded me—it reminded me—and I believe, 2005, maybe it was 2006—when that same exact Chamber, the Members were raising their fingers, stained with purple ink, to commemorate the incredible Iraqi elections that had happened in 2005.

I was in Iraq for both the constitutional referendum of October of 2005 and the parliamentary elections of December of 2005. And I remember the people in Iraq, happily voting, raising their fingers in the air.

What I am saying is, not that the people of Iraq were bad or that they were bad for voting in their elections, what I am saying is the obsessive focus on moralism—democracy is good, Saddam Hussein is bad; America, good; tyranny, bad—that is no way to run a foreign policy, because then you end up with people waving their fingers on the floor of the U.S. House of Representatives, even though they have walked their country into a disaster.

And I say this as a proud Republican. I say this as somebody who supports Republican colleagues who agree with me and disagree with me on this issue. It is, perhaps, the most shameful period in the Republican Party's history of the last 40 years that we supported George W. Bush in the prosecution at military conflict.

Now, my excuse is that I was a high school senior. What is the excuse of many people who were in this Chamber or in the House of Representatives at the time and are now singing the exact same song when it comes to Ukraine?

Have we learned nothing? Have we updated nothing about our mental thinking, about the standard that we apply for when we should get involved in military conflicts? Have we learned nothing about how precarious and precious U.S. life is and other life around the world and that we should be a little bit more careful about protecting it?

Back then, in 2003, we actually had an anti-war left in this country. Now, nobody, really, is anti-war. Nobody is worried about prosecuting military conflicts overseas. Nobody seems to worry about unintended consequences. But Iraq had a lot of unintended consequences—a lot of consequences that were, maybe, foreseen by a few smart people; a lot of them that weren't foreseen by anybody—one of which is that we gave Iran a regional ally instead of a regional competitor.

Did George W. Bush stand before the American people and say: We are going to invade this country and give one of our strongest enemies in the region a massive regional ally? Did we think that 20 years later, Iraq would become a base to attack American troops in the Middle East? Did we think it would empower one of the most dangerous regimes in that area of the world?

We are now funding Israel, as I think that we should, to defend itself against attacks that are originating in Iran when the same people who are calling for more war all over the world were the same people who caused us to start a war that empowered Iran.

There is a certain irony in this, a certain sadness that I have that we never seem to learn the lessons of the past. We never seem to ask ourselves why it is that we keep on screwing up American foreign policy, why it is that we keep on making our country weaker, even though we say we intend to make it stronger.

Here is another thing that we should learn from the Iraq war, something that I as a Christian care a lot about and I think that even many of my colleagues who are not Christians, many of my fellow Americans who are not Christians, should care about. The United States remains, to this day, the world's largest majority Christian nation. We are the largest Christian nation by population in the entire world. And yet what are the fruits—''By your fruits ye shall know them,'' the Bible tells us. What are the fruits of American foreign policy when it comes to Christian populations all over the world over the last few decades?

Well, in Iraq, before we invaded, there were 1.5 million Christians in Iraq. Many of them were ancient communities—Chaldeans, people who trace their lineage and their ancestors to people who knew the literal Apostles of Jesus Christ.

Now, nearly every single one of those historical Christian communities is gone. That is the fruits of American labor in Iraq—a regional ally of Iran and the eradication and decimation of one of the oldest Christian communities in the world.

Is that what we were told was going to happen? Did the American people—the world's largest majority Christian nation in the world—did they think that is what they were getting themselves into? I certainly didn't. And I am ashamed that I didn't, but we did. We did all of those things because we weren't thinking about how war and conflict lead to unexpected places.

Now, it sounds farfetched, I am sure, when we apply these lessons to the Ukraine conflict. Certainly—certainly—this has no risk of spilling over into a broader regional or even world conflict. Well, certainly not, in fact. I was being sarcastic. It obviously does. As European allies propose sending troops to fight Vladimir Putin, drawing NATO further into this conflict, yes, the Ukraine war threatens to become a broader regional conflict.

What about the assault on traditional Christian communities? Just today, the Ukrainian parliament is considering enacting a law that would dispossess large numbers of Christian churches and Christian communities in the country of Ukraine.

Now, they say it is because these churches are too close to Russia. That is what they say. And maybe some of the churches are too close to Russia. But you don't deprive an entire religious community of their religious freedom because some of its adherents don't agree with you about the relevant conflict of the day.

I believe, standing here, that this war will eventually lead to the displacement of a massive Christian community in Ukraine. And that will be our shame—our shame in this Chamber for not seeing it coming; our shame in this Chamber for doing nothing to stop it; our shame for refusing to use the hundreds of billions of dollars that we send to Ukraine as leverage to ensure and guarantee real religious freedom.

The other thing—one final point on this historical contingency point. It was true then, and it was true today, there is this weird way where the debate in this country has gotten warped, where people can't engage in good-faith disagreement with our Ukraine policy. You will immediately be attacked for being on the wrong team, for being on the wrong side.

I remember, as a young conservative high schooler, how opponents from the conservative side of the Iraq War: Well, you are just all for Saddam Hussein, and you believe that Saddam Hussein should be allowed to continue to brutalize the Iraqi people; you have no love for these innocent Iraqi people; you don't believe in America. And the same exact arguments are being applied today, that you are a fan of Vladimir Putin if you don't like our Ukraine policy, or you are a fan of some terrible tyrannical idea because you think maybe America should be more focused on the border of its own country than on someone else's.

This war fever, this inability for us to actually process what is going on in our world to make rational decisions is the scariest part of this entire debate.

You see people who served their country, who have been advocating for good public policies—agree or disagree with them—for their entire careers smeared as agents of a foreign government simply because they don't like what we are doing in Ukraine. That is not good-faith debate; that is slander. And it is the type of slander that is going to lead us to make worse and worse decisions.

It should make us all feel pretty weird when you see your fellow Americans making an argument, and the response to that argument is not: Well, no, no, here is why you are wrong, or, Here is substantively why I disagree with you. But they fling their finger in your face and say: You are a Putin puppet; you are an asset of a foreign regime.

This way of making decisions democratically is how we bankrupt this country and start a third world war. We should stop doing it.

So let me make some arguments for why our Ukraine policy doesn't make any sense. The first, we do not have the manufacturing base to support a land war in Europe. This must be appreciated. And it is interesting, when I was making this argument that we didn't have the manufacturing base to support a military conflict in Eastern Europe, to support a military conflict in East Asia, and then also to actually support our own national defense, that America was spread too thin, I was commonly met 18 months ago with a very common rejoinder. I was told that the Ukraine war represented a fraction of a fraction of American GDP, that we could do everything all at once and it would not stress America's capabilities.

Now, everyone seems to agree with me. Now, everyone seems to acknowledge that we are severely limited, not in the number of dollars that we can send to Ukraine—because there are limits there—but in the number of weapons, of artillery shells and missiles, that we don't make enough of the critical weapons of war to send them to all four corners of the world and also keep ourselves safe.

But people will say: Well, J.D. is right, we need to rebuild the defense industrial base; we need to rebuild our capacity to manufacture weapons. But now the desire and the need to manufacture more weapons is an argument for the Ukraine conflict instead of an argument against it.

It is interesting how advocates of this conflict always find a new justification when the justification of a few months ago falls apart.

So let's deal with some very cold, hard facts. Ukrainians have argued publicly—their defense minister has said this—that they require thousands of air defense interceptor missiles every single year in order to keep themselves safe from Russian attack. Do we make thousands? No.

If this supplemental passes, as I expect it will in a few hours, we will go from making about 550 PAC–3 interceptor missiles to about 650. And there are a few other weapons systems that could provide protection in terms of air defense. But Ukraine's air defenses are being overwhelmed right now because

we don't make enough air defenses. Europe doesn't make enough air defenses. And, by the way, we are being stretched in multiple different directions.

The Israelis need them to push back against Iranian attacks. The Ukrainians need them to push back against Russian attacks. We may, God forbid, need them. And the Taiwanese would need them if China ever invaded. We don't make enough air defense weapons and neither do the Europeans. And so rather than stretching ourselves too thin, America should be focused on the task of diplomacy and making it possible for our friends and our allies to do as much as they can but to recognize the limitations and to ensure that we—most of all, our own people in our own country—can look after our own defense.

It is not just air defense missiles. Martin 155mm artillery shells—these are one of the most critical weapons for the land war in Europe, maybe the single most critical weapon for the land war in Europe. The United States makes a fraction of what the Ukrainians need. And if you combine what the United States provides with what the Europeans are able to provide and what other figures are able to provide, we are massively limited in whether we can help Ukraine close the gap it currently has with Russia.

Now, you have heard senior figures in our defense administration say that unless this bill passes—unless this bill passes—the Ukrainians will face a 10-to-1 disadvantage when it comes to critical munitions like artillery—10 to 1.

What gets less headlines is that currently the Ukrainians have a 5-to-1 disadvantage, and there is no credible pathway to give them anything close to parity. And I am not even talking about this year; I am talking about next year too. During a conversation with the senior national security official of the Biden administration, I was told that if the United States radically ramps up production and if the Europeans radically ramp up production, the Ukrainians will have a 4-to-1 disadvantage in artillery by the end of 2025. And that was treated as good news.

You cannot win a land war in Europe with a 4-to-1 disadvantage in artillery, especially when the country that you are going up against has four times the population that you do.

And, of course, the most important resource in war, even in modern war, is not just air defense missiles and is not just artillery shells; the most important resource is human beings. Human beings still fight our wars, as tragic as that is and as much as we wish that it wasn't true, and Ukraine has a terrible manpower problem too.

The New York Times recently wrote a story about how they had conscripted—perhaps accidentally; I certainly hope so—they conscripted a mentally handicapped person into service in their conflict. They have now dropped the conscription age. And, still, they are engaged in draconian measures to conscript people into this conflict. That says nothing about the fact, by the way, that approximately 600,000 military-age men fled the country.

This war is often compared, as I said earlier, to the UK's fight against Nazi Germany. In the height of World War II, did a million Brits—over a million Brits leave Britain to avoid being conscripted by the Germans? I highly doubt it. So there is a deep reserve problem—a reserve of weapons, there aren't enough of them; a reserve of manpower, there aren't enough men.

This is the problem that Ukraine confronts. I say this not to attack the Ukrainians who have fought admirably—many of them have died defending their country. But if we want to respect the sacrifice of the people who have died in this conflict, we have to deal with reality. And the reality is that the longer that this goes on, the more people will needlessly die, the fewer people will actually be left to rebuild the country of Ukraine, and the less capable Ukraine will be of actually functioning as a country in the future.

But I am not just worried about that; I am not just worried about whether Ukraine can win. I also worry about, as I said earlier, unintended consequences. And now we should spend a little bit of time discussing some more of those.

A few things come from our obsessive focus on Ukraine. No. 1, we have, at multiple levels in this Congress, passed pieces of legislation that deal with Ukraine that attempt to explicitly curtail the diplomacy powers of the next Presidential administration. I know we don't often talk so directly about politics, and I am sure I disagree with my friends on the other side of the aisle about who the next President should be, but we want to empower the next President, whoever that is, to actually engage in diplomacy, not make it harder to engage in diplomacy.

Multiple provisions of this legislation—but also other legislation this Chamber has passed and I opposed—try explicitly to tie the next President's hands. Let's just say that the next President, whoever that might be, decides that he wants to stop the killing and engage in diplomacy. This Chamber will be giving a predicate to impeach that next President for engaging in basic diplomacy. Hard to imagine a more ridiculous judgment on the priorities of American leadership that we are already trying to make it impossible for the next President to engage in any measure of diplomacy. That is not leadership, and that is not toughness; that is a blind adherence to a broken foreign policy consensus, which is unfortunately exactly what we have.

The Ukraine supplemental that is, again, likely to be passed in the next few hours, funds Ukraine's border while turning a blind eye to the United States own border crisis. The bill includes hundreds of millions that could be used to strengthen Ukrainian border security and support the State Border Guard Service of Ukraine. Good for them. I am glad that they care about their own border security.

The supplemental extends benefits for Ukrainian parolees in the United States. It includes $481 million for refugees and interim assistance, which could be used, in part, for the Office of Refugee Resettlement to provide resettlement assistance to Ukrainians arriving in the United States and also to other organizations that also, because money is fungible, could resettle other migrants from other countries into our country.

So the very same moment that we are supporting the Ukrainians to secure their own border, we are not just ignoring our own border, we are funding NGOs that will worsen Joe Biden's migration crisis. It is completely senseless. Yet that is what we are doing.

Let's talk about something else. This bill includes a provision that is wildly popular called the REPO Act. In short, the REPO Act does something very simple. The REPO Act allows the Treasury Department to seize Russian assets to help them pay for the war. That sounds great. Of course, Russia shouldn't have invaded Ukraine and, of course, they should have to pay for some of the consequences—all of the consequences—that they have created. But ask yourself, are there unintended consequences that come from seizing tens of billions of dollars from foreign assets? In fact, there are.

A number of economists from across the political spectrum have argued that the REPO Act could potentially make it harder to sell U.S. Treasuries. This is something a lot of Americans don't care about. I am sure their eyes might glaze over a little bit. But this country is running almost $2 trillion deficits every single year. You ask: Where do those $2 trillion come from? They come from selling Treasury bonds on the open market. That is how we pay for the deficit spending in this country. And what happens when people start to worry that U.S. Treasuries are not a good investment? Well, we have already seen the consequences over the last couple of years. Interest rates go up. Inflation goes up. Home mortgages become more expensive. Are we at least a little bit worried that the bond markets could react negatively to us seizing tens of billions or hundreds of billions of dollars from assets? We should certainly be worried about it because we already can't afford the deficit spending in this country to begin with. Treasury yield rates are already extraordinarily high. Thanks to the Biden spending programs, they have actually shown a remarkable stubbornness over the last few months.

Here is another unintended consequence. Germany is an important American ally, and it has, by some

standards, the fourth or fifth largest economy in the entire world. It is a very, very important country, a very important ally. By the way, it is a beautiful country with beautiful people. But Germany, under the influence of a series of so-called green energy policies, is rapidly deindustrialized.

Germany, by the way, was one of the few countries in the wake of World War II—especially in the seventies, eighties, and nineties—that actually kept its industrial might largely intact. Think about German cars and all the other manufacturing things that come from the country of Germany. Well, Germany is much less powerful in terms of manufacturing today than it was 10 years ago. Why? Because it takes cheap energy to manufacture things. You need cheap energy if you want to manufacture steel. You need cheap energy if you want to manufacture cars. That is one of the reasons, by the way, the manufacturing economy has done so poorly under the Biden administration—because their energy policies don't make any sense.

But Germany should be told that the United States will not subsidize its ridiculous energy policies and its policies that weaken German manufacturing. We should send a message to the Germans that they have to manufacture their own weapons; they have to field their own army; and they have the priority and they have the responsibility to defend Europe from Vladimir Putin or anyone else.

I ask the question: How many mechanized brigades could the German army field today? By some estimates, the answer is zero; by other estimates, the answer is one. So the fourth most powerful economy in the world is unable to field sufficient mechanized brigades to defend itself from Vladimir Putin. Now, this isn't 5 years ago or 10 years ago; this is yesterday. So for 3 years, the Europeans have told us that Vladimir Putin is an existential threat to Europe, and for 3 years they have failed to respond as if that were actually true.

Donald Trump famously told European nations they have to spend more on their own defense. He was chastised by Members of this Chamber for having the audacity to suggest Germany should step up and pay for its own defense. Even today, Germany, by some estimates, fails to hit its 2-percent-of-GDP threshold where it is supposed to spend 2 percent of its economy on military. And even if it hits that 2-percent threshold in 2024, it will have hit it barely after, literally, decades of being chastised. Is it fair that the Americans are forced to front this burden? I don't think that it is.

But I am actually less worried about the fairness and more worried about the signal this sends to Europe. If we keep on carrying a substantial share of the military burden, if we keep on giving the Europeans everything that they want, they are never going to become self-sufficient, and they are never going to produce sufficient weapons so they can defend their own country.

You hear all the time from folks who support endless funding to Ukraine that unless—that unless—we send resources to Ukraine, Vladimir Putin will march all the way to Berlin or Paris. Well, first of all, this don't make any sense. Vladimir Putin can't get to western Ukraine; how is he going to get all the way to Paris? Second of all, if Vladimir Putin is a threat to Germany and France, if he is a threat to Berlin and Paris, then they should spend more money on military equipment.

Some of my fellow Americans have been lucky enough to travel to Europe. It is a beautiful place. But one of the things that Europeans often say about Americans is that we have way too many guns and way too little healthcare. One of the reasons why we have less healthcare access than the Europeans do is because we subsidize their military and their defense. If the Europeans were forced to step up and provide for their own security, we could actually take care of some more domestic problems at home. No, too many in this Chamber have decided that we should police the entire world. The American taxpayer be damned.

Let me make one final point here, cognizant I have colleagues who wish to speak.

May I ask, how much time do I have?

The PRESIDING OFFICER (Mr. MARKEY). The Senator has 28 minutes remaining.

Mr. VANCE. I see my colleague from Florida, so I will be relatively brief here.

For 40 years, this country has made, largely, I would say, a bipartisan mistake. It has allowed our manufacturing might to get offshored and to get outsourced, while simultaneously increasing the commitments that we have all over the world. We basically outsourced our ability to manufacture critical weapons while stepping up our responsibilities to police the world. And, of course, if we are going to police the world, then it is American troops who need those weapons.

With one hand, we have weakened our own country; with the other, we have overextended. There is a certain irony that if you look at the voting records and the commitments of this Chamber, the people who have been most aggressive—my colleagues, some of them my friends—who have been most aggressive sending our good manufacturing jobs to China are now the ones who are most aggressive to assert we can police the world.

What are we supposed to police the world with? Our artillery manufacturing, our weapons, our air defense manufacturing, our basic military industrial complex has become incredibly weakened. And this bill, you will hear people say, fixes it. It doesn't fix it at all. This bill, while it does invest some—and this is a good thing, by the way, it is not all bad—while it does invest some in critical manufacturing of American weapons, it sends those weapons overseas faster than it even replenishes them. This is not a bill to rebuild the defense industrial base; this is a bill to further extend this country.

I will yield the floor, recognizing my friend from Florida wants to speak.

The PRESIDING OFFICER. The Senator from Florida.

Mr. SCOTT of Florida. Mr. President, I want to thank my colleague from Ohio for his hard work and his commitment to making sure he protects our country.

President Biden has shown the American people that he will pander to his anti-Semitic base over supporting Israel. Israel, one of America's greatest allies and the only democracy in the Middle East—the only democracy in the Middle East.

One of President Biden's first actions was to resurrect the failed Iran deal. Since then, he has green-lit billions of dollars in sanctions relief to Iran, the world's largest state sponsor of terrorism.

His pandering can be seen in our cities and on college campuses where radical extremists rally violently in support of Hamas and the extermination of the Jewish people. This cancer has taken over the Democratic Party and caused violence against our Jewish communities.

President Biden has made clear with his decisions that the American people cannot trust his administration. I certainly do not, which is why I am highly concerned that without proper safeguards, the Biden administration will use this aid package as leverage against our great ally, Israel.

On October 7, Iran-backed Hamas terrorists burned people alive in their homes, beheaded babies, raped women and young girls, and murdered parents in front of their children. They brutally murdered 1,200 innocent people in Israel, including Americans. And 200 days since the attacks, they are still holding 8 Americans and more than 100 other innocent people hostage in Gaza.

I was in Israel last month, my sixth visit to the Jewish State in my years as Florida's Governor and now a U.S. Senator, and I have helped lead the charge in the Senate to support our great ally Israel. I have voted for the Israel aid in this bill only to see it fail the Senate with all the Democrats—all Democrats—voting against it.

For years, I have voted for significant funding for the Iron Dome, David's Sling, and other key military assets to help Israel defend itself from Iran-backed terrorism.

I am leading the Stop Taxpayer Funding of Hamas Act to condition aid to Gaza on the release of hostages and ensure we don't send a single dollar—not a single dollar—of American taxpayer money to Gaza unless the President certifies that it won't end up in the hands of a Hamas terrorist—a pretty simple ask.

Unfortunately, the Democrats have blocked this bill from consideration or

passage in the Senate three separate times, including when I tried to include it in the Senate-passed foreign aid supplemental in February. It should not be difficult to say that we won't risk even one dollar of American taxpayer money going to Hamas and pass commonsense legislation to stop that from happening. That shouldn't be hard.

Here is what makes me so angry and worried about our country: We have a President who is a fool who is stuck in a war that is raging—not overseas but within the Democratic Party right here in America. Joe Biden has ignited a civil war in the Democratic Party because he is allowing and in some cases actively encouraging the takeover of his party by Hamas-loving, terrorist sympathizers.

Thankfully, there are still some Democrats who oppose this takeover and continue to stand with Israel, but they are very few, and their voices are being drowned out by the scream of anti-Semitic hate from the radical Hamas lovers in Michigan and New York.

We cannot avoid the hard truth here. Joe Biden is destroying U.S. foreign policy in an attempt to pacify Democrats who support terrorism.

They have chanted ''Death to America'' in Iran for years, but now Democrat activists are chanting it in New York and Michigan. Look at what is happening at Columbia University. How is this happening in the United States of America? But Democrats are letting this happen because Michigan is crucial for Biden to win. He knows he is losing there, so he is bending over backwards to support the small minority of people in Michigan who support terrorism, and he is doing it hoping it will help him win reelection.

I want to stress this because it shows the American people exactly what is wrong with the platform of my colleagues across the aisle.

Every single day, we hear Democrats scream about protecting democracy and how democracy is under attack. While they love to point fingers at Republicans as being responsible for this, the truth is that it is them.

Between Israel and Hamas, which do you think is a stronger example of democracy? Pretty simple answer. Hamas hates everything that Americans support, especially democracy. If you are a woman, if you are gay, if you like equality, democracy, freedom of speech, none of these things is supported by Hamas—none of them—and some of them will get you killed by Hamas. All of them are supported by Israel.

But Democrats are so obsessed with winning an election, they have taken the fringe radicals in their party and put them front and center—center stage. Think about that. Democrats are so terrified of the Hamas-loving lunatics in New York City and in Michigan, they are tearing down the only true democracy in the Middle East and propping up a terror organization that, if given power again, will create one of the most oppressive regimes in the world.

Democrats are giving power and voices to people who support terrorism. It is so bad that over the weekend, Jewish students at Columbia University in New York City were told to go home and not return to campus because it is not safe for them. They were told to go home and not return to campus because it is not safe for them. Jewish students at Columbia University in New York City, of all places, are not safe because the campus is being overrun by dangerous, pro-Hamas extremists. Is anyone paying attention?

Look at what is happening in our country. We have a President of the United States who is leading a Democratic Party that is cowering to the radical left of their party in a disgusting and dangerous attempt to get votes from Hamas sympathizers. His cowering means that all over our country, even in New York City, Jewish Americans aren't safe. No one, not one Member of the U.S. Senate should be OK with what is happening in our country today.

I know that terrorists are being glorified at Columbia University right now, but let me remind my Democratic colleagues who Hamas is as we consider a bill that could provide billions of dollars in aid to these monsters.

When I was in Israel, I saw the absolute evil of Israel's enemies—Hamas, Hezbollah—all backed by Iran, and their brutality. Hamas stormed into Israel on October 7 and murdered Jewish people who were killed for one reason: just for being Jewish.

I stood in places where it happened, where the blood of these innocent Jewish people still stains the floors and the walls of their homes and the streets where they once lived and played.

When Hamas stormed in, they raped women, murdered families, and butchered and beheaded babies. You cannot imagine. Hamas burned parents alive in front of their children. They dragged people out of their homes and are now holding them hostage.

What happened on October 7 horrified the world and struck me personally. One of the places where I saw the devastation of Hamas's terror was Kfar Aza. It wasn't the first time I had visited that small kibbutz. In 2019, my wife Ann and I visited Kfar Aza for the first time.

As early reports were coming out, I was really worried about the kibbutz because of its proximity to Gaza, about half a mile away. You can see Gaza right there. It is right there, half a mile away. Open fields. When I heard the news that it was the site of some of the most horrific and barbaric activities, my heart just sank. I wanted to vomit.

In 2019, my wife and I had spent an afternoon there, and it was the most peaceful place. I keep thinking about the moms and kids who were playing outside, enjoying the warm summer weather. It is gut-wrenching to think of the fate of the families we met that day.

I spoke with Chen, the woman who led our tour of the kibbutz. She was traveling outside of Israel that day and fortunately survived.

When I was in Israel a few weeks ago, I talked with Chen and other people who experienced the attack firsthand and thankfully survived, and they told me what happened to them, their families, and friends. I saw parents setting up memorials at the Nova music festival site for their children who have been taken hostage or murdered. I stood in a destroyed home and listened to the last words of a young Israeli woman via audio recording as she talked to her father before Hamas gunned her down. I met with the families of American hostages, whose devastation and grief are overwhelming. I saw firsthand what Israel faces from Iran and its proxies and what they would do to us, too, if they could. They would absolutely do it to us.

I have placed a poster outside my office that features the faces of the hostages being held by Hamas, and I am not going to take it down until they all come home.

I have been clear that we cannot see a cease-fire until every Hamas terrorist is dead. I want every single one of them dead.

I know I said this before, but I won't stop saying what Hamas did. These monsters beheaded children and babies, raped girls, burned innocent civilians alive, and shot people at point-blank just because they were Jewish. They dragged innocent people through the streets and are now holding them as hostages in Gaza, which these terrorists absolutely control.

It is unimaginable that the United States would ever consider sending money to a place where we know—we absolutely know—that it will be used to help terrorists who are holding American hostages. That is exactly what this bill does today.

I want to make sure everyone understands what I am saying here, which is a fact: Every dollar that goes to Gaza directly benefits Hamas.

I have spent every day since October 7 telling the stories of those being held hostage in Gaza by Iran-backed Hamas terrorists. As I said, I have a poster outside my office that features the faces of the hostages being held by Hamas, and I am not going to take it down until they are all released.

It has been 200 days since the attacks, and some parents are still waiting for their children to come home. Can you imagine? A parent waiting for their child to come home.

Little baby Kfir Bibas's first birthday was spent as a hostage in Gaza. His 4-year-old brother, Ariel, a beautiful little boy, is still being held hostage. I have a milk carton in my office that has Ariel's picture on it. I see it every day, and it makes me think of my own grandkids.

Kfir and Ariel's parents have been waiting for 200 days to hold their babies again. Can you imagine? Sadly, we have heard horrible reports that these innocent children may no longer be alive. It just makes you sick to think about it, and you think about your own family.

While Israel is dealing with the recovery from these attacks in its own country, it is still fighting the terrorists who want to destroy it. It is still fighting with these terrorists who want to destroy every Jew and destroy Israel.

So here is the other takeaway from my recent trip to Israel. In meetings with Prime Minister Netanyahu and Israeli leaders, I saw that while Israel is still dealing with the recovery of its own people, they are also overseeing incredible and unprecedented work to preserve civilian life and get aid into Gaza.

War is hell. Tragedies happen, and we wish we could prevent all of them. We wish there could be zero civilian impact of war, but that is simply not possible.

When tragic incidents occur, we are right to expect accountability. Israel has shown full accountability for every misstep taken as it fights for its existence against brutal Iran-backed terrorism.

Israel is doing more to prevent civilian deaths than any warfighting nation has been expected to do in history and taking responsibility when tragic incidents happen. But it seems that accountability from Israel is not enough for President Biden; it is not enough for the Democrats.

It is insane to me that the same President who has never held anyone accountable for the deaths of 13 American warriors at Abbey Gate in Afghanistan and never held anyone accountable for the deaths of the innocent Afghan family killed in a U.S. drone strike during his botched Afghanistan withdrawal is openly attacking Israel for mistakes that it is taking full responsibility for.

When President Biden and Democrats again and again attack Israel and talk about sanctions on the IDF, they do the bidding of Iran and Hamas. Let us all remember who the enemy is. Let us all remember who the enemy is and has always been—the evil terror-supporting regime in Iran.

Since its first days, the Biden administration has emboldened Iran with appeasement, freeing billions and billions and billions of dollars to fuel Iran's support of terrorism and turning its back on Israel.

Israel is the only democracy in the Middle East and one of America's strongest allies, but it took President Biden months to meet or speak with Prime Minister Netanyahu after he took office, and the world took notice.

Since October 7, President Biden and Democrats in Washington have continued to undermine Israel's fight against Iran-backed Hamas terrorists, further isolating our ally in its greatest time of need.

America and the freedom-loving nations of the world are less safe and secure because of President Biden's weakness and appeasement of evil regimes and the terror each supports.

Now the Senate wants to again pass legislation that gives billions of dollars to Gaza, which is 100 percent run by Hamas—100 percent run by Hamas. I am not opposed to humanitarian aid to people in war-torn places like Gaza, but I am not OK with giving aid that has even the slightest possibility of going to terrorists who want to destroy Israel and the United States.

I am especially disturbed by the idea of giving aid that could go to terrorists who want to destroy Israel and the United States and who are also at this point holding American hostages.

Can you imagine giving aid to a country that wants to—anybody who wants to hold American hostages? Why would we do that? How is that a minority opinion in the U.S. Senate? How has the Democratic Party fallen so far to the radical pro-Hamas lunatics in its base that saying ''No, we won't provide humanitarian aid unless we can certify it won't go to terrorists who are holding American hostages'' is not an OK position to take, an OK position to even vote on?

The eight Americans who are being held hostage in Hamas have been held in captivity for 200 days. We believe five are still alive and three are dead, and Hamas is holding their bodies and robbing their families of the ability to bury their loved ones. Even when we know they are dead, Hamas holds their bodies.

Do we see President Biden or senior members of his administration and Democrats in Washington talking about that every day? Absolutely not. What we do see from Democrats is they continue to attack Israel, call for the ousting of its democratically elected government—they call for the ousting of its democratically elected government—and allow the abandonment of our ally at the United Nations. They abandoned our ally Israel at the United Nations and on the world stage.

And it is disgusting that, while they launch these attack on our ally, Democrats say little or nothing about the fact that American citizens—American citizens—are being held hostage by a brutal terrorist organization that we know is committing horrific sexual abuse against these innocent people.

Why has Biden given money to Gazans who are holding American hostages? Why would he do that? Why would we allow Biden to give more money to Gazans who are holding American hostages?

When will this stop? Why the heck are we allowing Biden to send more money to Gaza in this bill when we know that every dollar—every dollar—that goes to Gaza funds the terrorism of Hamas?

What are we doing to get American hostages released? What has happened? Have we sent the troops in? Have we done anything? Have you heard anything? Have you watched Biden in the Situation Room do anything? Absolutely nothing.

I won't stop stating this fact: Every dollar that goes into Gaza directly benefits Hamas. That is the undeniable truth, and it is why I have been fighting for years to pass—for years—to pass a simple bill, the Stop Taxpayer Funding of Hamas Act, which simply prevents U.S. taxpayer dollars from going to Gaza unless the Biden administration can certify that not a single cent will go to Hamas—pretty simple. This isn't a solution in search of a problem. It addresses a very real threat of taxpayer money funding Iran-backed terrorism that seeks to destroy Israel and is holding hostages.

How can it be fair to allow an American family with a family member being held hostage in Gaza to see their tax dollars go to the same people who are holding their family member hostage.

We have seen reports that the Palestinian Authority has been paying over $300 million a year in monthly salaries to terrorist prisoners, in monthly allowances to families of dead terrorists. The Palestinian Authority that pays terrorists and their families should not receive U.S. tax dollars, and this bill is going to allow more of that.

In 2021, President Biden's State Department said:

> We're going to be working in partnership with the United Nations and the Palestinian Authority to ''kind of''—
>
> ''Kind of''—
>
> channel aid there in a manner that does its best to go to the people of Gaza.

The official went on to say:

> As we've seen in life, as we all know in life, there are no guarantees, but we're going to do everything that we can to ensure that this assistance reaches the people who need it the most.

The Biden administration thinks the risk of resources going to Hamas terrorists is OK because ''in life, there are no guarantees.''

I reject that. I do not believe we should leave anything to chance when it comes to preventing U.S. taxpayer dollars from being sent to the brutal terrorists that slaughtered so many Israelis and Americans and are holding American hostages.

Senate Democrats have made clear that they are so terrified of losing the votes of radical, Hamas-loving leftists that they cannot bring themselves to support something that simply makes sure we aren't sending money to the thugs who brutally murdered 1,200 innocent people, including more than 30 Americans, on October 7 and are still holding American hostages. They won't even allow us to have a vote on it.

It is hard to imagine that this is where we are today, and this bill that is before us does nothing to address this, while approving billions in aid for Gaza that we know will go straight to Hamas. Nothing—absolutely nothing—

in this bill says that money will not go to Hamas, because there is nothing in this bill that prevents it. Again, there is nothing in this bill that prevents your taxpayer money from going to Gaza, where it will directly benefit Hamas.

I have heard about my colleagues on the left talking about needing to support the children of Gaza. No child should suffer, but the children of Gaza suffer every day not because of Israel, not because of America but because of Hamas. They suffer every day because Hamas takes aid dollars that come into Gaza to fund its terror against Israel and the United States.

If my Democrat colleagues wanted to make sure any U.S. tax dollars only go to help the children of Gaza, they would fully support my Stop Taxpayer Funding of Hamas Act, but they won't even let me have a vote on it. It would make certain that no aid goes to Hamas. It would not stop all aid from going to the children of Gaza. It would just make sure that that is the only place it goes and not to Hamas terrorists. But, again and again, Democrats have blocked the Senate from even voting on this. It makes no sense to me.

We should aid our ally Israel now. I have been trying to get that done for months, and Senate Democrats have blocked it five times. While it is extremely important to continue to fund Israel's defense efforts—as I have fought to do for years—I fear that President Biden will use this as the leverage he needs to advance his radical, anti-Israel foreign policy to appease the anti-Semites in his own party.

I was just in Israel and clearly understood the urgency in delivering aid to Israel. But without safeguards in place to ensure that no money goes to Hamas or that Biden cannot say ''strings attached,'' this aid doesn't protect Israel from being forced into an unacceptable compromise by the Biden administration while it is at war. What Prime Minister Netanyahu said is: Give us time and space to destroy Hamas, and we will.

Too often in Washington, compromise means that everyone gets what they want so nobody has to make a tough choice. The bill before the Senate today is a perfect example of this broken way of doing business that has become the norm in Washington.

If given the opportunity to vote on these issues independently, as the House did, I would vote to support aid to Israel in a heartbeat, with strong safeguards, as I have in the Senate multiple times—all of which have been blocked by Democrats prior to this vote. I would vote to ban TikTok, unless we see a total divestment from it by entities controlled by communist China. I would vote to sanction the evil regime in Iran. I would vote to support aid for Taiwan so it can fend off threats of invasion by communist China. And I would vote for the REPO Act, which allows for the confiscation of Russian assets, and of which I am a proud cosponsor, while opposing the fact that this bill allows President Biden to send billions of U.S. taxpayer dollars in unaccountable aid to Ukraine—unaccountable aid to Ukraine—including billions to pay the salaries of Ukrainian politicians.

Why are we borrowing our money to pay for the salaries of Ukrainian politicians? It makes no sense for the United States to borrow dollar after dollar after dollar so we can pay the salaries of politicians in the Ukraine while our border—our border—is wide open.

I have had a redline in the debate about the future of any aid to Ukraine. First, it must be lethal only; and, second, any action taken by the United States to secure the borders of Ukraine must be tied to forcing—it is the only way it is going to happen. You have to force the Biden administration to secure the U.S. southern border.

In some of his first actions as President, Joe Biden took multiple Executive actions to dismantle the border security policies enacted by President Trump, which created the most secure U.S. southern border in recent history. The catastrophic results of Biden's open border policies are being felt by nearly every American family.

Since Biden took office, more than 10 million—10 million—illegal aliens, unvetted, have unlawfully crossed our border, and more than 6 million have been released into the United States. We have no idea who these people are.

Deadly fentanyl, the precursors of which are supplied by communist China and manufactured by the savage Mexican drug cartels, are killing more than 70,000 Americans every year. Why don't the Democrats care about that?

Terrorists and dangerous criminals are coming across the border in droves. Why don't Democrats care about this?

The FBI Director admitted to me, under oath, that we now have terror cells in the United States because of the open southern border. And we have all seen the horror brought to our communities by violent illegal aliens murdering innocent Americans like Laken Riley.

But the Senate won't have the chance to vote on each bill which passed the House individually. No, we won't have a chance to do that individually, the way it was done in the House, and we are not going to have a chance to change this bill. It is up or down. If you don't like a provision, tough luck. You don't get an amendment vote. It is a sad day for our body to be shut out of the process like this.

While some politicians will claim that the bill before the Senate today is some magic bullet that will restore order and protect democracy around the world, we know that is a lie. Most bills have some good policy. This one is no different. However, I cannot bring myself to look the other way and vote for policies that will, in many ways, prolong the suffering that Biden's weaknesses and appeasement have caused for Americans and our friends and allies around the world each and every day.

I yield to my colleague and I now retain the balance of my time.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, thank you very much. I would like to be recognized. Can you let me know when it is 40 minutes?

Thank you.

The PRESIDING OFFICER. You will be notified.

Mr. GRAHAM. Mr. President, so our colleagues are talking today about how they are going to vote, why they are going to vote. I think the support of history will judge what we do here today.

Let me say one thing up front: There is no border security in this package. I regret that. I wish there were. There should be.

On the bill from the Senate, I voted no regarding the border security provisions. I thought it was sort of inadequate tabs on parole and on a few other things. My hope was it would get over to the House, and we could negotiate a stronger border security package. That did not happen, and I regret that.

So to everybody who comes on this floor and says our border is broken, we should do something about it. You are absolutely right. And, unfortunately, we didn't get there. President Trump opposed the Senate bill. We couldn't find a better way forward that would get 60 votes. I hate that, but now we have to deal with what is left for us to take care of in the world.

So the fact that we did not get provisions for our border, in my view, doesn't mean we can't deal with the other problems the world faces. We actually have to because, if we don't get Ukraine right and we don't get Taiwan right and we don't get Israel right, then our broken border is going to be a bigger problem.

So the first thing I want to say is: To those who want border security, you are right. Don't give up. But this is not just about border security.

This is a statement from the Minister of Defense in Israel:

> The supplemental package submitted to the U.S. Senate today is critical and urgent in supporting Israel's capabilities to face threats posed by Iran and its proxies. We thank our friends in Congress, and urge our partners to stand with Israel in the face of Iranian terrorism.

Now what is he talking about? This was issued earlier today. This is the Minister of Defense in Israel. I know him very well. He is a very accomplished man, and he is urging us to vote for this package because Israel needs it because they have been threatened by Iran.

Now, since we took up this debate in the Senate, a lot has happened. The Iranians attacked Israel from Iran. Over 300 drones and missiles were launched at Israel from Iran and successfully engaged. Nobody lost their

life, but it wasn't because the Iranians weren't trying.

We are voting today on a package to help our friends in Israel replenish Iron Dome. This is Passover. It is so ironic, right? We are having this debate on Passover. Here is my Passover gift to the Israeli people: More weapons—replenish the Iron Dome so that you can defend yourself and have another Passover, so that this won't be the last one. If you left it up to Iran, it would be.

So to those who are wondering what we should do: We failed on the border; you are right about that. We should vote yes to help our friends in Israel. I can't think of a time since I have been here that they need more help than right now. They don't need any speeches. They don't need us to attend events. They need us to send them military aid that they are desperate to have.

They have diminished their Iron Dome stockpile. They need it replenished. They are dealing with Hamas on one front, Hezbollah on the other, and now they have been attacked by the Iranian Ayatollah from Iranian soil.

So the Defense Minister of Israel is asking us for a ''yes'' vote because it is urgent to help our friends in Israel. So if you are pro-Israel—which most people in this body are—they need you, and they need you now. The 20-something billion dollars of aid in this package is absolutely imperative to help the Jewish State survive against Iran and its proxies, as the Defense Minister said. So from an Israeli point of view, this is the most critical time maybe since its founding because the efforts to destroy the Jewish State are real.

Here is what I worry about. If we don't help Israel now, we will be encouraging more attacks by the Iranians, and this war will get really out of hand. It is already out of hand.

There are about 100,000-plus rockets in the hands of Hezbollah in Lebanon. If they were all unleashed at the same time, that would be a nightmare for Israel. They have about 300 drones and missiles, but that is a fraction of what is available. I want to deter Iran from going to the next step. Now, how do you do that? Let Iran know that we have Israel's back, that we are going to help them with their military needs in perpetuity so they can defend themselves, that we are not going to abandon Israel at this critical time.

What does Israel have to do? Not only do they have to knock down the rockets that have come their way—they need weapons to do that—they have to create deterrence. The best way for Israel to deter the enemies of the Jewish State is to let the world and the enemies know that America has Israel's back.

Now, I want to say something about Speaker Johnson and Democratic Leader Jeffries: Well done. Speaker JOHNSON and Hakim Jeffries worked together to pass a package we have before us. We need more of this, not less, in a time of great peril for our allies and the United States.

So this was a moment where the people in the House rose to the occasion. They set aside their party differences. They focused on giving us a package that I think is stronger but needed now more than ever.

Since we last had this debate in the Senate, what has happened? A direct attack on the State of Israel by Iran. They need the money, and they need it now. Vote yes. A great Passover gift to the Israeli people would be this aid package.

Now, I want to put this debate in a greater context. I have had a lot of my friends come to the floor talking about whether or not Ukraine is in our vital national interest. I think it is. Here is what is happening in Europe as I speak: You have Russia who has launched an effort to destroy Ukraine—not just the Crimea, but to take Kyiv and turn it into a part of Russia. Ukraine, a sovereign nation that gave up 1,700 nuclear weapons they had in their possession after the end of the Cold War in the Budapest Memorandum in the midnineties. Ukrainians gave up 1,700 nuclear weapons with the assurance their sovereignty would be protected. The map used had Crimea as part of Ukraine.

So what do we have then? We have a situation where, for the second time, Russia has invaded Ukraine. They did it in 2014. We had some kind of a peace agreement. It didn't hold. Why? Because Putin wants all of Ukraine. I will talk about that in a moment.

He wants more than just Ukraine. He wants to reconstruct the Russian empire, the old Soviet Union. Listen to him, not me. I will talk about that in a moment.

Go back in time to the thirties. If you could go back in time and you could talk to the leaders in the thirties, knowing what you know now, what would you tell them? ''You should stop Hitler as soon as you can.'' You have got opportunity after opportunity to hold him to account before he got too strong. You had plenty of chances to lay down the gauntlet.

But every time there was a chance to stop him, people blinked. People believed that he wanted German-speaking territory and that was all. They did not believe he wanted to kill all the Jews. That was a big mistake, because he did. He wanted a master race.

He wrote a book. The biggest miscalculation of the 20th century was not to understand what Adolf Hitler actually wanted. He didn't want German-language countries. He wanted everybody to speak German. He wanted a master race where there is no place for the Jewish people and others. And 50 million people died because we got it wrong.

In 1941, in this body, Senator Nye—I don't know him:

> Getting into this return engagement of war to Europe is only as inevitable as we the people of America will permit it to be. Staying out of this war is inevitable if only the people will continue and multiply their forceful demands upon the Government at Washington to keep its promise to the people to keep our country out of this mess, which seems destined to wreck every civilization that lends its hand to it.

He is on the floor of the Senate in June of 1941, telling his colleagues: This war in Europe, stay out of it.

Well, how well did that age? Because in December of 1941, we were attacked by the Japanese.

Here is a rule that has stood the test of time: When forces rear their ugly heads anywhere in the world wanting to dominate other people, destroy their religion, put them under the yoke of tyranny, it will eventually come back to us.

When the Taliban blew up statues of Buddha, even though I am not a Buddhist, it came back to me. Evil unchecked and appeased, we always pay a heavier price than if we confront it.

Charles Lindbergh—an American hero in many ways, a very brave guy—this is what he said on April 24, 1941:

> When history is written, the responsibility for the downfall of the democracies of Europe will rest squarely upon the shoulders of interventionists who led their nations into war uninformed and unprepared.

When history is written, the responsibility for the downfall of the democracies of Europe will rest squarely upon the shoulders of the interventionists who led their nations into war uninformed and unprepared.

How well did this age? The democracies in Europe failed because we allowed Hitler to get strong. Every time he would go into the Sudetenland, you named the early intervention. We wrote it off. We appeased him.

No, Mr. Lindbergh, you were wrong. The reason democracies in Europe were at risk and failed is because we did not stand up to Adolf Hitler while it really mattered. The reason that 50 million people died is because you didn't get it.

Father Coughlin—the demagoguery from this guy is being used today: demonizing people, trying to convince the American people ''those people over there don't matter to you.''

Let me tell you what matters to the American people. When forces like Putin rear their ugly head to take Ukraine, they are not going to stop; they are going to keep going. And we have NATO commitments to countries around Ukraine. Vote yes for this package to help the Ukrainians continue to fight the Russians before Americans are fighting the Russians. And how does America get into this conflict? If a NATO nation is attacked.

This is my favorite: September 11, 1941. Now, when I say ''September the 11th,'' most Americans kind of listen, because that day does live in infamy.

So Charles Lindbergh made a speech on September 11, 1941, in Des Moines, IA. And here is what he said:

> When this war started in Europe, it was clear that the American people were solidly opposed to entering it. Why shouldn't we be? We had the best defensive position in the world; we had a tradition of independence from Europe; and the one time we did take part in a European war left European problems unsolved, and debts to America unpaid.

It is obvious and perfectly understandable that Great Britain wants the United States in the war on her side. England is now in a desperate position. Her population is not large enough and her armies are not strong enough to invade the continent of Europe and win the war she declared against Germany.

If England can draw this country into the war, she can shift to our shoulders a large portion of the responsibility for waging it and paying its cost.

He is arguing that the Lend-Lease Program that President Roosevelt came up with to help the island nation withstand invasion by the Germans was a foolish endeavor, that this small group of people in England cannot possibly win and we are betting on a loser.

The loser is Lindbergh. The winner is Churchill and the British people.

This attitude exists today. People in this body, right before I spoke, talk about ''we can't help Ukraine because we have too many problems in other places. They can't win.''

They were supposed to fall in 4 days.

Look what has happened: 200-something days later, they have destroyed half of the Russian army, taken back half the territory Russia seized, and now they need our weapons in a desperate fashion. They are trying to defend their homeland, and they are asking from us not troops, but weapons that can matter. And I will say to everybody in this body: You sell the Ukrainians short at your own peril. You are in the camp of Lindbergh trying to convince the American people: Pull the plug on England. They are in a fight they can't possibly win. What Lindbergh and others didn't realize was that their fight was our fight.

Let me tell you why Ukraine's fight matters to us. If we don't stop Putin now, he will keep going. And let's talk about what he says.

Just as people in the thirties—Lindbergh and Father Coughlin and Chamberlain, let's bring them back to light here:

How horrible, fantastic, incredible it is that we should be digging trenches and trying on gas-masks here because of a quarrel in a far-away country between people of whom we know nothing.

This is when Hitler annexed the Sudetenland in violation of all the agreements they signed in World War I. He was telling the British people: This is sort of a German thing. I know he is violating the agreements we had to end World War I; but, you know, it really doesn't matter.

Boy, were you wrong. He didn't want the Sudetenland. He wanted the world. He wanted a master race. And guess what? Mr. Chamberlain's analysis of Hitler is not aging too well in history.

To the people of this body who are going to vote today: You are miscalculating Putin if you think it is just about some dispute with Ukraine or he is threatened by NATO. No. Yes, I am sure he is threatened by NATO, but he has an ambition here.

Putin in 2016:

The borders of Russia never end.

Putin in 2022:

[When Peter the Great] was at war with Sweden taking something away from it. . . . He was not taking away anything, he was returning.

When he founded the new capital, none of the European countries recognized this territory as part of Russia; everyone recognized it as part of Sweden.

He is telling you, in Russian history, because you claim it, he wants it, the Russians are going to take it.

This is Medvedev:

One of Ukraine's former leaders once said Ukraine is not Russia. That concept needs to disappear forever. Ukraine is definitely Russia.

This is the former President of Russia. He is telling you—and you are not listening—that they want more than Ukraine. Ukraine is part of Russia. The Ukrainians don't believe that. They are fighting like tigers. I don't believe that. If you give him Ukraine, he will want Moldova and then the Baltic nations. He will make claims to them because they used to be part of the Russian Empire.

Hitler wrote a book, and nobody believed him. Putin and Medvedev, to their credit, are telling you exactly what their ambitions are, and you are not getting it. You are making the same miscalculations that they made in the thirties. You are making the same arguments: They can't win. It is not our problem. Stay out of it. Don't help people fighting for their freedom.

That gets you more war, not less. Fifty million people died in World War II because they got it wrong in the thirties when they could have gotten it right.

We haven't lost one American soldier, but if you don't help Ukraine now, that will change unless you want to completely abandon NATO. I am saying it as loudly as I can say it—that if we don't help Ukraine now, this war will spread, and Americans who are not involved will be involved. You think this war costs a lot now? Wait until you are in a war with Russia and NATO, and see what that costs. I am not telling you things that I made up. I am quoting people who are in charge of Russia. Nobody believed Hitler. You should have. You should believe these people. They have a mission.

Isolationism leads to more war, not less. Isolationism takes off the table confronting evil at a time it is the weakest. Isolationists, in the name of peace, create more war than they ever avoid because the bad guy won't stop.

Here is what you have got to understand: The Ayatollah, what does he want? He tells us he wants to destroy the Jewish State. I believe it. He tells us he wants to purify Islam in his own image—the image of Shiism. I believe it. He tells us that we are the Great Satan, and he is coming after us. I believe him. So the Ayatollah has an agenda that Israel can't accommodate. You cannot accommodate somebody who wants to kill you.

Hamas doesn't want to advocate for the Palestinian people a better life; they want to kill all the Jews. The agenda of Hamas is not to make the Palestinian people more prosperous; it is to destroy the Jewish State—''from the river to the sea.'' These people are religious Nazis. What do you expect Israel to do? October 7 was an attack not to restore the dignity of the Palestinian people but literally to rape and murder and kill the Jews.

Isolationism allows that to go unchecked. ''America First'' says: Let's help Israel. Let's help Ukraine. Let's turn it into a loan rather than a grant. Let's get Europe to do more and pay more. That is a big difference to me.

To the people in this body, if you don't help Israel now, you are sending the worst possible signal to the Ayatollah. If you believe as I do, that he wishes to destroy the Jewish State, how can you vote no?

I know our border is broken, but voting no to Israel doesn't make our border more secure. It makes us less safe.

If you believe Hamas wants to destroy every Jewish person they can get their hands on and destroy the Jewish State, how can you vote no?

If you believe, as I do, that Putin won't stop in Ukraine, how do you vote no? You have to believe that Putin won't go any further when he says he will.

To vote no to Israel, you are taking off the table money they desperately need because they are under attack from forces they haven't been under attack from before. Hamas and Hezbollah have attacked Israel, and they are proxies of Iran, but the Iranians launched an attack toward the Jewish State from Iran. Don't vote no. Israel needs you now.

Nothing we can do will fix the border, but we can help Israel, and we can help Ukraine. Helping Ukraine means we are less likely to get in a war with the Russians. Helping Israel means we are helping an ally, and the same people who want to kill Israel want to kill you too. So there is 20-something billion dollars to help Israel replenish the Iron Dome. There is $60 billion—some of it is in the form of a loan—to help replenish our stockpile. Most of this money is for us, but some of it goes to Ukraine to stay in the fight; they need an air defense capability.

So to the isolationists—and I know you don't want to be called an isolationist, but you are. When you don't support your allies from threats because you don't want to get involved and you think it doesn't matter, I think you really are an isolationist. You would have to believe that Putin does not mean what he says. I believe him when he wants to take over the old Russian Empire and reconstruct the Soviet Union. I believe it. I want to stand up to it. I believe the Ayatollah wants to kill all the Jews. I want to help the Jewish people. This is Passover for God's sake—we are taking this vote on Passover—and not one of the people we are talking about here of the countries wants one American soldier.

Have we learned nothing? We withdrew from Iraq in 2011. Senator McCain, Senator Lieberman, and myself—we all spoke up. Well, those two are gone, and I miss them desperately at times like this, but we told the Obama administration: If you pull all the troops out of Iraq, you are going to regret it and that ISIS was not the JV team. They came back in full force, and they established a caliphate. Al-Qaida and ISIS didn't even exist. This idea of leaving radical Islam unchecked and thinking it won't hurt you is insane. These people are not going to stop fighting us or our allies. You may be tired of fighting them. They are not tired of fighting you. I would rather fight them over there before they get here. Every one of these terrorists whom Israel kills is one less terrorist who will attack us. Containing Putin and Ukraine means it is less likely for us to get in a war.

Here is what I said: I feel all we have worked for and fought for and sacrificed for is very much in jeopardy by today's announcements. I hope I am wrong and the President is right, but I fear the decision has set in motion events that will come back to haunt our country.

Well, I was right, and I didn't want to be. Al-Qaida came back, and Iraq fell apart. We had to go back in. The Yazidi people were pretty much wiped out. Thousands of people were slaughtered. ISIS, you know, attacked the French, and they killed people all over the world because we let them come back.

So here is what I would say to the people who vote no: Not one country we are helping wants any of our soldiers to come in and fight; they just want the weapons to do the fighting. If you don't give them these weapons at a time of critical need, you are setting in motion America being deeper involved in conflict, not less. If they take Israel down, I promise you, you are next, and if you don't help Israel replenish their conventional weapons, there will be a day when Israel, if they have to, will play the nuclear card. I promise you this: The Jewish people are not going down, this time, without a fight. The State of Israel will do whatever it takes to survive.

I want to let the Ayatollah know America has Israel's back, which I think will create deterrence, but if the Ayatollah ever thought we pulled the plug on Israel, then I think it would be more emboldened, and you have got 100,000 rockets—precision-guided—to be fired at Israel en masse. That is a nightmare for the Iron Dome. So Israel has to tell the region, when it comes to defending the Jewish State, all bets are off. This thing could escalate big time.

So, when you vote no today, you are making it more likely the Ayatollah does more, not less. When you vote no today, you incentivize Putin to do more, not less. When you vote no today, you make China wonder if we really are serious about helping Taiwan.

I understand that the American people have needs here at home. I get it. Our border is broken, and you are right to want to fix it, but we are not right to abandon our allies in great need. If history has taught us anything—for those who are willing to learn from history—it is that, when evil rears its head, stand up; be firm; be unequivocal. It will save a lot of lives and a lot of heartache.

I am going to end where I started: What does China want? They want to turn world order upside down. They don't believe in the rule of law. They steal our intellectual property; they intimidate their neighbors; and they will go after Taiwan if they believe we are weak and not helping Taiwan. If you want to avoid a war between Taiwan and China, give Taiwan the capability that would deter China. Eighty percent of the semiconductors in the world are made in Taiwan, and the digital economy would be dominated by China. We have a chance here to harden the defenses of Taiwan to deter China.

We have a $24 billion package to replenish the weapons that Israel desperately needs to stand up in the face of multiple threats from Iran and its proxies. They need the money. They need it now. This is Passover. Help our friends in Israel.

We have a chance to replenish the stockpile of the Ukrainians, who fought like tigers—but not just give them 155 rounds; give them the ATACMS that can reach out and knock the bridge down between Crimea and Russia.

The bill before us allows us to go after Russian sovereign wealth funds that are frozen all over the world—about $300 billion. It allows us to take money from the Russian invader to pay for the reconstruction of Ukraine. This is a package worth your support. It makes Russia pay more. There is a loan component in this: Pay us back if you can because we are in debt. I get that part of it.

This package coming back from the House was not only bipartisan, I thought it was smart. The component in this package to allow us to seize Russian assets I think will have a deterrent effect all of its own. The oligarchs around Putin are now in more jeopardy, not less, and it is proper to go after Russian sovereign wealth assets when Russia has brutally invaded Ukraine in violation of every agreement they made with Ukraine and the world at large.

The bottom line for me is that this package doesn't address the border, and I am sorry it doesn't. This package addresses threats that exist to our allies, and it is in our national security interest to meet the needs of those allies before it gets worse. Whether you want Iran to stop or not, they will not. Israel needs the weapons, and they need them now. Our friends in Ukraine, with the right set of weapons, can go back on the offensive, and if you don't stop Putin now, you will regret it later.

This is one of the moments in history that really matters. I always wondered, How could the people in the thirties not get it about Hitler? Now I know. It is complicated. I have very good friends who are going to vote no. I have very good friends who do not see Putin in the same way I see him. I see him as a guy with ambitions that won't end in Ukraine and that he will get us into a bigger war if we don't stand up now. I believe him when he says the thing he says about taking more territory. I have friends who are strongly supportive of Israel but who are going to vote no.

The bottom line is, Israel needs you now more than ever. The Ayatollah upped the ante by attacking Israel directly from Iranian soil. For God's sake, let's help Israel and help them now.

There is a chance here to seize Russian assets to pay for the war to take the burden off the taxpayer. Let's vote yes.

As for Taiwan, there is almost universal acknowledgment in this body that China will keep going until somebody stops them and that we want to deter war between Taiwan and China. In this package, we have vital military assistance to Taiwan to make it harder for the Chinese to attack and take it over by military force.

Do you think the Chinese are watching what we do with Ukraine? If you don't think they are watching, you don't know much about China. They are sizing us up, and if we pull the plug on Ukraine, you are inviting more aggression from China to Taiwan. If we send a signal that we are not—if you vote no and we are not giving the package to Israel to replenish their defenses, it will make the Iranians more emboldened to keep going.

This vote you are about to take is probably one of the most important votes we have had since I have been here. This is the defining moment in world history. The world is on fire. It all started with Afghanistan. Once we pulled out of Afghanistan, people thought we were weak, and they took advantage.

Here is what I would say: If you agree with me, don't vote no; vote yes because a ''no'' vote, I think, continues that theme that America is unreliable. A ''no'' vote will make Russia believe that there is a growing sentiment in America that, if we just outlast Ukraine, we will not only get Ukraine, we will get more. A ''no'' vote emboldens the Ayatollah to think support for Israel is being diminished. A ''no'' vote to help Taiwan would encourage China, in my view, to be more aggressive.

Now, how does this all end? Here is my fear: These are the Twin Towers. This is what happens when something over there gets out of hand, and we don't deal with it. This is what happens when you ignore the Taliban takeover of Afghanistan, and you sit on the sidelines and think it doesn't matter to

you. This is what happens when a group of people take women in a soccer stadium and kill them for sport, thinking it won't bother us. The 18 to 19 hijackers who were able to do this were able to do it because they had a safe haven in Afghanistan.

We didn't get involved. We looked the other way, thinking it doesn't matter to us. We missed all the warning signs.

Remember when they said the lights were blinking red before September 11, 2001? Let me tell you what the FBI Director says: I have never seen so many blinking lights as I do now. Wherever I turn, I see threats. I have never seen a time in American history that I have been involved as FBI Director with this many threats all at once. Everywhere I look, I see blinking lights.

The response to that is to help our allies, not turn away. How can you say we are under great threat, and we are not willing to provide aid to people who are on the tip of the spear?

So this aid package coming back from the House is better than it was when it left the Senate. It has more for Israel. It has the ability to get Russian assets to help the American taxpayer and reconstruct Ukraine with Russian money, not American money or other money. It has a component in here to let the Ayatollah know we are not going to bend in Israel, and it reinforces Taiwan's military defense at a time when they are very vulnerable.

This is a good package. It has a loan component, recognizing that we are in debt. It is not a perfect package. I wish it had border security. I was hoping it would, but it doesn't.

Since we last had this discussion about what to do, Iran launched an attack on Israel—300 drones—and everything is really getting out of hand here.

The Ukrainians are down to their last artillery shells. That can all change when we vote yes. They will get not only more artillery shells, they are going to get more advanced weapons. And we are going to go after Russian money. We are going to put Putin on his back foot.

If you vote yes, it is a bad day for Putin; it is a bad day for the Ayatollah; and it is a wake-up call to China. If you vote no, you are going to encourage everybody I just talked about to do more.

We are friends. I respect everybody in here, no matter how you vote. I just see this as clear as a bell.

There were people in the 1930s, like Churchill and others, who saw Hitler for who he really was. And a lot of people didn't want to confront that because they were weary of the war they just fought called World War I. They wanted to believe that Hitler was just all talk. They didn't want to get in another war because millions of people had died. The last thing they wanted was another war. What they didn't realize is that Hitler wanted things they couldn't give them.

We have been at war since September 11, 2001. We are in debt. We are all tired. The last thing we want is to keep it going.

Well, let me tell you about our adversaries. They are not going to stop. It is wise for us to help people do the fighting so we don't have to, to have their backs at a time of great need because if we abandon them and say this doesn't matter to us, everything you saw happen in the 1930s is going to happen again.

If Russia believes we can't stick with Ukraine, they are going to keep going. If the Ayatollah believed that American support for the Jewish State was deteriorating, he is going to up the ante.

These college campus protests make me sick to my stomach. You have people on college campuses in this country supporting the terrorists, supporting Hamas. They are not supporting a better life for the Palestinian people; they are supporting the destruction of the Jewish people.

Hamas doesn't want a better life for the Palestinians; they want to kill all the Jews.

My good friend from Connecticut just walked in. His grandparents were involved in the Holocaust. I know where he is going to be.

So what is going on in America is very similar to the 1930s but in many ways worse.

To those who are out there protesting to stop aid to Israel: You are fools. You are progressive. Do you think Hamas is progressive? Do you think Hamas will tolerate a society that you have come accustomed to, where women can do whatever they want, people can live their lives? You are empowering people who are despicable. They are religious Nazis.

You are dumb as dirt if you think abandoning Israel makes us safer and that Hamas gives a damn about the Palestinian people. They don't.

I am urging a ''yes'' vote.

I understand this is not a perfect package, but this is a really good package at an important time in world and American history. So I would urge a ''yes'' vote. And a ''no'' vote, in my view, makes it more likely we spend more money and Americans die who are not dying now.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Ms. LUMMIS. Mr. President, I have such respect for the remarks of the gentleman who just completed his remarks. I know he feels very passionately. And I agree with him about what he said, especially about Israel and what they are going through.

The attacks on October 7 were unspeakable horrors imposed on the people of Israel, and I want to come to their defense. I want to come to their defense so badly that I have joined my colleagues repeatedly to pass standalone $14 billion funding for Israel multiple times since October 7.

By unanimous consent, we came to the floor multiple times and said: Let's send money to Israel. And who stopped it? The Democrats. The Democrats stopped money going to Israel.

Now we are here with a package of bundled things so we can roll enough stuff together so that we can get passage of a piece of legislation that is highly imperfect.

One of the main things that my constituents object to is that we are spending money for every country in this bill except our own. We will not defend our southern border. We will not spend money to protect our country from the invasion of terrorists and people whom we don't know, and we don't know why they are here.

The number of people who are coming into this country whom we don't know, we don't know why they are here, we are not identifying them, and we are turning them loose in this country is a crazy way to then turn around and say: We are not going to protect our borders. Y'all come, but we are going to send $95 billion to other countries to protect their borders.

That doesn't fly with my constituents.

But, interestingly, that is not even my biggest concern about this bill. Regarding this bill, I filed an amendment to ensure the $95 billion pricetag of this package is fully paid for by reducing the Fiscal Responsibility Act spending caps for fiscal year 2025 in both nondefense and defense areas.

In other words, this is yet another thing we are doing that is not paid for. If we are that passionate about helping our friends in Ukraine, in Taiwan, in Israel, then let's pay for it.

The American people are living paycheck to paycheck right now. They are going to the grocery store and paying twice as much for food, in some cases, than they were in 2020.

The price of gas is up. The price of food is up. The price of rent is up. More people right now are living paycheck to paycheck in this country than were in 2020. They can't afford health insurance, and they are cutting back on important things in their diets and for their families.

So we are going to let our people endure these kinds of insults that are brought on by us, and yet we want to send $95 billion to other countries that we are going to pay for with borrowed money?

We are $34 trillion in debt. In 22 months during COVID, the U.S. Government printed 80 percent of all the money that has ever been printed in the entire history of the United States. In 22 months during COVID, we printed 80 percent of all the money that the United States has ever printed in its history.

Now, when you print that much money and you put it in an economy, you get inflation. Why? Because you have too much money facing too few goods. That is kind of the definition of inflation.

We got ourselves into this. Between the Federal Reserve and Treasury, that printed money, with nothing behind it except the full faith and credit of the United States—which is not nothing—but when they did, they put us in a position where this year, we are going to owe more interest on the national debt than our entire defense budget and our entire budget for Medicare. And last year, we already passed legislation spending more on interest than the entire budget for Medicaid. We are spending money on interest because we refuse to pay for the things we think are critical.

I agree with the last gentleman who spoke. The world is in crisis, and I agree that we should help them. But we should pay for helping them, not run up debt, not put this burden on people in this country in the future.

This is wrong, and I am voting no. If we vote no, this bill is not the end of it. How many bills have we dealt with since October 7 dealing with funding for Ukraine or Taiwan or Israel or some combination of them?

Both parties have people who want to help Ukraine, Israel, and Taiwan. We understand the world risks that are posed by China if we sit on our hands, the risks that are posed by Russia if we sit on our hands and Iran and North Korea, and we are not going to sit on our hands. We are going to pass a bill. We are going to fund these things. But since we know we are going to do it, why don't we do it right? Why don't we pay for it?

You know, if we had only passed a budget a few weeks ago that was at fiscal year 2019 levels—we actually collect enough revenue in this country to pay for that—we could have had a year where we balanced our budget.

Now hearken back to 2019. Is there anything the government is doing now that they weren't doing in 2019 that is a total game changer in your life? I will bet the answer is no. So if we only would have gone back to the spending levels of 2019, I don't think it would have made a difference in anybody's lives, the way that they live their personal lives, and we would have balanced the budget. But we keep spending more and more money that is not paid for. Our national debt per citizen now exceeds $103,000. Debt per taxpayer is nearly $267,000.

Since I became a Senator in 2021, our national debt has increased $7.8 trillion. When I first entered Congress in 2008, our national debt was just over $10 trillion—$10 trillion. Now we are at $34 trillion. This is not sustainable. In just 15 years, our national debt has more than tripled. Our debt is the greatest threat our country faces today—not China, not Russia.

The American people will continue to shoulder the burden of our unhinged spending. When we have changing priorities, we should be doing what we do in our own personal lives. If something is more important to me than something else, I don't do this; I do the thing that is more important to me.

We never have those discussions here. In fact, the way our committees work, they never talk to each other. The people on the committee that crafts the budget don't talk to the people who are spending the money. They don't talk to the committee that is collecting the taxes. Once the budget is set, the appropriators go to work. Are they talking to the committee that collects the taxes and oversees our Tax Code? No. They don't talk to each other. In fact, they are completely divorced of each other.

If you look at the charts around here that are spread around the Senate, it will show you how much we are spending on discretionary spending and mandatory spending and defense and nondefense, but where does it ever compare it to the revenues we are taking in? We don't talk to each other about it. We are $34 trillion in debt, and, by golly, we ought to start talking about it.

Now, in the last few weeks, we turned the Constitution on its head. The U.S. House sent over impeachment articles that they had worked hard on. Now, whether or not you thought that Alejandro Mayorkas was guilty of the crimes that were asserted and whether or not you felt that you would vote to impeach him doesn't matter. The Constitution set up a process where the House impeaches and the Senate sits as the jury.

For the first time in our history, we didn't have a trial. We didn't get a chance to say he is guilty or he is not guilty. And given the partisan politics of the day, we would have found him not guilty—you know. But people in this body didn't want to hear the evidence against him. People in this body don't want to know how many terrorists are coming across our border, how many people are coming across the border and we don't know whether they came from a Venezuelan prison. So the motion was tabled, and then we dismissed it. We pushed it under the rug.

Now, the same week, we had a bill come over from the House on section 702 of FISA. We were told that it was just an extension of the expiring provisions of section 702. It wasn't. It expanded 702. It expanded the opportunity for the government to tell communications providers: You will give us this information without a warrant. They expanded the warrantless searches in that bill. The Fourth Amendment was under attack, and there again, we just swept it under the rug.

Now we are passing a bill to spend $95 billion that is unpaid for.

You know, we have good reasons for making the decisions we do around here. My colleague Senator GRAHAM just voiced very articulately why we should help Ukraine, why we should help Israel, why we should help Taiwan, that our enemies are watching. Well, let's fix this bill and make it better and then pass it. But we are not allowed to do that. We are not allowed to have a debate. We are not allowed to have amendments. We are not allowed to make it better. We have one choice: yes or no.

If you vote no, by golly, you must be an isolationist. Well, I am voting no. I am not an isolationist. I have previously voted many times to help Israel. I have helped bring motions to fund Israel specifically to the floor of this Senate as a stand-alone bill, and the Democrats shot us down. And the Democrats shot us down from having a trial that was required by the Constitution.

Further, we didn't get to amend the bill that came to us regarding section 702 of FISA. Now, that debate was bipartisan. There were a lot of Democrats and Republicans who wanted to join together and fix that bill, and the people who encouraged us to vote for that bill knew it was faulty. They knew it was faulty. They knew that language was too broad. They knew we should fix it.

They said: You know what, let's pass it now because the time is about to expire. It is 11:30 p.m. FISA 702 expires in half an hour, and we don't have time to fix it.

Yet we sat on our hands and fiddled around the whole day. We could have fixed that, but the proponents—on both sides of the aisle, by the way—said: No, no. Let's fix it later. We need to get this passed now. It is important to get it done before the clock expires, but we will work on it maybe when we get to the NDAA.

We put off the big decisions. We are trying to get things done, but we don't care if they are right. Let's just sweep this one under the rug. Let's let this one pass today and deal with it another time.

That is what we are doing with this bill. We are saying: Yeah, let's help Ukraine and Israel and Taiwan. We are not going to pay for it. Let's worry about that later.

But the American people expect more of us, and we should demand more of ourselves. What we are doing here is wrong. We have been wrong year after year by ignoring this debt.

You know, I rarely come to the floor and make this argument, especially when people want to go home. I mean, this is a week we were supposed to be out of session. We were supposed to be getting a week off, and it would have been richly deserved because what happened here last week had a lot of people ready for a cooling-off period. But we don't get a cooling-off period because it was decided by the leadership that we need to march forward with this. We can't amend it because then we would have to send it back to the House, and the House isn't in session.

You know, this is not the way this institution was designed to function. We shouldn't ram things down each other's throats. We shouldn't use the calendar as a weapon to force people to vote for things that could be fixed, that could be better.

I would like to vote for this bill, but I am not voting for something that is not paid for.

In 2008, after the financial crisis, we printed $3 trillion basically to bail out the banks, and we got addicted to easy money—to quantitative easing, it is called. Then, when COVID came around, we printed $5 trillion more. We are so addicted to easy money, to money where we just turn on the printing press and keep it going 24/7, that we are causing inflation and we are making it worse.

Last week, the International Monetary Fund said the United States faces ''significant risks'' from ''loose fiscal policy'' stemming from ''fundamental imbalances between spending and revenues.'' It is sad that the IMF has to point that out to us.

Additionally, Federal Reserve Chairman Jay Powell remarked recently that ''the U.S. is on an unsustainable fiscal path'' and that ''effectively, we are borrowing from future generations.'' These are quotes from the Chairman of the Fed.

I have been working on bipartisan legislation since I was elected to the Senate to address our addiction to spending. I introduced the bipartisan, bicameral Sustainable Budget Act in 2021 and 2023 to establish a fiscal Commission. There are so many proposals outside of that that we could address.

We ought to be listening to our fellow Senator BILL CASSIDY, who is coming up with some great ideas that we can sustain and reform and nurture and keep the solvency of Social Security. Social Security is going to go broke in 2034. We are down to 10 years. The law says that when Social Security is drained of its excess funds, by law, the amount of money that comes in and is collected each year is the amount that can go out. We can't subsidize it in another way. If that happened, 70 million Americans would see their Social Security benefits cut by a quarter.

The highway trust fund goes broke in about 2028. We haven't fixed that. We are not talking about fixing that. Yet we know that EVs—electric vehicles—don't pay fuel taxes, and the more EVs that are on the road, the less money we collect to maintain our roads. Our highway trust fund is going broke. It is going to be insolvent in about 4 years. We are not talking about fixing that.

Let's look at Medicare Part A. That is hospitalization. It goes insolvent in the 2030s. We are not talking about that.

We are talking about spending $95 billion more today so we can pat our chests and say we did something great for our colleagues around the world. In fact, we are doing something great for them, but we are doing something that is extremely harmful to ourselves because we will not address our own unsustainable fiscal path.

You know, I sit in my office and listen to my colleagues, and there are so many really worthy arguments, brilliant arguments, articulate people in this body. And I rarely come to the floor and have these conversations because I feel: I know this bill is going to pass tonight. I am going to vote no. The vast majority of people are voting yes. Nobody cares that we are spending this much money and it is unpaid for.

I am tired. I woke up at 2 a.m. in Wyoming this morning to try to get back here for these votes. I am tired. A lot of people want to go home tomorrow. A lot of people wish this debate was not occurring because the vote is a foregone conclusion. But, you know, I have been here now for 3½ years, and I have watched all of this happen, all this spending that we never pay for—we never pay for it. We don't talk about it. We pretend it is not a problem. We hear it is unsustainable. We hope the Nation doesn't go broke while we are here. Maybe people who are sitting in our chairs can deal with it when we are gone, but we are leaving them an unsustainable fiscal path and a big mess.

I would like to support this bill tonight. I would like to vote yes. But it is not paid for, and I will be voting no.

I encourage my colleagues to want to do better. We can do better. We can improve these bills. But we have to be allowed to amend them. We have to have these conversations before the tree is filled, as we say in the Senate, before amendment opportunities are lost.

This process is designed to cram the product down the throats of U.S. Senators and their constituents, without debate, meaning without the opportunity to amend and debate the amendments.

I know we can do better because I know the people in this room. There are so many smart, thoughtful, patriotic, caring Senators on both sides of the aisle. I know we can do better. But we have to want to.

We have to want to deal with the elephant in the room. The elephant in the room is that we are $34 trillion in debt, and we will not talk about it. We will not address it. We will not try to fix it.

Every time, in the last year, that we have been talking about Ukraine funding, I have said: Let's go get our money that we have at the IMF and lend it, interest-free, for, heck, 30 years to Ukraine.

Nobody wants to talk about that. I don't know why. We just want to use taxpayer dollars to pay for things—taxpayer dollars, meaning printed money down at the Federal Reserve and the Treasury. Just churn those printing presses, send money out the door, and export to other countries our inflation.

Other countries use our dollar because we are the world's reserve currency and because they are trying to do business with us and among other countries, in some common language, some common fiat currency, and the common fiat currency of the world is the U.S. dollar. Well, the more we print it and send out monopoly money, the more we export to other countries our inflation.

Every Senator in this room makes $174,000 a year. That is our salary. By the way, our salary is the exact same as it was when I arrived in Congress in 2009. Congressional salaries have been frozen since 2009. So $174,000 then is worth $122,000 today. That is how much inflation has eroded the paychecks of every Member of Congress. Yet we think we can live with frozen salaries since 2009. Why can't other people live with frozen dollars in Federal Agencies?

Do you know that our Federal Government is bigger than China's? This place has got to do some homework about its own spending, about its own fiscal situation, about what we are doing to the value of our dollar, about how we are threatening the dollar as the world's reserve currency because we are not nurturing and caring for and being good stewards of the U.S. fiat currency. It is time to face reality.

So this isn't the first time nor is it the last time that I will be discussing this on the floor of the Senate. And I wish that we could work together to have a more perfect Union. I know my colleagues and I can do it, but we have got to have the will, the gumption, the moral integrity, the virtue, the faith, and the freedom to do it.

I yield the floor.

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

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

UNANIMOUS CONSENT REQUESTS

Mr. LEE. Mr. President, it wasn't too long ago when Republicans made a promise to ourselves and to the American people that before we sent another dollar, another dime, another nickel, another penny to Ukraine, we would ensure that our own house was in order, that our own country was secure, that our own border was secure, that we would pass a real border security measure. And yet here we are, months later, preparing to dispatch nearly $100 billion. If you say it slowly, you sound a little bit like Dr. Evil in the original Austin Powers movie—$100 billion to foreign countries while the security of our own homeland languishes.

House Republicans have broken their promise and at least a critical mass of them, under the direction of House Republican leadership, have betrayed the American people because they have gone back completely on what they—what we—promised.

Tonight, we are seeing the same movie played out on the Senate floor. This occurs at a time when about 60 percent of Americans live paycheck to paycheck, and yet Congress continues to add to a national debt that is about

to blow past the $35 trillion mark. How can we justify this to the American people as a Congress?

Are we really more concerned with the borders of a foreign country—Ukraine—and with foreign wars around the world than we are with the safety and the security of the United States and its citizens?

This bill tells the American people that the answer to that question is an unambiguous resounding ''yes.'' Congress cares more about sending billions to wage endless war in foreign countries, cares more about this than saving our own country, especially at a time when we are being invaded. We have seen an invasion of between 8 and 13 million people over the last few years alone. That is a big deal.

We are forgetting the wise caution left to us by our first President, the Father of our Country, George Washington, who warned against entangling our peace and our prosperity with the affairs of other nations. He said:

> Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It seems no price is too high, no weapon system is off limits. Our only strategy appears to be ''spend, spend, spend, and then spend some more,'' with little to no thought given to the consequences. It is the continuation of a lackluster approach to the Ukraine-Russia conflict, devoid of coherent strategy, while allocating the vast majority of its funding to Europe and the Middle East, neglecting, of course, the looming threats from China and the warnings from great national policy experts, like Elbridge Colby, who warn us, time and time again, that the same weapons that we are depleting, sending to other parts of the world, sending to Ukraine, are those that are in such dire need in Taiwan and elsewhere.

The $13 billion in military aid to Israel is juxtaposed with the up to $9.1 billion in civilian aid going to Hamas. Now, some would say: You mean Gaza. And I say: No, I mean Hamas.

You cannot send this aid. Even if it is labeled as humanitarian or for some other noble-sounding purpose, if you send it to Gaza, it is aid to Hamas—Hamas terrorists. These are the same terrorists who massacred, who butchered, who savagely mutilated innocent men, women, and children in Israel just a few months ago in October. The architects of this bill undermine their own goal to secure stability and peace in the region.

So I have come to the floor in an attempt to soften the blow to the American people. To that end, I would like to call up Lee amendment No. 1902 for consideration. My amendment would require Ukraine to repay the money loaned to it and that the funds repaid be used to secure our border. If Congress is so determined to send taxpayer money abroad, then the repayment of this loan should not be waivable and must be used to secure our border.

It is sad that shoring up our border and protecting our own citizens has to come at the mercy of our debtors. But that is what this administration thinks of everyday Americans—that they don't deserve protection.

We should be voting on H.R. 2, and we should be doing that today. We should be addressing the crisis at the border. Instead, we are focused on sending money to secure Ukraine's border, not our own.

I ask unanimous consent to set aside the pending amendments and motions in order to call up my motion to concur with amendment No. 1902.

The PRESIDING OFFICER. Is there objection?

Mrs. MURRAY. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LEE. If the objection is that my proposal is somehow not germane, then I will offer up another amendment. I want to bring up Lee amendment No. 1857 for consideration. It would ensure that the repayment of the loan Congress seems so determined to give Ukraine is exclusively used to pay down the U.S. national debt.

This bill demands the American people dig deeper into their pockets, funding the salaries and pensions of Ukrainian officials as humanitarian efforts under the guise of a loan. The unsettling truth is that this loan can and almost certainly will be waived, possibly leaving Americans without any reimbursement. I think that is part of the plan, in fact. It makes it easier to swallow. It makes it look like something less than what it is.

My amendment addresses this concern by prohibiting any cancellation of a debt owed by Ukraine and making sure repayments go directly to the U.S. national debt.

By presenting this amendment, I aim to offer the American people the financial security and oversight this bill currently lacks, deliberately so, effectively serving as an insurance policy against irresponsible fiscal gambles half a world away.

I ask unanimous consent to set aside the pending amendments and motions in order to call up my motion to concur with amendment No. 1857.

The PRESIDING OFFICER. Is there objection?

Mrs. MURRAY. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LEE. Next, I am going to call up, in a moment, Lee amendment No. 1882 for consideration. If we are genuinely concerned about security, let's just start by securing our own citizens' personal information, securing it from foreign adversaries. My amendment would prohibit the sale, transfer, or sharing of American personal data to governments like China, Russia, North Korea, and Iran without explicit consent from the individual.

For weeks, proponents of the House-passed bill to force the sale of TikTok—legislation included in the package we are debating—have told us this legislation is vital to protecting the security of Americans' data.

The reality, however, is far more complicated. Indeed, forcing the sale of TikTok through that legislation won't, itself, secure the data of users. Instead, it will simply allow another company to purchase TikTok and do with their users' data what they may.

Only by changing the underlying law and preventing companies from handing over Americans' information to our adversaries can Congress secure the personal information of every American. My amendment aims to do just that rather than engage in a regulatory game of Whac-A-Mole, whereby we allow ourselves to be distracted by whatever company happens to be making headlines at the moment. My amendment would implement a comprehensive prohibition on any individual or company operating in the United States from selling, transferring, or sharing the data of an American citizen to the government of a foreign adversary without that individual's express consent.

This is a serious solution to a serious problem. No company should profit by exposing the personal information of an American citizen to a hostile foreign power, whether that company is owned by a foreign national or by an American citizen.

To that end, I ask unanimous consent to set aside any pending amendments and motions in order to call up my motion to concur with amendment No. 1882.

The PRESIDING OFFICER. Is there objection?

Mrs. MURRAY. Mr. President, I object.

The PRESIDING OFFICER. Objection is noted.

Mr. LEE. This really is too bad. These are some really good amendments. Apparently, we are not allowed to have those. We are just allowed to sing off of whatever hymnal they happen to hand us that has been preblessed by the law firm of SCHUMER, MCCONNELL, JOHNSON, and JEFFRIES. That is unfortunate.

Next, I want to call up Lee amendment No. 1860 for consideration, which proposes to strike all emergency spending designations from the bill. We cannot continue to spend under the guise of an emergency, especially when an actual emergency—a real-life, present-tense, presently located emergency—involving the security of our own Nation's national border is not even being addressed in this bill. It is not just that it is not being resolved. It is not even being addressed at all.

This irresponsible practice has led to a ballooning national debt now nearing $35 trillion. It will soon blow past that. If this spending is necessary, it should be subject to the same budgetary constraints as all other government expenditures. This bill spends almost $100 billion—$100 billion we don't have—on

top of the more than $100 billion Congress has already appropriated for the war in Ukraine over the last 2 years—in excess of $113 billion, if I am not mistaken. It will spend more money on interest payments on our national debt this year than on all base defense spending. And, within a year, I believe, we are likely to be spending well over $1 trillion a year just in interest on the debt.

If Congress believes it is worth spending $100 billion we don't have, Congress should be making sure that sum of money will be fully offset or subject to appropriate budgetary enforcement.

My amendment would strike the emergency designations of this bill to subject this additional spending to the annual caps Congress agreed to last year, while simultaneously predicting the bill's budgetary effects from escaping proper enforcement.

Mr. President, I ask unanimous consent to set aside any pending amendments and motions in order to call up my motion to concur with amendment No. 1860.

The PRESIDING OFFICER. Is there objection?

Mrs. MURRAY. Mr. President, I object.

The PRESIDING OFFICER. Objection is noted.

Mr. LEE. Mr. President, it is profoundly distressing—disappointing, to say the least—that these commonsense amendments have been so cavalierly objected to and have been met only with one-word objections.

Although my amendment to strike the emergency designations—all of them drew an objection—pursuant to section 314(e) of the Congressional Budget Act of 1974, I intend to raise a point of order against these same emergency designations for international disaster assistance and migration and refugee assistance for Gaza.

We are, in the end, going to have to acknowledge that we are at a critical juncture, compelled to reevaluate our priorities as a nation and our responsibilities to the American people. Every decision we make must be weighed against the best interests of those we are sworn to serve, not those people abroad but those who are right here at home.

Waving the flag of another nation in Congress as you vote to send them tens of billions of dollars doesn't inspire confidence; it creates distrust.

As legislators, we fail in our duty if we don't heed the call to prioritize the American people first.

So to all out there who find this distressing—the distressed Americans, the distressed carpenters, the distressed plumbers, the distressed poets—I am sorry that we weren't able and willing to secure the border. We should have been able to do that. We made a promise, and we as Republicans shouldn't have deviated from that promise—certainly not with the critical mass necessary to facilitate passage of this in the House and then, before the night is finished, likely the Senate; certainly not under the leadership of our own elected Republican leaders, who themselves have repeated this promise not too many weeks ago—a promise that is now apparently a thing of the past that we are supposed to forget.

This $95 billion aid package to foreign countries is a stark testament of the misguided priorities of our current congressional leadership and a clear indication that we have let ourselves and, perhaps more critically, the American people down. The situation demands a wake-up call.

To every Member of this body, by failing to address the fundamental needs of our own people, the American people, in favor of international interests, we risk not only the prosperity but also the security of our Nation.

And make no mistake, this isn't free, although it can feel free to those of us who work in this hallowed Chamber. It can feel free to us. It can feel as if we draw from an endless, unlimited well, but we don't.

As we have seen to an acute degree over the last few years, every time we spend more money than we have, that comes at a cost. Sure, we borrow the money, and sure, the credit of the United States is still just good enough that it can feel like we have the capacity to just print our own money, which is essentially what we are doing. But every time we do that, every dollar earned by every hard-working American—every mom and dad, married or single, in this country, just trying to put food on their table for their kid, suffers, as they are having to shell out an additional $1,000 a month every single month just to live, just to put a roof over their head and keep food on the table.

I agree with the assessment of Nobel laureate and famed economist Milton Friedman, who said that in any given moment, the true level of taxation in America can best be measured not by the top marginal tax rate or even the average effective tax rate but, instead, by the overall level of government spending.

This, he explained—perhaps referring to an odd combination of credit rating, the way our deficit spending works—in effect, every year when we look at overall government spending, especially Federal spending, that is the true cost of the Federal Government because what we don't collect in taxes, we effectively print and thereby devalue every dollar that is earned by every American by degrees. Unlike other expenses that people have—the monthly bills they receive or the annual tax return they file—there is no billing moment attached to this, there is no pricetag. You don't ever see the overall amount that you are spending on this, as you do at least once a year when you file your Federal income tax return. No. It is very different with inflation. Each dollar is diminished bit by bit.

The Federal Government is costly, and when it sends money abroad that we don't have to fund somebody else in fighting a war against somebody else, that costs money.

Another thing we learn about these proxy wars is that in the United States of America, which has assembled the greatest military force the world has ever known—certainly the strongest military force that exists today—proxy wars carry on for going on 2-plus years now. We are in our third year of this effort. They don't remain proxy wars forever.

It becomes especially startling when the proxy war is being fought against a nuclear-armed adversary. That is not to say we can never push back against any nuclear-armed adversary, but it does mean we should be darn careful when we do that. We should know exactly what our objective is, what it is going to take to secure the peace so that we don't have to fight that war.

We don't avoid the profound risk to our own national security simply by funneling money through a proxy, whether that proxy is a great steward of the funds, weapons, and resources that we send or not. Whether that country happens to be one that has proven impervious to fraud, corruption, money laundering, and grift or not, we should be concerned about what happens to that money because it is ours and because how it is spent is going to have a very direct, very real potential outcome on the American people.

We cannot pretend anymore that we have the money to do this, that the economic cost is free, or that the military risk is free. None of them are.

Shame on us if we don't turn this around. Shame on us if we pass this tonight. Shame on us if we do this without taking any steps to secure the integrity of our own border.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. SANDERS. Mr. President, here is the good news: A few weeks ago, the approval rating for Congress was 10 percent. It has gone up to 14 percent. According to a recent YouGov poll, 14 percent approve of what Congress is doing and 68 percent oppose.

And I would tell my friends on both sides that it is about equal. In terms of whom people want to elect, it is about half Democrats, half Republicans. Why is that? Why do we have a 14-percent approval rating? Well, it might have something to do with things like we are witnessing today and the degree to which the Congress is completely out of touch with where the American people are.

So let me read some other polls, not on favorability but on people's feelings toward the role the United States is now playing in the war in Gaza. April 10, Economist YouGov poll, 37 percent support decreasing military aid to Israel; 18 percent support an increase.

And to my Democratic colleagues, I would say 48 percent of Democrats support decreasing aid; 10 percent support increasing aid.

Then there is a March 29 poll from Axios-Ipsos-Telemundo poll of Latinos—Latino people: 16 percent of Latinos said the United States should continue to support Israel with arms and funds; 39 percent said the U.S. should not be involved in the conflict.

March 27 Gallup poll: 36 percent of Americans approve of Israel's military action; 55 percent disapprove. Among Democrats, 18 percent approve; 75 percent disapprove.

March 27 Quinnippiac poll: Overall, voters oppose sending more military aid to Israel by 52 percent to 39 percent—52 percent oppose more aid; 39 percent support more aid—Democrats, 63 percent oppose sending more military aid; 25 percent support it.

March 11, YouGov: 52 percent of Americans said the United States should hold weapons shipments to Israel until it stops attacks in Gaza.

So you got a whole bunch of polls. They differ a little bit, but they say, pretty overwhelmingly, that the American people do not want to give more military aid to the Netanyahu war machine to continue its horrendous destructive policies in Gaza. That is what the American people are saying.

Earlier today, I tried to bring up two amendments dealing with the crisis in Gaza. One of them basically said that the United States should not support—should not supply any more offensive—offensive—military aid to the Netanyahu government. I support defensive measures—the Iron Dome. The Israeli people have a right not to be attacked with missiles and drones. That amendment not only—that amendment could not even get a vote. That is the U.S. Senate today. People overwhelmingly are in opposition to more U.S. aid. We can't even discuss this issue and have a vote.

Why are the American people as opposed as they are to more aid for the military in Israel? Well, among other things, it may have something to do with what some of the Israeli leaders are saying and, in fact, who they are. And I think the American people are catching on that what we have today in Israel is not the Israel of Golda Meir, Yitzhak Rabin. It is a government now significantly controlled not only by rightwing extremists but by religious zealots.

Today, what we are seeing is a situation where Netanyahu himself has never favored a two-state solution, and he has made that very clear and has worked to systematically undermine the prospects for a deal. And I might mention that a two-state solution is the policy of the U.S. Government. His party's—Netanyahu's party's—founding charter reinforced in the current coalition agreement says ''between the Sea and the Jordan [River] there will only be Israeli sovereignty.'' For many years before October 7, Netanyahu told his allies, in private, that it was important to bolster Hamas to ensure that the Palestinians could never unify and form their own government.

In January, in terms of the humanitarian crisis in Gaza, Netanyahu said:

> We provide minimal humanitarian aid. If we want to achieve our war goals, we give the minimal aid.

The rest of the government or many others in that government is similarly extreme. At the start of the war, the Israeli Defense Minister declared a total siege, saying:

> We are fighting human animals, and we are acting accordingly.
>
> There will be no electricity, no food, no fuel. Everything is closed.

Another minister, at the start of the war, posted a picture of a devastated area in Gaza, saying it was ''more beautiful than ever, bombing and flattening everything.''

Another Israeli lawmaker said:

> [T]he Gaza Strip should be flattened, and there should be one sentence for everybody there—death. We have to wipe the Gaza Strip off the map. There are no innocents there.

Several officials have openly talked about reestablishing Israeli settlements in Gaza. The current Intelligence Minister, among others, openly talks of permanently displacing Palestinians from Gaza.

Israeli National Security Minister Itamar Ben-Gvir, who oversees the police, has long advocated for the forceful expulsion of Palestinians from the region. This is the current Israeli National Security Minister.

Finance Minister Bezalel Smotrich, responsible for much of the occupied West Bank has, likewise, long expressed the extreme racist views and has called for the expulsion of Palestinians from their lands. He has called for segregated hospital wards for Jews and Arabs because ''Arabs are my enemies.'' As a younger man, he was arrested by the Israeli authorities on suspicion of anti-Palestinian terrorism.

That is the man who is the current Israeli Finance Minister.

This is a significant part of Netanyahu's government. Those are some of the people whose war we are subsidizing.

We can pretend to ignore all of this. We can pretend that today's Israel is the Israel of 20 or 30 years ago, but that is just not the case. And the reason I raise these issues and talk about some of the people in the Israeli Government is to understand that what is happening today in Gaza is not an accident. It is a bringing forth the doing of what many of these people have wanted to do for a long time.

It should come as no surprise that this extreme government in Israel, right now, is not simply waging a war against Hamas—and Israel has the right to defend itself from the terrorist organization of Hamas—but it is at war with the entire Palestinian people and fighting that war in a deeply reckless and immoral way. And that is why the Netanyahu government has consistently ignored President Biden's request that they do more to minimize civilian casualties, that they be more targeted in their approach, and that they let more humanitarian aid in.

And so given the attitude and the beliefs—the racist beliefs of a number of people in the Netanyahu government, let us take a look and see what is happening today in Gaza.

We all know that Hamas, a terrorist organization, began this war with a horrific attack on Israel that killed 1,200 men, women, and children and took more than 230 captives, some of whom are still in captivity today. And as I have said many times and repeated a moment ago, Israel has the right to defend itself; but it does not have the right to go to war against the entire Palestinian people, including women and children.

Let's take a deep breath and listen to some of these facts—and no one disputes these facts. The war is about 6½ months old. More than 34,000 Palestinians have been killed, and 77,000 have been wounded—70 percent of whom are women and children. That is 70 percent of whom are women and children. That means that 5 percent, 5 percent of the 2.2 million people in Gaza have been killed or wounded in a 6½-month period. That is an astronomical figure—astronomical. The number of people getting wounded—70 percent are women and children—is almost beyond comprehension.

Mr. President, 19,000 children are now orphans in Gaza—19,000—having lost their parents in this war. And when you think about the children in Gaza, literally, it is hard to imagine.

Imagine a 7-year-old in an area where the whole community has been flattened, where there is massive death, where there is no food, there is no water, no schools. Your parents may or may not be alive. Your relatives are dead. That is what the children in Gaza are going through right now, and I doubt that any of them will ever fully recover from the psychic trauma—the terrible, unbelievable trauma that they are experiencing at this moment.

And the killing has not stopped. Over the weekend, 139 Palestinians were killed and 251 were injured. Of these, 29 were killed in and around Rafah, including 20 children and 6 women, one of whom was pregnant.

Just today, more news emerged about mass graves found by Palestinian health authorities and U.N. observers at the Nasser Hospital in Khan Younis and the Al-Shifa Hospital in Gaza City. So far, more than 300 bodies have been found. The U.N. Human Rights Office reports that the dead include elderly people, women, and wounded people, and that some had

been bound and stripped of their clothes. Some of these bodies apparently had their hands tied, the U.N. said.

What can we say about this horror? Roughly 1.7 million people—and it is, again, hard to understand. Maybe think—Members of Congress, think about your own State and what this would mean and look like in your own States. We are dealing with a population of 2.2 million people which is about 3½ times the size of the State of Vermont.

Roughly 1.7 million people—over 75 percent of the population—have been driven from their homes. It is not a community which has been forced to evacuate in order for a military action to take place. This is three-quarters of the population driven from their homes.

Satellite data shows that 62 percent of the homes in Gaza have been damaged or destroyed, including 221,000 housing units that have been completely destroyed.

A number of months ago in Vermont, we had a terrible flood, and dozens of houses were destroyed. And I saw the impact of what the destruction of dozens of houses in my small State meant. We are talking about 221,000 housing units that have been completely destroyed.

But it is not just housing. Gaza's civilian infrastructure has been devastated. There is little or no electricity apart from generators or solar power. Most of the roads are badly damaged. More than half of the water and sanitation systems are out of commission. Clean water is severely limited, and sewage—raw sewage—is running through the streets, creating disease. But it is not just housing and civilian infrastructure.

And this is quite unbelievable, but there is a reason, I think, for all of this. None of this is happening by accident. Israel has systematically destroyed the healthcare system in Gaza. We are not talking about an occasional accidental bomb that destroys a medical unit or a hospital. Those things happen. What we are talking about is the reality that 26 out of 37 hospitals are completely out of service. They have been bombed and attacked in all kinds of ways. The 11 hospitals that are remaining are partially functioning, but they are being overwhelmed by tens of thousands of trauma patients, and they are short on medical supplies.

So you got 77,000 people who have been wounded, and you got almost all of the hospitals out of commission.

I met recently with a group of American and British doctors who recently returned from Gaza where they had gone, bravely risking their own lives, to try to help alleviate the terrible suffering taking place there. And it is difficult to relate the unspeakable things they witnessed. They saw thousands of patients, many young children, killed or maimed in Israeli bombings. They operated on little children, already orphaned, on dirty hospital floors. On many days, they had no morphine; on other days, no water or clean gloves. They knew that many victims, even if they survived the week, would die of infection without access to sanitary environments or antibiotics.

They reported that the Israelis would not allow them to bring in wheelchairs or syringes, claiming they might have some military use. They witnessed Israeli forces systematically cutting off electricity, food, and water to hospitals and abducting medical workers with no affiliation to Hamas. They reported that Israeli soldiers destroyed medical equipment, like MRIs, oxygen tanks, and CT scanners, for no apparent reason. These are American doctors who witnessed these things.

Overall, 84 percent of health facilities have been damaged or destroyed, and more than 400 healthcare workers have been killed—an extraordinary number.

But we are not just talking about housing being decimated. We are not just talking about physical infrastructure being decimated. We are not just talking about a healthcare system being decimated. Gaza is a young community. A lot of children live there, and their educational system has been destroyed. Fifty-six schools have been bombed and completely destroyed, and 219 have been damaged—schools. The last of Gaza's universities—I think they had 12 universities in Gaza, and the last one was demolished in January. Now, I am not quite sure how fighting Hamas has anything to do with destroying universities, but it does lead to the fact that some 625,000 students in Gaza have, today, no access to education.

Just today, David Satterfield, the U.S. Special Envoy for the Gaza humanitarian crisis, said that the risk of famine throughout war-devastated Gaza, especially in the north, is ''very high'' and that more aid must reach those areas.

He said:

> We have always stressed that we were in a man-made situation, and it can only be addressed by political will and decisions.

So, on top of the destruction of housing, infrastructure, healthcare, and education, we are now looking at mass starvation and malnutrition. The United Nations estimates that more than 1 million Palestinians, including hundreds of thousands of children, face starvation. Desperate Gazans have been scraping by for months, foraging for leaves or eating animal feed. At least 28 children have died of malnutrition and dehydration. That is a number that came out several weeks ago, and there is no reason to believe the real number is not much, much higher. USAID Administrator Samantha Power said that famine was already present in northern Gaza.

Without food, clean water, sanitation, or sufficient healthcare, hundreds of thousands of people are at a severe risk of dehydration, infection, and easily preventable diseases. Yet, for months, thousands of trucks carrying lifesaving food, medicine, and other supplies have sat just miles away from starving children. Got that? I hope we all try to put that image in our minds: starving children over here and trucks loaded with food on the other side of the border that are unable to get through and kept from entering Gaza by Israeli restrictions in a brutal war fought with little regard for civilians.

But let us be clear, and I think this is the main point I want to make this evening. This war stopped being about defending Israel and going to war against Hamas a long time ago. This is not any longer a war against the terrorist organization called Hamas. This is now a war that has everything to do with the destruction of the very fabric of Palestinian life. That is the goal of this war.

It is impossible to look at these facts and not conclude that the Israeli Government's policy has been to make Gaza uninhabitable. That is what some of their government leaders have wanted, and that is, in fact, what is happening. These are not accidents of war—mistakes. This is calculated policy. Indeed, this is what has been going on systematically over the last 6 months. These cruel actions are entirely consistent with the public statements of numerous Israeli senior officials, including Prime Minister Netanyahu himself.

That brings us to the role of the United States in this horrific war. Put simply, we are deeply complicit in what is happening. This is not an Israeli war; this is an Israeli-American war. Most of the bombs and most of the military equipment the Israeli Government is using in Gaza is provided by the United States and subsidized by American taxpayers. The U.S. military is not dropping 2,000-pound bombs on civilian apartment buildings. The U.S. military is not doing that, but we are supplying those bombs. The United States of America is not blocking the borders and preventing food, water, and medical supplies from getting to desperate people. We are not doing that, but we have supplied billions of dollars to the Netanyahu government, which is doing just that.

So this is not just an Israeli war; this is an American war as well. Yet, despite the massive financial and military support the United States has provided to Israel for many years, Netanyahu's extremist government has ignored urgent calls from the President and others to alter their military approach and to end this humanitarian disaster.

In my view, the U.S. unconditional financial and military support for Israel must end. That is why I offered an amendment to this bill—to do, in fact, what a majority of the American people wants us to do, and that is to no longer provide military aid to the destructive Netanyahu government.

I would have welcomed the chance to vote for the humanitarian aid provision in this bill. It is terribly important that we start feeding people not only in Gaza but in Sudan and all over the world. It is an important provision, and I support it. I believe very strongly we should support Ukraine and help them end—defeat—the imperialist ventures of Putin and the Russian army. But I am not going to be able to do that because I am going to stand with the American people today who oppose more money for Netanyahu.

Let me conclude by simply saying this: What we are doing today is very bad policy. We are aiding and abetting the destruction of the Palestinian people. What we are doing today is not what the American people want, and I say to my Democratic friends, it is absolutely not. A lot of Republicans don't want us to continue that as well, but a strong majority of Democrats is saying: Enough with Netanyahu's war. You just can't give him another $10 billion for unfettered military aid.

But I suppose, in a little while, as things happen here in Congress, we will ignore the needs of the American people; we will not pay attention to what they want. Then we are shocked—just shocked—that we have a 14-percent approval rating.

With that, I yield the floor.

Mr. VAN HOLLEN. Mr. President, as our Nation and our allies face a host of challenges across the globe, it is critical that we deploy the necessary resources to protect freedom, support democracy, and address humanitarian crises abroad. For Ukraine, especially, this assistance could not come at a more crucial time. While Putin continues to wage his war of aggression against the Ukrainian people and on democracy itself, Ukraine is running dangerously low on artillery and air defense munitions, as well as other vital supplies. This aid is critical not only to support the Ukrainian people in their fight against Putin, but also to defend freedom and democracy worldwide. Our allies and adversaries alike are watching closely to see if the United States and our partners will keep our promises to the people of Ukraine in their hour of need or whether we will retreat.

In particular, we know that President Xi has one eye on the war in Ukraine and the other eye on Taiwan. As Taiwan prepares to inaugurate its newly elected President next month, the PRC has ratcheted up diplomatic and military pressure against Taipei. We have also recently seen increasingly provocative maneuvers by China's coast guard against the Philippines' vessels in the South China Sea. These actions underscore the need for increased security cooperation between the U.S. and our allies and partners in the Indo-Pacific. That is why I am glad this bill provides additional funding for security assistance to our partners there.

This bill also includes important provisions to protect our security here at home by investing more in the Nonprofit Security Grant Program—NSGP—which helps protect various community institutions that are at risk of hate crimes, including synagogues, mosques, and certain other houses of worship. The alarming rise of anti-Semitism, Islamophobia, and anti-Arab incidents since the October 7 attacks underscores the vital need for more resources to help protect our communities from bigotry and hate. As we confront these challenges across the country, I believe it is critical that all Americans feel safe in their houses of worship. This legislation makes that possible with investments to install essential security measures. Additionally, it boosts screenings and inspections at border points of entry to better protect American families from the threat posed by the deadly flow of fentanyl into our Nation, a drug that has caused pain and loss for far too many.

In addition to these provisions, this legislation includes over $9 billion in humanitarian aid that will reach people in desperate need around the world, from Gaza to Sudan and elsewhere. Last week, we marked the solemn anniversary of the start of the civil war in Sudan, where more than 25 million people currently need humanitarian assistance. This aid will also support innocent civilians in Gaza, where four out of five of the hungriest people anywhere in the world currently reside. I am glad to support this funding that will provide necessities like food, water, shelter, and medical care to the world's most vulnerable people. That being said, I am deeply disappointed that this bill prohibits any of the available funds from going to UNRWA, which provides vital services to Palestinian refugees in many countries and is the main humanitarian aid distribution entity in Gaza. According to USAID Administrator Samantha Power, famine is already occurring in Gaza. Amid such a crisis, it is unconscionable to cut off funding, without a mechanism to reinstate it, for the primary distributor of urgently needed aid to starving people. To rectify this, I put forward an amendment to provide a process to restore that funding following the ongoing investigation and appropriate remedial actions. While we did not have an opportunity to vote on that amendment, I will continue to seek to reverse the current ban—which Republicans demanded be included in the recent government funding bill—on U.S. funding for UNRWA through March 2025. I will also press the Biden administration to encourage other countries to continue to support UNRWA and use our support for international organizations in a way that advances that goal. The underlying bill does include substantial assistance that is desperately needed at this time in Gaza and around the world and is better than our alternative at this point—which is to provide nothing.

Within this legislation, I also support the funding for defensive weapons systems, like the Iron Dome, to protect Israel from Hamas, the Islamic Republic of Iran, Hezbollah, and other threats in the region. The October 7 Hamas terrorist attack on Israel was horrific; we must prevent any such future horrors and secure the release of all remaining hostages. I fully support Israel's right—indeed, its duty—to defend itself. But while this war is just, it must be fought justly. I do not support a blank check for offensive weapons for the Netanyahu government's current campaign in Gaza. I will continue to press for a cease-fire and the return of all the hostages but, in the meantime, we cannot turn a blind eye to what President Biden has described as ''indiscriminate'' bombing or to the failure of the Netanyahu government to meet its obligations to facilitate, and not arbitrarily restrict, the delivery of assistance to address the humanitarian catastrophe in Gaza. Given these concerns, had this been an up or down vote strictly on military assistance for Israel, I would have insisted on amendments to ensure that no funds for offensive weapons would flow to the Netanyahu government until it cooperates fully in the delivery of humanitarian assistance to starving people in Gaza; agrees not to launch an invasion into Rafah, where over 1.3 million Palestinians were told to seek safety; and allows an independent investigation into the deaths of all humanitarian aid workers killed in Gaza. For now, I will continue to press the administration to pause any further transfers of offensive military aid until the Netanyahu government meets President Biden's demands and will use the congressional review process to reinforce that position. A partnership should not be a one-way street.

I appreciate that President Biden issued National Security Memorandum 20, based on the amendment that I, together with 18 of my colleagues, proposed when the supplemental was first considered in the Senate months ago. That amendment, and the ensuing NSM–20, are designed to better ensure that American taxpayer dollars are used in a manner consistent with our values and our interests. Specifically, NSM–20 requires recipients of U.S. security assistance to use our support in accordance with international law and to facilitate the delivery of humanitarian assistance in conflict areas where they are using U.S.-supplied weapons. It also requires the Biden administration to submit to Congress by May 8 a written report on whether recipients of U.S. security assistance have been complying with those obligations. The administration's report will be a test of whether they are willing to apply those standards to allies as well as adversaries and take any actions necessary to ensure accountability.

This sweeping national security bill has many provisions that raise concerns, but on balance, it provides the resources that are vital to support the people of Ukraine and advance important American priorities around the

world. That is why, despite certain reservations, I support this legislation.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, it has been no easy task to get us to this point. The world has been watching; the clock has been ticking; but we are finally at the finish line.

I am not just glad but relieved we are finally about to pass the bill from the House that, as many of us noted, includes every pillar of the package we passed overwhelmingly here in the Senate back in February, essentially identical in the funding that we are providing.

I think it is fair to say, thanks to the bipartisanship and a shared commitment to doing what is best for America, the Senate has made its voice heard in this process.

In particular, I want to, once again, thank my counterpart and vice chair, Senator COLLINS. We don't agree on everything, but we both had a real appreciation for the seriousness of this work and the importance of negotiating a bill that would pass both Chambers. As I have said, this package is not the product I would have written just by myself; it is the result of a difficult bipartisan process. Crafting this package has required serious, sober discussion, not partisanship, not political show.

So thanks to Senator COLLINS, Leader SCHUMER, the minority leader, and many others, this legislation provides the resources necessary to make the world safer for America and its allies. We are delivering investments to address the challenges of today and investing in our strategy for the future. This package makes clear that Congress understands that the conflict in Ukraine is not disjointed from future aggression by the Chinese Communist Party.

From the beginning I was clear: The challenges we face around the world are interconnected. We have to deliver a comprehensive package. Half steps cannot cut it. This package ensures that America keeps its word to all of our allies and stands by all of our commitments.

Especially important to me: in passing this package, we do not lose sight of the human reality on the ground, the fact that in the middle of every conflict are civilians—people displaced from their homes, people facing obstacles getting basic medical services, and kids and families who desperately need food and water.

I made certain at every step that this bill delivers badly needed humanitarian assistance for Gaza, Sudan, Ukraine, and many other regions caught in conflict.

So now we are at the finish line. Let's vote to stand by our allies, to say to dictators like Putin that they cannot invade sovereign democracies freely and unchecked and that America will not ignore the humanity and the cries for help from civilians who are caught in the middle of conflict and crossfire whom we must protect.

Tonight, Moscow and Beijing are watching closely to see whether we have the vision to recognize how these crises are related and the resolve to come together and respond forcefully to them. Our adversaries are cheering for dysfunction. Let's show them unity instead. Let's show them the strength of democracy. Let's vote yes.

The PRESIDING OFFICER. The Senator from Utah.

POINT OF ORDER

Mr. LEE. Mr. President, the pending measure, the House message to accompany H.R. 815, contains an emergency designation: on page 12, lines 3 through 6, and another emergency designation on page 12, lines 12 through 15. I, therefore, raise a point of order pursuant to section 314(e) of the Congressional Budget Act of 1974 against both of these designations.

The PRESIDING OFFICER. The Senator from Washington.

MOTION TO WAIVE

Mrs. MURRAY. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974 and the waiver provisions of applicable budget resolutions, I move to waive all applicable sections of that act and applicable budget points of order for the purposes of the pending measure, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Maryland (Mr. CARDIN) is necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Missouri (Mr. HAWLEY), the Senator from Kentucky (Mr. PAUL), the Senator from South Carolina (Mr. SCOTT), and the Senator from Alabama (Mr. TUBERVILLE).

The result was announced—yeas 75, nays 20, as follows:

[Rollcall Vote No. 153 Leg.]

YEAS—75

Baldwin	Coons	Hickenlooper
Bennet	Cornyn	Hirono
Blumenthal	Cortez Masto	Hoeven
Booker	Cramer	Hyde-Smith
Boozman	Crapo	Kaine
Brown	Duckworth	Kelly
Butler	Durbin	Kennedy
Cantwell	Fetterman	King
Capito	Fischer	Klobuchar
Carper	Gillibrand	Lankford
Casey	Graham	Luján
Cassidy	Hassan	Manchin
Collins	Heinrich	Markey
McConnell	Ricketts	Tester
Menendez	Risch	Thune
Merkley	Romney	Tillis
Moran	Rosen	Van Hollen
Mullin	Rounds	Warner
Murkowski	Schatz	Warnock
Murphy	Schumer	Warren
Murray	Shaheen	Welch
Ossoff	Sinema	Whitehouse
Padilla	Smith	Wicker
Peters	Stabenow	Wyden
Reed	Sullivan	Young

NAYS—20

Barrasso	Daines	Marshall
Blackburn	Ernst	Rubio
Braun	Grassley	Sanders
Britt	Hagerty	Schmitt
Budd	Johnson	Scott (FL)
Cotton	Lee	Vance
Cruz	Lummis	

NOT VOTING—5

Cardin	Paul	Tuberville
Hawley	Scott (SC)	

The PRESIDING OFFICER (Mr. OSSOFF). On this vote, the yeas are 75, the nays are 20.

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

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. This has been an extremely important day in the history of our country and the free world. They are all watching, waiting to see what we would do.

When Putin escalated his war against Ukraine, I told our colleagues that allies and adversaries, alike, would pay very close attention to America's response. When Iran-backed terrorists invaded the Jewish State on October 7 to slaughter innocent Israelis, I warned that the world would watch closely for signs that American leadership was actually weakening.

For months, our friends have watched to see whether America still had the strength that won the Cold War or the resolve that has underpinned peace and prosperity, literally, for decades. Our enemies have tested whether the arsenal of democracy is, in fact, built to endure.

Well, tonight, the Senate will send a clear message. History will record that, even if allies and partners have worried about the depth of our resolve; even as Moscow, Beijing, and Tehran grew more convinced that our influence had run its course; and even as loud voices here at home insisted on abandoning responsibilities of leadership, America stepped up and the Senate held firm.

It is time to reaffirm some basic truths. Alliances matter. Foreign nations' respect for American interests depends on our willingness to defend them. And the peace, prosperity, and security are not accidents. They are products of American leadership and American sacrifice.

The votes we are about to cast will be among the most consequential. But the difficult work of restoring and sustaining hard power, defense, industrial capacity, and global influence must continue beyond this supplemental.

So I will just say to my colleagues: We can wish for a world where the responsibilities of leadership don't fall on

us or we can act like we understand that they do. Tonight, as in so many moments in our history, idle calls for America to lower its guard ring hollow. None of us is absolved of our duty to see the world as it actually is. None of us is excused from our obligation to equip the United States to face down those who wish us harm.

I said it before: History settles every account. And I welcome the eyes of posterity on what the Senate does tonight.

The PRESIDING OFFICER. The majority leader.

Mr. SCHUMER. Mr. President, finally, finally, finally, tonight, after more than 6 months of hard work and many twists and turns in the road, America sends a message to the entire world: We will not turn our back on you.

Tonight, we tell our allies: We stand with you.

We tell our adversaries: Don't mess with us.

We tell the world: The United States will do everything to safeguard democracy and our way of life.

This bill is one of the most consequential measures Congress has passed in years to protect America's security and the future—the very future—of Western democracy. And after overcoming a lot of opposition, tonight, Congress finishes the job.

To our friends in Ukraine, to our friends in Israel, to our friends in the Indo-Pacific, and to innocent civilians caught in the midst of a war from Gaza to Sudan: America hears you. We will be there for you.

And to the whole world, rest assured. Rest assured that America will never shrink from its responsibilities as a leader on the world stage.

Tonight, we make Vladimir Putin regret the day he questioned American resolve.

I thank President Biden for his unflinching leadership. I thank Speaker JOHNSON and Leader JEFFRIES for working together valiantly to pass this bill. I thank Chair MURRAY and Vice Chair COLLINS for their excellent work.

And I particularly want to thank my caucus for standing firm. We were always united. You gave us strength to get this job done. I salute you.

And, particularly, I want to thank Leader MCCONNELL. We worked on this bill arm in arm, together, shoulder to shoulder. Without that kind of strong bipartisan leadership, this difficult bill would never have passed.

We now come to the end of a long, difficult, and Herculean effort. Our allies around the world have been watching Congress for the last 6 months and wondering the same thing: When it matters most, will America summon the strength to come together, overcome the centrifugal pull of partnership, and meet the magnitude of this moment? Tonight, under the watchful eye of history, the Senate answers this question with a thunderous and resounding yes.

For a little more good news, for the information of Senators, the Senate will not be in session on Monday, April 29. The next rollcall vote will be at 5:30 p.m. on Tuesday, April 30.

Mr. President, I ask unanimous consent that all postcloture time be deemed expired.

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

Mr. SCHUMER. I ask unanimous consent that the pending motion to concur with amendment No. 1842 be withdrawn.

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

MOTION TO CONCUR

The PRESIDING OFFICER. The question occurs on the motion to concur.

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

The PRESIDING OFFICER. The yeas and nays were previously ordered.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: The Senator from Kentucky (Mr. PAUL), the Senator from South Carolina (Mr. SCOTT), and the Senator from Alabama (Mr. TUBERVILLE).

The result was announced—yeas 79, nays 18, as follows:

[Rollcall Vote No. 154 Leg.]

YEAS—79

Baldwin	Gillibrand	Peters
Bennet	Graham	Reed
Blumenthal	Grassley	Ricketts
Booker	Hassan	Risch
Boozman	Heinrich	Romney
Britt	Hickenlooper	Rosen
Brown	Hirono	Rounds
Butler	Hoeven	Schatz
Cantwell	Hyde-Smith	Schumer
Capito	Kaine	Shaheen
Cardin	Kelly	Sinema
Carper	Kennedy	Smith
Casey	King	Stabenow
Cassidy	Klobuchar	Sullivan
Collins	Lankford	Tester
Coons	Luján	Thune
Cornyn	Manchin	Tillis
Cortez Masto	Markey	Van Hollen
Cotton	McConnell	Warner
Cramer	Menendez	Warnock
Crapo	Moran	Warren
Daines	Mullin	Whitehouse
Duckworth	Murkowski	Wicker
Durbin	Murphy	Wyden
Ernst	Murray	Young
Fetterman	Ossoff	
Fischer	Padilla	

NAYS—18

Barrasso	Hawley	Rubio
Blackburn	Johnson	Sanders
Braun	Lee	Schmitt
Budd	Lummis	Scott (FL)
Cruz	Marshall	Vance
Hagerty	Merkley	Welch

NOT VOTING—3

Paul	Scott (SC)	Tuberville

The PRESIDING OFFICER. The motion to concur in the House amendment to the Senate amendment to H.R. 815 is agreed to.

The motion was agreed to.

LEGISLATIVE SESSION

Mr. SCHUMER. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SCHUMER. Mr. President, I move to proceed to executive session to consider Calendar No. 598.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Georgia N. Alexakis, of Illinois, to be United States District Judge for the Northern District of Illinois.

CLOTURE MOTION

Mr. SCHUMER. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 598, Georgia N. Alexakis, of Illinois, to be United States District Judge for the Northern District of Illinois.

Charles E. Schumer, Richard J. Durbin, Alex Padilla, Amy Klobuchar, Jack Reed, Tina Smith, Tammy Duckworth, Richard Blumenthal, Robert P. Casey, Jr., Catherine Cortez Masto, Margaret Wood Hassan, Peter Welch, Sheldon Whitehouse, Brian Schatz, Mark Kelly, Debbie Stabenow, Michael F. Bennet.

LEGISLATIVE SESSION

Mr. SCHUMER. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

CLOTURE MOTION

Mr. SCHUMER. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 211, H.R. 3935, a bill to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes.

Charles E. Schumer, Maria Cantwell, Peter Welch, Brian Schatz, Edward J. Markey, Thomas R. Carper, Patty Murray, Sheldon Whitehouse, Amy Klobuchar, Richard Blumenthal, Mark

Kelly, Richard J. Durbin, Tina Smith, Debbie Stabenow, Margaret Wood Hassan, Catherine Cortez Masto, Michael F. Bennet.

Mr. SCHUMER. I ask unanimous consent that the mandatory quorum calls for the cloture motions filed today, April 23, be waived.

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

THE CALENDAR

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of the following bills en bloc: Calendar No. 326, S. 3639; Calendar No. 328, H.R. 292; Calendar No. 327, S. 3640; Calendar No. 331, H.R. 3944; Calendar No. 361, S. 3851; Calendar No. 320, S. 2143; Calendar No. 329, H.R. 996; Calendar No. 321, S. 2274; Calendar No. 330, H.R. 2379; Calendar No. 322, S. 2717; Calendar No. 324, S. 3357; Calendar No. 323, S. 3267; Calendar No. 325, S. 3419; Calendar No. 363, H.R. 3865; Calendar No. 362, H.R. 2754; and Calendar No. 364, H.R. 3947.

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

Mr. SCHUMER. I ask unanimous consent that the bills en bloc be considered read a third time and passed and that the motions to reconsider be considered made and laid upon the table, all en bloc.

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

ROBERT HAYDEN POST OFFICE

The bill (S. 3639) to designate the facility of the United States Postal Service located at 2075 West Stadium Boulevard in Ann Arbor, Michigan, as the ''Robert Hayden Post Office'' was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3639

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

SECTION 1. ROBERT HAYDEN POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 2075 West Stadium Boulevard in Ann Arbor, Michigan, shall be known and designated as the ''Robert Hayden Post Office''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Robert Hayden Post Office''.

WILLIAM L. REYNOLDS POST OFFICE BUILDING

The bill (H.R. 292) to designate the facility of the United States Postal Service located at 24355 Creekside Road in Santa Clarita, California, as the ''William L. Reynolds Post Office Building'' was ordered to a third reading, was read the third time, and passed.

LIEUTENANT COLONEL ALEXANDER JEFFERSON POST OFFICE

The bill (S. 3640) to designate the facility of the United States Postal Service located at 155 South Main Street in Mount Clemens, Michigan, as the ''Lieutenant Colonel Alexander Jefferson Post Office'' was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3640

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

SECTION 1. LIEUTENANT COLONEL ALEXANDER JEFFERSON POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 155 South Main Street in Mount Clemens, Michigan, shall be known and designated as the ''Lieutenant Colonel Alexander Jefferson Post Office''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Lieutenant Colonel Alexander Jefferson Post Office''.

SECOND LIEUTENANT PATRICK PALMER CALHOUN POST OFFICE

The bill (H.R. 3944) to designate the facility of the United States Postal Service located at 120 West Church Street in Mount Vernon, Georgia, as the ''Second Lieutenant Patrick Palmer Calhoun Post Office'' was ordered to a third reading, was read the third time, and passed.

SOJOURNER TRUTH POST OFFICE

The bill (S. 3851) to designate the facility of the United States Postal Service located at 90 McCamly Street South in Battle Creek, Michigan, as the ''Sojourner Truth Post Office'' was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3851

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

SECTION 1. SOJOURNER TRUTH POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 90 McCamly Street South in Battle Creek, Michigan, shall be known and designated as the ''Sojourner Truth Post Office''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Sojourner Truth Post Office''.

STAFF SERGEANT ROBB LURA ROLFING POST OFFICE BUILDING

The bill (S. 2143) to designate the facility of the United States Postal Service located at 320 South 2nd Avenue in Sioux Falls, South Dakota, as the ''Staff Sergeant Robb Lura Rolfing Post Office Building'' was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2143

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

SECTION 1. STAFF SERGEANT ROBB LURA ROLFING POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 320 South 2nd Avenue in Sioux Falls, South Dakota, shall be known and designated as the ''Staff Sergeant Robb Lura Rolfing Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Staff Sergeant Robb Lura Rolfing Post Office Building''.

DR. RUDY LOMBARD POST OFFICE

The bill (H.R. 996) to designate the facility of the United States Postal Service located at 3901 MacArthur Blvd., in New Orleans, Louisiana, as the ''Dr. Rudy Lombard Post Office'' was ordered to a third reading, was read the third time, and passed.

DESSIE A. BEBOUT POST OFFICE

The bill (S. 2274) to designate the facility of the United States Postal Service located at 112 Wyoming Street in Shoshoni, Wyoming, as the ''Dessie A. Bebout Post Office'' was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2274

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

SECTION 1. DESSIE A. BEBOUT POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 112 Wyoming Street in Shoshoni, Wyoming, shall be known and designated as the ''Dessie A. Bebout Post Office''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Dessie A. Bebout Post Office''.

VETERANS OF THE VIETNAM WAR MEMORIAL POST OFFICE

The bill (H.R. 2379) to designate the facility of the United States Postal Service located at 616 East Main Street in St. Charles, Illinois, as the ''Veterans of the Vietnam War Memorial Post Office'' was ordered to a third reading, was read the third time, and passed.

BRIGADIER GENERAL JOHN T. WILDER POST OFFICE

The bill (S. 2717) to designate the facility of the United States Postal Service located at 231 North Franklin Street in Greensburg, Indiana, as the ''Brigadier General John T. Wilder Post Office'' was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2717

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

SECTION 1. BRIGADIER GENERAL JOHN T. WILDER POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 231 North Franklin Street in Greensburg, Indiana, shall be known and designated as the ''Brigadier General John T. Wilder Post Office''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Brigadier General John T. Wilder Post Office''.

HETTIE SIMMONS LOVE POST OFFICE BUILDING

The bill (S. 3357) to designate the facility of the United States Postal Service located at 5120 Derry Street in Harrisburg, Pennsylvania, as the ''Hettie Simmons Love Post Office Building'' was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3357

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

SECTION 1. HETTIE SIMMONS LOVE POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 5120 Derry Street in Harrisburg, Pennsylvania, shall be known and designated as the ''Hettie Simmons Love Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Hettie Simmons Love Post Office Building''.

FIRST LIEUTENANT THOMAS MICHAEL MARTIN POST OFFICE BUILDING

The bill (S. 3267) to designate the facility of the United States Postal Service located at 410 Dakota Avenue South in Huron, South Dakota, as the ''First Lieutenant Thomas Michael Martin Post Office Building'' was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3267

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

SECTION 1. FIRST LIEUTENANT THOMAS MICHAEL MARTIN POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 410 Dakota Avenue South in Huron, South Dakota, shall be known and designated as the ''First Lieutenant Thomas Michael Martin Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''First Lieutenant Thomas Michael Martin Post Office Building''.

JOHN CHARLES TRAUB POST OFFICE

The bill (S. 3419) to designate the facility of the United States Postal Service located at 1765 Camp Hill Bypass in Camp Hill, Pennsylvania, as the ''John Charles Traub Post Office'' was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3419

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

SECTION 1. JOHN CHARLES TRAUB POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1765 Camp Hill Bypass in Camp Hill, Pennsylvania, shall be known and designated as the ''John Charles Traub Post Office''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''John Charles Traub Post Office''.

LIEUTENANT WILLIAM D. LEBO POST OFFICE BUILDING

The bill (H.R. 3865) to designate the facility of the United States Postal Service located at 101 South 8th Street in Lebanon, Pennsylvania, as the ''Lieutenant William D. Lebo Post Office Building'' was ordered to a third reading, was read the third time, and passed.

LANCE CORPORAL DAVID LEE ESPINOZA, LANCE CORPORAL JUAN RODRIGO RODRIGUEZ & SERGEANT ROBERTO ARIZOLA JR. POST OFFICE BUILDING

The bill (H.R. 2754) to designate the facility of the United States Postal Service located at 2395 East Del Mar Boulevard in Laredo, Texas, as the ''Lance Corporal David Lee Espinoza, Lance Corporal Juan Rodrigo Rodriguez & Sergeant Roberto Arizola Jr. Post Office Building'' was ordered to a third reading, was read the third time, and passed.

PAMELA JANE ROCK POST OFFICE BUILDING

The bill (H.R. 3947) to designate the facility of the United States Postal Service located at 859 North State Road 21 in Melrose, Florida, as the ''Pamela Jane Rock Post Office Building'' was ordered to a third reading, was read the third time, and passed.

RESOLUTIONS SUBMITTED TODAY

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the en bloc consideration of the following Senate resolutions: S. Res. 661, S. Res. 662, and S. Res. 663.

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

Mr. SCHUMER. Mr. President, this resolution concerns the criminal case pending in the United States District Court for the Southern District of New York against Senator ROBERT MENENDEZ and co-defendants. The parties have indicated that they may seek to introduce into evidence relevant documents and testimony from Senate staff and Members at the trial.

This resolution would authorize Senate individuals called to appear to testify and produce documents in this case and related proceedings, except concerning matters for which a privilege is asserted. It would also authorize the Senate legal counsel to represent individuals called to testify at trial as fact witnesses regarding their performance of official Senate responsibilities.

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

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

The resolutions were agreed to.

The preambles were agreed to.

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

MORNING BUSINESS

BUDGETARY REVISIONS

Mr. WHITEHOUSE. Mr. President, today the Senate passed H.R. 815, the National Security Act of 2024. This bill supports Ukrainian victory against Putin and his war machine, bolsters Israel's security, and reiterates our longstanding commitment to Taiwan and its democratic values. This legislation also provides needed humanitarian resources for Gaza, Ukraine, Armenia, Haiti, Sudan, the Rohingya, and others. And H.R. 815 contains my bipartisan Rebuilding Economic Prosperity and Opportunity, or REPO, for Ukrainians Act, co-authored with Senator RISCH, which would provide additional assistance to Ukraine using assets from the Central Bank of the Russian Federation and other sovereign assets. Hundreds of billions of dollars of Russian sovereign assets have been frozen—including billions here in the United States—since the start of Russia's murderous invasion. This legislation will help Ukraine rebuild after it beats back the Russian invasion, by seizing and repurposing the Putin regime's frozen funds. Because this legislation only uses confiscated assets to assist Ukraine, any increases in direct spending are fully paid for.

I previously adjusted budgetary levels on March 8, 2024, to accommodate the Senate-passed national security supplemental and am making further revisions for the current House-passed version. Because H.R. 815 is still deficit-neutral with the addition of the REPO Act, I am adjusting the committee allocations and aggregates to accommodate the legislation. Section 121(c) of the Fiscal Responsibility Act of 2023 contains a reserve fund that authorizes the Budget Committee chairman to revise budget aggregates and

committee allocations for legislation that would not increase the deficit over the period of fiscal years 2024 to 2033.

Additionally, I am revising the allocation to the Committee on Appropriations, colloquially known as the 302(a), consistent with the bill before the Senate. It contains slightly less emergency-designated spending than the version that passed the Senate in February.

Section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended by the Fiscal Responsibility Act of 2023, establishes statutory limits on discretionary funding levels for fiscal years 2024 and 2025 and allows adjustments to those limits. Sections 302 and 314(a) of the Congressional Budget Act allow the chairman of the Budget Committee to revise the allocations, aggregates, and levels consistent with those adjustments.

I ask unanimous consent that the accompanying tables, which provide details about the adjustment, be printed in the RECORD.

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

REVISIONS TO BUDGET AGGREGATES—BUDGET AUTHORITY AND OUTLAYS

(Pursuant to Section 121 of the Fiscal Responsibility Act of 2023 and Section 314 of the Congressional Budget Act of 1974)

($ in billions)

	2024
Current Spending Aggregates:	
Budget Authority	5,036.175
Outlays	5,097.363
Adjustment:	
Budget Authority	−0.015
Outlays	−7.022
Revised Aggregates:	
Budget Authority	5,036.160

REVISIONS TO BUDGET AGGREGATES—BUDGET AUTHORITY AND OUTLAYS—Continued

(Pursuant to Section 121 of the Fiscal Responsibility Act of 2023 and Section 314 of the Congressional Budget Act of 1974)

($ in billions)

	2024
Outlays	5,090.341

REVISIONS TO BUDGET REVENUE AGGREGATES

(Pursuant to Section 121 of the Fiscal Responsibility Act of 2023)

($ in billions)

	2024	2024–2028	2024–2033
Current Revenue Aggregates	3,651.838	20,174.730	45,331.755
Adjustments	0.000	5.000	5.000
Revised Revenue Aggregates	3,651.838	20,179.730	45,336.755

Note: Division E of H.R. 815, the FEND Off Fentanyl Act, increases revenue by $77 million over 10 years and was already included in a revision that was filed on March 8. This further adjustment reflects the inclusion of Division F, the Rebuilding Economic Prosperity and Opportunity for Ukrainians Act, which raises $5 billion of revenue through sovereign assets confiscated from the Russian Federation.

REVISIONS TO ALLOCATIONS TO SENATE AUTHORIZING COMMITTEES

(Pursuant to Section 121 of the Fiscal Responsibility Act of 2023)

($ in billions)

	2024	2024–2028	2024–2033
Foreign Relations:			
Budget Authority	43.978	220.169	440.898
Outlays	39.915	215.035	435.773
Adjustments:			
Budget Authority	0.000	5.000	5.000
Outlays	0.000	5.000	5.000
Revised Allocation:			
Budget Authority	43.978	225.169	445.898
Outlays	39.915	220.035	440.773

Note: Division E of H.R. 815, the FEND Off Fentanyl Act, increased direct spending by $60 million over 10 years and was already included in a revision that was filed on March 8. This further adjustment reflects the inclusion of Division F, the Rebuilding Economic Prosperity and Opportunity for Ukrainians Act, which spends an additional $5 billion.

REVISIONS TO THE ALLOCATION TO THE COMMITTEE ON APPROPRIATIONS FOR FISCAL YEAR 2024

(Pursuant to Section 314 of the Congressional Budget Act of 1974)

($ in billions)

	Current Allocation	Adjustments	Revised Allocation
Revised Security Budget Authority	953.841	0.000	953.841
Revised Nonsecurity Budget Authority	785.504	−0.015	785.489
General Purpose Outlays	1,847.777	−7.022	1,840.755

EMERGENCY DISCRETIONARY SPENDING IN H.R. 815 FOR FISCAL YEAR 2024

($ in billions)

Detail of Adjustments Made Above	Emergency		
	Security	Nonsecurity	Total
Defense:			
Budget Authority	67.061	0.000	67.061
Outlays	4.919	0.000	4.919
Energy and Water:			
Budget Authority	0.149	0.098	0.247
Outlays	0.021	0.000	0.021
Homeland Security:			
Budget Authority	0.000	0.400	0.400
Outlays	0.000	0.005	0.005
Labor-HHS-Ed:			
Budget Authority	0.000	0.531	0.531
Outlays	0.000	0.098	0.098
Military Construction-VA:			
Budget Authority	0.282	0.000	0.282
Outlays	0.001	0.000	0.001
State-Foreign Operations:			
Budget Authority	0.000	26.808	26.808
Outlays	0.000	8.191	8.191
Total:			
Revised Discretionary Budget Authority	67.492	27.837	95.329
Revised Discretionary Outlays	4.941	8.294	13.235

Note: H.R. 815, the national security supplemental, contains $95.329 billion of budget authority and $13.235 billion of outlays designated as an emergency, spread across six subcommittees. Those amounts are $15 million less in budget authority and $7.022 billion less in outlays than the Senate-passed version, primarily because the passage of time results in less of the funding being spent in FY 2024.

TRIBUTE TO CARL IMHOFF

Ms. CANTWELL. Mr. President, I rise today to speak about and thank Carl Imhoff who is retiring after an explementary 44-year career at the Department of Energy's Pacific Northwest National Laboratory.

Carl's insights and contributions have shaped our Nation's approach to grid reliability, resiliency, and security. I can personally attest to how Carl's keen understanding of how our Nation's grid works has helped me draft and enact legislation ranging from measures to respond to the West Coast Electricity Crisis, to the Smart Grid Title of the 2007 Energy Bill, to numerous provisions related to boosting grid R&D, cybersecurity, and expanding transmission lines.

Aided by his forethought and vision, Carl has been a champion for infrastructure modernization. He understands and his work underscores the importance of the electricity grid as the backbone of our economic and national security, as well as the critical role it plays in decarbonization strategies that will power America into the future. His leadership has helped bring forward new approaches and technology advances to energy and grid challenges that will have an impact for years to come.

A native of Arkansas, Carl grew up learning about the intersection of technology, policy, and economic security through the work of his father John, a distinguished professor and long-time chair of the Department of Industrial Engineering at the University of Arkansas, who also served in an advisory capacity on a variety of initiatives for Senators Pryor, Bumpers, and then-Governor Bill Clinton. From his mother Lois, an avid conservationist and community organizer, Carl took lessons on the value of public lands and waters and the necessity of their preservation. In fact, Carl paid his first visit to the hearing room of the Senate Energy and Natural Resources Committee as part of his mother's work with the Ozark Society, which would ultimately lead to the Buffalo River's designation as our first National River, way back in 1972.

With his own degrees in industrial engineering in hand, Carl brought these very sensibilities to Richland, WA, in 1980, when he joined PNNL. Carl began building not only his technical career, but also his reputation in the region as a collaborator and thought leader in charting the path forward for energy system reliability. Meanwhile, he took the opportunity as an avid outdoorsman to experience all the variety and adventures the Pacific Northwest's public lands have to offer and shared them with his growing boys. Carl remains a student of the works of former Supreme Court Justice William O. Douglas, a Yakima native and confidant of President Franklin D. Roosevelt, who is renowned for his work in connection with the preservation of wilderness and wild and scenic rivers.

I have known Carl for the last two decades of his career at PNNL, much of which time he spent as the leader of the lab's grid research and development portfolio. When I first took office in 2001, our region was experiencing the

challenges and economic dislocation associated with the Western energy crisis. As a new member of the Senate Energy and Natural Resources Committee, I immediately set out to understand how technology—and in particular, the convergence of grid and emerging internet and communications technologies—could bolster system reliability and prevent such a series of events from happening again.

I learned that a group of researchers from PNNL had been working with the Bonneville Power Administration on concepts of wide-area situational awareness, given transmission system reliability events that had recently happened in the West. What is more, they were working on extending those concepts to provide more flexibility and control at the grid edge, integration of variable renewables and working to build cybersecurity into these approaches from the outset.

Over time, Carl and his team's work at PNNL would help inform technical programmatic trajectories included in the Energy Independence and Security Act of 2007, the American Recovery and Reinvestment Act, the Energy Security Act of 2020, and related provisions in the Bipartisan Infrastructure Law. Approaches pioneered at PNNL in the cybersecurity arena, with the stewardship of DOE's Office of Electricity—and subsequently, the Office of Cyber Security, Energy Security, and Emergency Response—would underpin the designation of DOE as the energy sector-specific Agency for cybersecurity included in 2017's FAST Act.

Throughout these two decades of dynamic change in the electricity industry—and the added complexity of the environment in which it operates—Carl has shown the unique ability to synthesize the technical findings of PNNL and other laboratory and university researchers, take into account multiple perspectives from industry, and help chart a clear and actionable path forward for next steps in the grid modernization journey. He has built relationships on the basis of a clear-eyed, technically unassailable and unbiased approach, and with the confidence of his colleagues grounded in his integrity and his insistence on always putting the Nation's needs first, ahead of any parochial concerns. Carl has stressed the importance of research, government, and industry working together and built the relationships across industry, long-time DOE civil servants and spanning different administrations, necessary to deliver on the mission.

As a recognized expert and cochair of DOE's Grid Modernization Laboratory Consortium, Carl would find his way back to the very same Senate Energy and Natural Resources Committee hearing room he had first visited as part of his mother's conservation work back in Arkansas. He has testified on '' . . . the high return on investment encountered by utilities and national labs across the country when combining new electric infrastructure innovation with public-private validation and deployment.'' He has brought perspectives on growing interdependencies across multiple critical infrastructures, smart grid concepts, changes in generation mix, grid controls, and information technology ''. . . . collectively reshaping utility business models and enabling new innovations and market participants.'' And most recently, Carl brought forward DOE and laboratory perspectives on efforts to mitigate wildfire risk and increase grid resiliency—an emerging issue of great concern for utilities and communities across the West.

Our collective efforts to address the necessity of grid modernization as an energy, economic, and national security imperative are much better for the work of Carl Imhoff and the leadership he has shown across his four decade plus career at PNNL. As he heads off to spend more time with his wife Kristen and his growing grandchildren, I congratulate him on a well-deserved retirement. Still, I hope Carl will keep a phone handy to share occasional wise perspectives on the next phases of our grid modernization journey in the Pacific Northwest, even if he answers the call while hiking Badger Mountain.

So I am pleased to have this opportunity to publicly thank Carl, not only for the contributions he made while at PNNL, but for his approach to collaboration and innovation in the public interest, which will continue to help the Pacific Northwest and our entire Nation realize a more reliable, resilient, affordable, and cleaner energy future.

TRIBUTE TO CAPTAIN WILLIAM C. PENNINGTON

Mr. TESTER. Mr. President, I rise today to recognize CAPT William C. Pennington for his exemplary dedication to duty and service to the U.S. Navy and to the United States of America. I have personally gotten to know Captain Pennington, or ''BP,'' over the past 3 years, while he served as the director of the Navy and Marine Corps Congressional Appropriations Matters Office.

Captain Pennington was born in Chicago, IL, and raised in Dallas, TX. He began his Navy service in 1992 as a midshipman at the U.S. Naval Academy, where he was the captain of the men's varsity track and field team, and earned his bachelors of science degree in weapons and systems engineering. In 1996, he was commissioned as a naval officer from the U.S. Naval Academy and was assigned to the Bureau of Naval Personnel in Washington, DC, (PERS 43) until he began flight training in Pensacola, FL, in 1997.

A career maritime patrol aviator, BP has valiantly served all over the world on behalf of our Nation. Throughout his 28 years of service he has completed operational tours in Kaneohe Bay, HI, with Patrol Squadron FOUR (VP–4), in Whidbey Island, WA, with Patrol Squadron FORTY (VP–40), and in Jacksonville, FL, where he commanded the ''War Eagles'' of Patrol Squadron SIXTEEN (VP–16). While in command, he led his crew on the Navy's first-ever P–8A Poseidon deployment. Additionally, at sea, he served as the Japan and China Pol-Mil/Exercise Office on the staff of Commander, U.S. Seventh Fleet onboard USS *Blue Ridge* (LCC–19) operating out of Yokosuka, Japan.

In his most recent operational tour he served as Commander, Task Force 67 (CTF 67) responsible for maritime patrol, reconnaissance, and expeditionary naval aviation forces operating in support of the U.S. Sixth Fleet.

Captain Pennington's shore tours have included instructor duty at the Maritime Patrol and Reconnaissance Fleet Replacement Squadron (VP–30), deputy executive assistant to the Director, Air Warfare (N88/98), a joint tour on the Joint Staff in the J–8 Studies, Analysis, and Gaming Division, and as Multi-Mission Aircraft and Programs Branch Head and Maritime Patrol Reconnaissance Aircraft (MPRA) Requirements Officer at OPNAV N98. Following command of Task Force 67, he was assigned to OPNAV N9I as the deputy director of the Navy's Unmanned Campaign before assuming his current duties as Director, Navy and Marine Corps Congressional Appropriations Matters Office (FMBE) in March 2021.

The importance of FMBE to the Senate Defense Appropriations Committee cannot be overstated. Established by law, FMBE serves as the committee's direct link to Navy leadership, and the committee relies on FMBE for timely and accurate information regarding the Navy's budget. As Director, Captain Pennington justified three budget submissions for the Department of Navy through continuous communication with Members of Congress and their staff. BP's rapport with Senators and their staffs enhanced transparency and reinforced trust in our Nation's Navy and Marine Corps team.

NATIONAL RENDERING DAY

Mr. WICKER. Mr. President, I submit this statement in recognition of the second annual National Rendering Day. I am honored to represent many great rendering companies in Mississippi. The responsibility for feeding the world extends beyond the farm, and rendering helps ensure we can meet the growing global demand for food, feed, and fuel, while reducing food waste and loss.

Renderers positively impact local, State, national, and international economies. In particular, American renderers generate $10 billion in annual economic benefit to the country. Much of this investment comes in the form of small businesses, which create numerous jobs and illustrate the American dream.

Rendering is the largest industry involved in preventing food loss and waste. Due to North American consumer preferences, only half of each

animal produced for meat is consumed for food. By recycling these animal products, renderers create valuable ingredients from resources that would otherwise be taken to landfills. Renderers also collect billions of pounds of used cooking oil from restaurants and food manufacturers, which they upcycle into products and sustainable fuels. The practice also feeds cattle, hogs, turkeys, chickens, household pets, and other animals.

Today, on National Rendering Day, please join me in recognizing renderers' countless contributions to the U.S. economy and stewarding our natural resources.

ADDITIONAL STATEMENTS

INTERNATIONAL EXCHANGE PROGRAMS

● Mr. MURPHY. Mr. President, The American Institute For Foreign Study—AIFS—which was founded in 1964 by Sir Cyril Taylor, is a global leader in cultural exchange and educational travel. For 60 years, AIFS, guided by its mission to ''bring the world together,'' has helped foster global understanding and cross-cultural communication among generations of young people.

From study abroad to the international au pair program, over 1.8 million people have participated in AIFS' high-quality educational and cultural exchange programming. In our increasingly interconnected world, these programs provide unique opportunities for young people to broaden their worldview and become globally minded citizens. AIFS also works in partnership with the State Department's Bureau of Educational and Cultural Affairs, including through their implementation of the au pair program, to advance public diplomacy and support lasting cultural ties between the U.S. and participating nations.

Headquartered in Stamford, CT, AIFS has offices in five countries and nearly 1,000 employees worldwide, including 100 in Connecticut. Under the leadership of its chairman, William L. Gertz, AIFS remains at the forefront of cultural exchange and educational programs with nearly 40,000 annual participants.

I am proud to congratulate AIFS on its six decades of success. May the next 60 years see AIFS continue its work building the next generation of global citizens.●

162ND ANNIVERSARY OF FRIENDSHIP BAPTIST CHURCH

● Mr. OSSOFF. Mr. President, I rise to commend Friendship Baptist Church in Atlanta, GA, on its 162nd anniversary.

Friendship Baptist Church was first established in 1862 and independently organized in 1866 in the days after the Civil War, becoming Atlanta's first Black Baptist Congregation.

Originally run out of a refurbished railroad boxcar donated by the Ninth Street Baptist Church in Cincinnati, OH, Friendship Baptist Church has served as a launching point for several of Georgia's preeminent institutions of higher education, including Atlanta University in 1865 and both Morehouse and Spelman Colleges in 1879 and 1881, respectively.

In the years since its inception, the leadership and congregation of Friendship Baptist Church have played an integral role in both the faith-life of Atlanta, serving as a ''mother church'' to new spaces of worship for more families across Georgia, and in the civic life of Atlanta.

Having moved their physical church for the third time in over a century, Friendship Baptist Church dedicated itself to be a ''church with no wall,'' embracing the meaning of their name and becoming a friend to the people of Atlanta and the people of Georgia.

Today, Friendship Baptist Church is led by Pastor Reverend Dr. Kelly Miller Smith, Jr., with over 600 congregants and continues to play a vital role in the community.

I commend the Friendship Baptist Church leadership, clergy, and congregation on this 162nd anniversary and thank them for their leadership in the community.●

TRIBUTE TO 2024 SPRING INTERNS

● Mr. RICKETTS. Mr. President, today I stand before you to express my gratitude and admiration for the exceptional students who joined our team as spring interns in 2024.

These talented young women and men brought a unique blend of enthusiasm, dedication, and a passion for making a difference to my offices in Washington, DC, office and across the State of Nebraska. Our interns have consistently shown a motivation to learn and a strong commitment to our State. Their presence has not only enriched our workspace, but also inspired my team and me. As the torchbearers of the next generation, their spirit and determination fill us with anticipation for what the future holds.

As they leave our office, I want to take a moment to extend my sincerest thanks to: Reese Clarke, Nathan Muilenburg, and Jack Smith, who served in my Washington, DC, office; Paxton Robertson, who served in my Kearney office; Abbie Russman, who served in my Omaha office; and William Funke, who served in my Lincoln office.

Your dedication and contributions have truly made our team stronger. I hope you will carry the lessons learned here into your bright futures. Congratulations, and best of luck.●

MESSAGE FROM THE HOUSE

At 10:02 a.m., a message from the House of Representatives, delivered by Mrs. Alli, one of its reading clerks, announced that the House agreed to the amendment of the Senate to the bill (H.R. 815) to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes, with an amendment, in which it requests the concurrence of the Senate.

The message further announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 29. Concurrent resolution providing for a correction in the enrollment of H.R. 815.

ENROLLED BILL SIGNED

The President pro tempore (Mrs. MURRAY) announced that on today, April 23, 2024, she had signed the following enrolled bill, which was previously signed by the Speaker of the House:

H.R. 4389. An act to amend the Neotropical Migratory Bird Conservation Act to make improvements to that Act, 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–4188. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the Agency's fiscal year 2023 Permitting Best Practices Annual Report to Congress under Title 41 of the Fixing America's Surface Transportation Act; to the Committee on Environment and Public Works.

EC–4189. A communication from the Manager of Listing and Policy Support, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Listing Endangered and Threatened Species and Designating Critical Habitat'' (RIN1018–BF95) received in the Office of the President of the Senate on April 11, 2024; to the Committee on Environment and Public Works.

EC–4190. 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; Regulations for Interagency Cooperation'' (RIN1018–BF96) received in the Office of the President of the Senate on April 16, 2024; to the Committee on Environment and Public Works.

EC–4191. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plan; Maryland; Regional Haze State Implementation Plan for the Second Implementation Period'' (FRL No. 11269–02–R3) received during adjournment of the Senate in the Office of the President of the Senate on April 4, 2024; to the Committee on Environment and Public Works.

EC–4192. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the

report of a rule entitled ''Outer Continental Shelf Air Regulations; Consistency Update for North Carolina'' (FRL No. 11589–02–R4) received during adjournment of the Senate in the Office of the President of the Senate on April 4, 2024; to the Committee on Environment and Public Works.

EC–4193. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; Arizona; Maricopa County Air Quality Department'' (FRL No. 11591–02–R9) received during adjournment of the Senate in the Office of the President of the Senate on April 4, 2024; to the Committee on Environment and Public Works.

EC–4194. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Revisions; Arizona; Arizona Department of Environmental Quality; Stationary Source Permits'' (FRL No. 11601–02–R9) received during adjournment of the Senate in the Office of the President of the Senate on April 4, 2024; to the Committee on Environment and Public Works.

EC–4195. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Greenhouse Gas Emissions Standards for Heavy-Duty Vehicles—Phase 3'' (FRL No. 8592–02–OAR) received during adjournment of the Senate in the Office of the President of the Senate on April 4, 2024; to the Committee on Environment and Public Works.

EC–4196. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants: Ethylene Production, Miscellaneous Organic Chemical Manufacturing, Organic Liquids Distribution (Non-Gasoline), and Petroleum Refineries Reconsideration'' ((RIN2060–AV80) (FRL No. 9846–02–OAR)) received in the Office of the President of the Senate on April 16, 2024; to the Committee on Environment and Public Works.

EC–4197. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Asbestos Part 1; Chrysotile Asbestos; Regulation of Certain Conditions of Use Under the Toxic Substances Control Act'' ((RIN2070–AK86) (FRL No. 8332–01–OCSPP)) received in the Office of the President of the Senate on April 16, 2024; to the Committee on Environment and Public Works.

EC–4198. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Clean Water Act Hazardous Substance Facility Response Plans'' ((RIN2050–AH17) (FRL No. 7881–01–OLEM)) received in the Office of the President of the Senate on April 16, 2024; to the Committee on Environment and Public Works.

EC–4199. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants: Integrated Iron and Steel Manufacturing Facilities Technology Review'' ((RIN2060–AV82) (FRL No. 5919.1–01–OAR)) received in the Office of the President of the Senate on April 16, 2024; to the Committee on Environment and Public Works.

EC–4200. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Multi-Pollutant Emissions Standards for Model Years 2027 and Later Light-Duty and Medium-Duty Vehicles'' ((RIN2060–AV49) (FRL No. 8953–04–OAR)) received in the Office of the President of the Senate on April 16, 2024; to the Committee on Environment and Public Works.

EC–4201. A communication from the Director of the Regulations and Disclosure Law Division, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Procedures for Debarring Vessels from Entering U.S. Ports'' (RIN1651–AB20) received during adjournment of the Senate in the Office of the President of the Senate on April 4, 2024; to the Committee on Finance.

EC–4202. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled ''Value in Opioid Use Disorder Treatment Demonstration: Intermediate Report to Congress''; to the Committee on Finance.

EC–4203. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Minority Research Grant Program: Opportunity Number: CMS–1W1–24–001'' received during adjournment of the Senate in the Office of the President of the Senate on April 4, 2024; to the Committee on Finance.

EC–4204. A communication from the Deputy Executive Secretary, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare and Medicaid Programs; Minimum Staffing Standards for Long-Term Care Facilities and Medicaid Institutional Payment Transparency Reporting'' (RIN0938–AV25) received in the Office of the President of the Senate on April 17, 2024; to the Committee on Finance.

EC–4205. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicaid Program; Ensuring Access to Medicaid Services'' (RIN0938–AU68) received in the Office of the President of the Senate on April 17, 2024; to the Committee on Finance.

EC–4206. A communication from the Deputy Executive Secretary, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicaid Program; Medicaid and Children's Health Insurance Managed Care Access, Finance, and Quality'' (RIN0938–AU99) received in the Office of the President of the Senate on April 17, 2024; to the Committee on Finance.

EC–4207. A communication from the Regulations Writer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled ''Expansion of the Rental Subsidy Policy for Supplemental Security Income Applicants and Recipients'' (RIN0960–AI82) received in the Office of the President of the Senate on April 16, 2024; to the Committee on Finance.

EC–4208. A communication from the Branch Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Announcement and Report Concerning Advance Pricing Agreements'' (Announcement 2024–16) received in the Office of the President of the Senate on April 16, 2024; to the Committee on Finance.

EC–4209. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled ''Determination Under Section 36(b)(1) of the Arms Export Control Act''; to the Committee on Foreign Relations.

EC–4210. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the intent to exercise under section 614(a)(1) of the Foreign Assistance Act of 1961, to provide assistance to Ukraine; to the Committee on Foreign Relations.

EC–4211. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled ''Determination Under Section 614(a)(1) of the Foreign Assistance Act of 1961 to Provide Assistance to Ukraine''; to the Committee on Foreign Relations.

EC–4212. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled ''Determination Under Section 506(a)(2) of the Foreign Assistance Act of 1961 (FAA) to Provide Assistance to Haiti''; to the Committee on Foreign Relations.

EC–4213. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a notification of intent to exercise the authority under section 506(a)(2) of the Foreign Assistance Act of 1961, to provide assistance to countries that contribute personnel to the Multinational Security Support Mission for Haiti and to the Haitian National Police; to the Committee on Foreign Relations.

EC–4214. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled ''Federal Vacancies Reform Act - Changes that occurred from September 20, 2023, through March 23, 2023, and additional report on departure of Ambassadors''; to the Committee on Foreign Relations.

EC–4215. A communication from the Deputy Assistant Secretary, Occupational Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Worker Walkaround Representative Designation Process'' (RIN1218–AD45) received during adjournment of the Senate in the Office of the President of the Senate on April 4, 2024; to the Committee on Health, Education, Labor, and Pensions.

EC–4216. A communication from the Legal Counsel, Equal Employment Opportunity Commission, transmitting, pursuant to law, the report of a rule entitled ''Regulation to Implement the Pregnant Workers Fairness Act: Final Rule and Interpretive Guidance'' (RIN3046–AB30) received in the Office of the President of the Senate on April 16, 2024; to the Committee on Health, Education, Labor, and Pensions.

EC–4217. A communication from the Regulations Coordinator, Health Resources and Services Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''340B Drug Pricing Program; Administrative Dispute Resolution Regulation'' (RIN0906–AB28) received in the Office of the President of the Senate on April 17, 2024; to the Committee on Health, Education, Labor, and Pensions.

EC–4218. A communication from the Regulations Coordinator, Office for Civil Rights, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''HIPAA Privacy Rule to Support Reproductive Health Care Privacy''

(RIN0945–AA20) received in the Office of the President of the Senate on April 17, 2024; to the Committee on Health, Education, Labor, and Pensions.

EC–4219. A communication from the Regulations Coordinator, Administration for Community Living, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Adult Protective Services Functions and Grants Programs'' (RIN0985–AA18) received in the Office of the President of the Senate on April 11, 2024; to the Committee on Health, Education, Labor, and Pensions.

EC–4220. A communication from the Director, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; FAR Case 2022–010, Establishing Federal Acquisition Regulation Part 40'' (RIN9000–AO47) received in the Office of the President of the Senate on April 11, 2024; to the Committee on Homeland Security and Governmental Affairs.

EC–4221. A communication from the Acting Secretary of Labor, transmitting, pursuant to law, the Department's fiscal year 2023 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act (No FEAR Act) of 2002 received in the Office of the President pro tempore; to the Committee on Homeland Security and Governmental Affairs.

EC–4222. A communication from the Executive Director, United States Access Board, transmitting, pursuant to law, the Board's fiscal year 2023 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act) received in the Office of the President pro tempore; to the Committee on Homeland Security and Governmental Affairs.

EC–4223. A communication from the Chairman of the National Council on Disability, transmitting, pursuant to law, the Council's fiscal year 2023 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act) received in the Office of the President pro tempore; to the Committee on Homeland Security and Governmental Affairs.

EC–4224. A communication from the Chair of the Consumer Product Safety Commission, transmitting, pursuant to law, the Commission's fiscal year 2023 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act) received in the Office of the President pro tempore; to the Committee on Homeland Security and Governmental Affairs.

EC–4225. A communication from the Chair of the Nuclear Regulatory Commission, transmitting, pursuant to law, the Commission's fiscal year 2023 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act) received in the Office of the President pro tempore; to the Committee on Homeland Security and Governmental Affairs.

EC–4226. A communication from the Equal Employment Opportunity and Inclusion Director, Farm Credit System Insurance Corporation, transmitting, pursuant to law, the Farm Credit System Insurance Corporation's fiscal year 2023 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act) received in the Office of the President pro tempore; to the Committee on Homeland Security and Governmental Affairs.

EC–4227. A communication from the Agency Director, Court Services and Offender Supervision Agency for the District of Columbia, transmitting, pursuant to law, the Agency's fiscal year 2023 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act) received in the Office of the President pro tempore; to the Committee on Homeland Security and Governmental Affairs.

EC–4228. A communication from the Director of the Office of Financial Reporting and Policy, Office of the Chief Financial Officer and Assistant Secretary for Administration, Department of Commerce, transmitting, pursuant to law, a report entitled ''FY 2023 Agency Financial Report''; to the Committee on Homeland Security and Governmental Affairs.

EC–4229. A communication from the Acting Assistant Attorney General for Administration, Department of Justice, transmitting, pursuant to law, the Agency Financial Report for fiscal year 2023; to the Committee on Homeland Security and Governmental Affairs.

EC–4230. A communication from the General Counsel, Government Accountability Office, transmitting, pursuant to law, the Office's fiscal year 2023 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act) received in the Office of the President pro tempore; to the Committee on Homeland Security and Governmental Affairs.

EC–4231. A communication from the Commissioner, Social Security Administration, transmitting, pursuant to law, the Administration's fiscal year 2023 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act) received in the Office of the President pro tempore; to the Committee on Homeland Security and Governmental Affairs.

EC–4232. A communication from the Director of Workplace Inclusivity and Opportunity, Federal Trade Commission, transmitting, pursuant to law, the Commission's fiscal year 2023 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act) received in the Office of the President pro tempore; to the Committee on Homeland Security and Governmental Affairs.

EC–4233. A communication from the Senior Congressional Liaison, Bureau of Consumer Financial Protection, transmitting, pursuant to law, the Bureau's fiscal year 2023 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act); to the Committee on Homeland Security and Governmental Affairs.

EC–4234. A communication from the Chairman, Occupational Safety and Health Review Commission, transmitting, pursuant to law, the Commission's fiscal year 2023 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act) received in the Office of the President pro tempore; to the Committee on Homeland Security and Governmental Affairs.

EC–4235. A communication from the Chairman of the Federal Labor Relations Authority, transmitting, pursuant to law, the Board's Congressional Budget Justification for fiscal year 2025 received in the Office of the President pro tempore; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. MURRAY, from the Committee on Appropriations:

Special Report entitled ''Further Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2024'' (Rept. No. 118–169).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mrs. HYDE-SMITH:

S. 4201. A bill to amend title XVIII of the Social Security Act to modify the criteria for designation of rural emergency hospitals; to the Committee on Finance.

By Mr. RISCH:

S. 4202. A bill to require the Department of State to create and implement a process for better supporting new diplomatic missions; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MANCHIN (for himself, Mr. WICKER, Mr. HEINRICH, Mrs. CAPITO, and Mr. RISCH):

S. Res. 661. A resolution designating the week of April 15 through April 21, 2024, as ''National Osteopathic Medicine Week''; considered and agreed to.

By Mr. SCHUMER (for himself and Mr. MCCONNELL):

S. Res. 662. A resolution to authorize testimony, document production, and representation in United States of America v. Robert Menendez, et al; considered and agreed to.

By Mr. BENNET (for himself and Mr. HICKENLOOPER):

S. Res. 663. A resolution commemorating the 25th anniversary of the Columbine High School shooting; considered and agreed to.

ADDITIONAL COSPONSORS

S. 260

At the request of Mr. BROWN, the name of the Senator from Arizona (Ms. SINEMA) was added as a cosponsor of S. 260, a bill to amend title XVIII of the Social Security Act to permit nurse practitioners and physician assistants to satisfy the documentation requirement under the Medicare program for coverage of certain shoes for individuals with diabetes.

S. 704

At the request of Ms. ROSEN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 704, a bill to amend the Higher Education Act of 1965 to provide for interest-free deferment on student loans for borrowers serving in a medical or dental internship or residency program.

S. 711

At the request of Mr. BUDD, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 711, a bill to require the Secretary of the Treasury to mint coins in commemoration of the invaluable service that working dogs provide to society.

S. 928

At the request of Mr. TESTER, the name of the Senator from Ohio (Mr.

BROWN) was added as a cosponsor of S. 928, a bill to require the Secretary of Veterans Affairs to prepare an annual report on suicide prevention, and for other purposes.

S. 1408

At the request of Mr. BOOKER, the name of the Senator from California (Ms. BUTLER) was added as a cosponsor of S. 1408, a bill to amend title 9, United States Code, with respect to arbitration of disputes involving race discrimination.

S. 1424

At the request of Mr. MANCHIN, the name of the Senator from Vermont (Mr. WELCH) was added as a cosponsor of S. 1424, a bill to amend title XXVII of the Public Health Service Act to improve health care coverage under vision and dental plans, and for other purposes.

S. 2036

At the request of Mr. BARRASSO, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 2036, a bill to prohibit the Secretary of Energy from changing energy conservation standards for distribution transformers for a certain period, and for other purposes.

S. 2418

At the request of Mr. MERKLEY, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 2418, a bill to amend titles XVIII and XIX of the Social Security Act to increase access to services provided by advanced practice registered nurses under the Medicare and Medicaid programs, and for other purposes.

S. 2767

At the request of Mr. BROWN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 2767, a bill to amend title XVI of the Social Security Act to update the resource limit for supplemental security income eligibility.

S. 2888

At the request of Mr. KING, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 2888, a bill to amend title 10, United States Code, to authorize representatives of veterans service organizations to participate in presentations to promote certain benefits available to veterans during preseparation counseling under the Transition Assistance Program of the Department of Defense, and for other purposes.

S. 2908

At the request of Mr. HEINRICH, the names of the Senator from Montana (Mr. TESTER) and the Senator from Alaska (Mr. SULLIVAN) were added as cosponsors of S. 2908, a bill to assist Tribal governments in the management of buffalo and buffalo habitat and the reestablishment of buffalo on Indian land.

S. 2928

At the request of Mr. KELLY, the name of the Senator from California (Mr. PADILLA) was added as a cosponsor of S. 2928, a bill to amend the Water Infrastructure Finance and Innovation Act of 2014 to establish payment and performance security requirements for projects, and for other purposes.

S. 3109

At the request of Mr. MARKEY, the names of the Senator from Colorado (Mr. HICKENLOOPER) and the Senator from Louisiana (Mr. CASSIDY) were added as cosponsors of S. 3109, a bill to require the Administrator of the Centers for Medicare & Medicaid Services and the Commissioner of Social Security to review and simplify the processes, procedures, forms, and communications for family caregivers to assist individuals in establishing eligibility for, enrolling in, and maintaining and utilizing coverage and benefits under the Medicare, Medicaid, CHIP, and Social Security programs respectively, and for other purposes.

S. 3138

At the request of Mr. BROWN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 3138, a bill to amend titles XIX and XXI of the Social Security Act to provide for 12-month continuous enrollment of individuals under the Medicaid program and Children's Health Insurance Program.

S. 3356

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

S. 3502

At the request of Mr. REED, the names of the Senator from Alabama (Mr. TUBERVILLE) and the Senator from Florida (Mr. SCOTT) were added as cosponsors of S. 3502, a bill to amend the Fair Credit Reporting Act to prevent consumer reporting agencies from furnishing consumer reports under certain circumstances, and for other purposes.

S. 3560

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

S. 3755

At the request of Mr. RUBIO, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor 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. 3765

At the request of Mr. CASEY, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Minnesota (Ms. SMITH) were added as cosponsors of S. 3765, a bill to amend the Public Health Service Act to reauthorize the Emergency Medical Services for Children program.

S. 3819

At the request of Mr. CASEY, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 3819, a bill to direct the Federal Trade Commission to issue regulations to establish shrinkflation as an unfair or deceptive act or practice, and for other purposes.

S. 4001

At the request of Mr. CASEY, the names of the Senator from Florida (Mr. RUBIO) and the Senator from Connecticut (Mr. BLUMENTHAL) were added as cosponsors of S. 4001, a bill to establish a commission to study the potential transfer of the Weitzman National Museum of American Jewish History to the Smithsonian Institution, and for other purposes.

S. 4032

At the request of Mr. MURPHY, the name of the Senator from Georgia (Mr. WARNOCK) was added as a cosponsor of S. 4032, a bill to authorize magistrate judges to issue arrest warrants for certain criminal aliens.

S. 4046

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

S. 4075

At the request of Mr. HAGERTY, the names of the Senator from Nebraska (Mr. RICKETTS) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 4075, a bill to prohibit payment card networks and covered entities from requiring the use of or assigning merchant category codes that distinguish a firearms retailer from a general merchandise retailer or sporting goods retailer, and for other purposes.

S. 4119

At the request of Mr. DURBIN, the name of the Senator from California (Mr. PADILLA) was added as a cosponsor of S. 4119, a bill to limit the use of solitary confinement and other forms of restrictive housing in immigration detention, and for other purposes.

S. 4133

At the request of Mrs. BLACKBURN, the name of the Senator from Alabama (Mrs. BRITT) was added as a cosponsor of S. 4133, a bill to amend the National Labor Relations Act to require secret ballot elections, and for other purposes.

S. 4172

At the request of Mr. KELLY, the name of the Senator from California (Ms. BUTLER) was added as a cosponsor of S. 4172, a bill to provide for water conservation, drought operations, and drought resilience at water resources development projects, and for other purposes.

S. 4195

At the request of Mr. SANDERS, the name of the Senator from Colorado (Mr. HICKENLOOPER) was added as a cosponsor of 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.

S.J. RES. 73

At the request of Mr. RUBIO, the name of the Senator from Oklahoma (Mr. LANKFORD) was added as a cosponsor of 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''.

S. CON. RES. 8

At the request of Ms. STABENOW, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. Con. Res. 8, a concurrent resolution expressing the sense of Congress that tax-exempt fraternal benefit societies have historically provided and continue to provide critical benefits to the people and communities of the United States.

S. RES. 559

At the request of Mr. RISCH, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. Res. 559, a resolution recognizing the actions of the Rapid Support Forces and allied militia in the Darfur region of Sudan against non-Arab ethnic communities as acts of genocide.

S. RES. 575

At the request of Mr. BROWN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. Res. 575, a resolution declaring racism a public health crisis.

S. RES. 589

At the request of Mr. DURBIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. Res. 589, a resolution honoring Wadee Alfayoumi, a 6-year-old Palestinian-American boy, murdered as a victim of a hate crime for his Palestinian-Muslim identity, in the State of Illinois.

S. RES. 638

At the request of Mr. MCCONNELL, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. Res. 638, a resolution calling for the immediate release of Ryan Corbett, a United States citizen who was wrongfully detained by the Taliban on August 10, 2022, and condemning the wrongful detention of Americans by the Taliban.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 661—DESIGNATING THE WEEK OF APRIL 15 THROUGH APRIL 21, 2024, AS ''NATIONAL OSTEOPATHIC MEDICINE WEEK''

Mr. MANCHIN (for himself, Mr. WICKER, Mr. HEINRICH, Mrs. CAPITO, and Mr. RISCH) submitted the following resolution; which was considered and agreed to:

S. RES. 661

Whereas there are more than 148,000 osteopathic physicians and 38,000 osteopathic medical students in the United States;

Whereas osteopathic physicians and medical students train at high-caliber schools of osteopathic medicine across the United States, including in rural communities;

Whereas osteopathic physicians have made significant contributions to the healthcare system of the United States since the founding of osteopathic medicine in 1892;

Whereas the number of osteopathic physicians in the United States has increased by more than 30 percent in the past 5 years;

Whereas osteopathic medicine emphasizes a whole-person, patient-centric approach to healthcare, and osteopathic physicians play an important role in the healthcare system of the United States;

Whereas osteopathic physicians play a critical role in public health preparedness and work on the front lines treating patients;

Whereas osteopathic physicians train and practice in all medical specialties and practice settings;

Whereas osteopathic physicians and medical students in the United States are dedicated to improving the health of their communities through efforts to increase education and awareness and by delivering high-quality health services; and

Whereas osteopathic physicians practice in every State: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of April 15 through April 21, 2024, as ''National Osteopathic Medicine Week'';

(2) recognizes the contributions of osteopathic physicians to the healthcare system of the United States; and

(3) celebrates the role that colleges of osteopathic medicine play in training the next generation of physicians.

SENATE RESOLUTION 662—TO AUTHORIZE TESTIMONY, DOCUMENT PRODUCTION, AND REPRESENTATION IN UNITED STATES OF AMERICA V. ROBERT MENENDEZ, ET AL

Mr. SCHUMER (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 662

Whereas, in the case of *United States of America v. Robert Menendez, et al.*, Cr. No. 23-490, pending in the United States District Court for the Southern District of New York, testimony and the production of documents may be needed from various current and former Members and employees of the Senate, relating to their official responsibilities;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(a) and 288c(a)(2), the Senate may direct its counsel to represent current or former Members and employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate; and

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That current and former Members and employees of the Senate are authorized to testify and produce documents in the case of *United States of America v. Robert Menendez, et al.*, and related proceedings, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent current and former Members and employees of the Senate in connection with the production of evidence authorized in section one of this resolution.

SENATE RESOLUTION 663—COMMEMORATING THE 25TH ANNIVERSARY OF THE COLUMBINE HIGH SCHOOL SHOOTING

Mr. BENNET (for himself and Mr. HICKENLOOPER) submitted the following resolution; which was considered and agreed to:

S. RES. 663

Whereas, on April 20, 1999, Columbine High School in Littleton, Colorado was the site of a devastating shooting that resulted in the deaths of 12 students and 1 teacher, left more than 20 others injured, and forever changed the lives of the family members, classmates, friends and others in the school and community of the victims;

Whereas the 13 innocent victims killed in the shooting were—

(1) Cassie Bernall;
(2) Steve Curnow;
(3) Corey DePooter;
(4) Kelly Fleming;
(5) Matt Kechter;
(6) Daniel Mauser;
(7) Daniel Rohrbough;
(8) Dave Sanders;
(9) Rachel Scott;
(10) Isaiah Shoels;
(11) John Tomlin;
(12) Lauren Townsend; and
(13) Kyle Velasquez; and

Whereas the community has continued to remember and honor those who died through the Columbine Memorial located in Clement Park in Littleton, Colorado: Now, therefore, be it

Resolved, That, on this 25th anniversary, the Senate—

(1) remembers the victims and honors the survivors of the Columbine High School shooting; and

(2) reaffirms its commitment to fostering safe educational environments for all students.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1842. Mr. SCHUMER proposed an amendment to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of

veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes.

SA 1843. Mr. SCHUMER proposed an amendment to amendment SA 1842 proposed by Mr. SCHUMER to the bill H.R. 815, supra.

SA 1844. Mr. SCHUMER proposed an amendment to the bill H.R. 815, supra.

SA 1845. Mr. SCHUMER proposed an amendment to amendment SA 1844 proposed by Mr. SCHUMER to the bill H.R. 815, supra.

SA 1846. Mr. SCHUMER proposed an amendment to amendment SA 1845 proposed by Mr. SCHUMER to the amendment SA 1844 proposed by Mr. SCHUMER to the bill H.R. 815, supra.

SA 1847. Mr. SULLIVAN submitted an amendment intended to be proposed by him to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1848. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1849. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 1848 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1850. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1851. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 1850 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1852. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 1851 submitted by Mr. SCHUMER and intended to be proposed to the amendment SA 1850 proposed by Mr. SCHUMER to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1853. Mr. SCOTT of Florida submitted an amendment intended to be proposed by him to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1854. Ms. LUMMIS submitted an amendment intended to be proposed by her to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1855. Mr. DAINES submitted an amendment intended to be proposed by him to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1856. Mr. DAINES (for himself and Ms. LUMMIS) submitted an amendment intended to be proposed by him to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1857. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1858. Mr. SANDERS (for himself, Mr. WELCH, and Ms. WARREN) submitted an amendment intended to be proposed by him to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1859. Mr. SANDERS (for himself and Ms. WARREN) submitted an amendment intended to be proposed by him to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1860. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1861. Mr. ROUNDS submitted an amendment intended to be proposed by him to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1862. Mr. ROUNDS submitted an amendment intended to be proposed by him to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1863. Mr. ROUNDS submitted an amendment intended to be proposed by him to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1864. Mr. HAGERTY submitted an amendment intended to be proposed by him to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1865. Mr. HAGERTY submitted an amendment intended to be proposed by him to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1866. Mr. HAGERTY submitted an amendment intended to be proposed by him to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1867. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1868. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1869. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1870. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1871. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1872. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1873. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1874. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1875. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1876. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1877. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1878. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1879. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1880. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1881. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1882. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1883. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1884. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1885. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1886. Mr. VAN HOLLEN submitted an amendment intended to be proposed by him to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1887. Mr. VAN HOLLEN submitted an amendment intended to be proposed by him to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1888. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1889. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1890. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1891. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1892. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1893. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1894. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1895. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1896. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1897. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1898. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1899. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1900. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1901. Mrs. BLACKBURN submitted an amendment intended to be proposed by her to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1902. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1903. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1904. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1905. Mr. MARKEY submitted an amendment intended to be proposed by him to the bill H.R. 815, supra; which was ordered to lie on the table.

SA 1906. Ms. WARREN submitted an amendment intended to be proposed by her

to the bill H.R. 815, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1842. Mr. SCHUMER proposed an amendment to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; as follows:

At the end add the following:

SEC. EFFECTIVE DATE.

This Act shall take effect on the date that is 1 day after the date of enactment of this Act.

SA 1843. Mr. SCHUMER proposed an amendment to amendment SA 1842 proposed by Mr. SCHUMER to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; as follows:

On page 1, line 3, strike ''1 day'' and insert ''2 days''.

SA 1844. Mr. SCHUMER proposed an amendment to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; as follows:

At the end add the following:

SEC. EFFECTIVE DATE.

This Act shall take effect on the date that is 3 days after the date of enactment of this Act.

SA 1845. Mr. SCHUMER proposed an amendment to amendment SA 1844 proposed by Mr. SCHUMER to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; as follows:

On page 1, line 3, strike ''3 days'' and insert ''4 days''.

SA 1846. Mr. SCHUMER proposed an amendment to amendment SA 1845 proposed by Mr. SCHUMER to the amendment SA 1844 proposed by Mr. SCHUMER to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; as follows:

On page 1, line 1, strike ''4 days'' and insert ''5 days''.

SA 1847. Mr. SULLIVAN submitted an amendment intended to be proposed by him to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROHIBITION ON ECONOMIC SUPPORT FUND ASSISTANCE FOR UKRAINE.

Notwithstanding any other provision of any division of this Act, no amounts appropriated or otherwise made available by any division of this Act may be made available for Economic Support Fund assistance for Ukraine.

SA 1848. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the end add the following:

SEC. EFFECTIVE DATE.

This Act shall take effect on the date that is 7 days after the date of enactment of this Act.

SA 1849. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 1848 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 3, strike ''7 days'' and insert ''8 days''.

SA 1850. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the end add the following:

SEC. EFFECTIVE DATE.

This Act shall take effect on the date that is 9 days after the date of enactment of this Act.

SA 1851. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 1850 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 3, strike ''9 days'' and insert ''10 days''.

SA 1852. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 1851 submitted by Mr. SCHUMER and intended to be proposed to the amendment SA 1850 proposed by Mr. SCHUMER to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 1, strike ''10 days'' and insert ''11 days''.

SA 1853. Mr. SCOTT of Florida submitted an amendment intended to be proposed by him to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. RESTRICTION ON THE EXPENDITURE FOR FEDERAL FUNDS IN GAZA.

(a) SHORT TITLE.—This section may be cited as the ''Stop Taxpayer Funding of Hamas Act''.

(b) IN GENERAL.—No United States Government funds may be obligated or expended in the territory of Gaza until after the President certifies to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that—

(1) such funds can be expended without benefitting any organization or persons that is—

(A) a member of Hamas, Palestinian Islamic Jihad, or any other organization designated by the Secretary of State as a foreign terrorist organization under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189); or

(B) controlled or influenced by Hamas, Palestinian Islamic Jihad, or any such foreign terrorist organization; and

(2) all hostages who were taken to Gaza by Hamas, Palestinian Islamic Jihad, or any other organization designated by the Secretary of State as a foreign terrorist organization under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189) have been freed.

(c) UNITED NATIONS ENTITIES.—No United States Government funds may be obligated or expended in the territory of Gaza through any United Nations entity or office unless the President certifies to the congressional committees referred to in subsection (b) that such entity or office is not encouraging or teaching anti-Israel or anti-Semitic ideas or propaganda.

SA 1854. Ms. LUMMIS submitted an amendment intended to be proposed by her to the bill H.R. 815, to amend title 38, United States Code, to make certain

improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. DISCRETIONARY SPENDING LIMIT REDUCTIONS.

Section 251(c)(10) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(c)(10)) is amended—

(1) in subparagraph (A), by striking ''$895,212,000,000'' and inserting ''$847,712,000,000''; and

(2) in subparagraph (B), by striking ''; $710,688,000,000'' and inserting '', $663,188,000,000''.

SA 1855. Mr. DAINES submitted an amendment intended to be proposed by him to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. MODIFICATION TO OPERATION OF UKRAINE SUPPORT FUND.

Notwithstanding any provision of division F of this Act—

(1) funds in the Ukraine Support Fund established under section 104(d) of that division shall be available to the Secretary of Defense as well as the Secretary of State for the purpose of providing assistance to Ukraine for the damage resulting from the unlawful invasion by the Russian Federation that began on February 24, 2022;

(2) the permissible uses of funds in the Ukraine Support Fund include supporting the national defense of Ukraine and providing military aid to Ukraine; and

(3) none of the funds in the Ukraine Support Fund may be used to repay loans made to Ukraine by the European Union or a country in Europe.

SA 1856. Mr. DAINES (for himself and Ms. LUMMIS) submitted an amendment intended to be proposed by him to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. SUPPORTING NATIONAL SECURITY WITH SPECTRUM.

(a) SHORT TITLE.—This section may be cited as the ''Supporting National Security with Spectrum Act''.

(b) ADDITIONAL ''RIP AND REPLACE'' FUNDING.— Section 4(k) of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1603(k)) is amended by striking ''$1,900,000,000'' and inserting ''$4,980,000,000''.

(c) APPROPRIATION OF FUNDS.—There is appropriated to the Federal Communications Commission for fiscal year 2024, out of amounts in the Treasury not otherwise appropriated, $3,080,000,000, to remain available until expended, to carry out section 4 of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1603).

(d) FCC AUCTION 97 REAUCTION OF CERTAIN LICENSES; COMPLETION OF REAUCTION.—

(1) FCC AUCTION 97 REAUCTION OF CERTAIN LICENSES.—Not later than 1 year after the date of enactment of this Act, the Federal Communications Commission shall initiate a system of competitive bidding under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) to grant licenses for spectrum in the inventory of the Commission within the bands of frequencies referred to by the Commission as the ''AWS-3 bands'', without regard to whether the authority of the Commission under paragraph (11) of that section has expired.

(2) COMPLETION OF REAUCTION.—The Federal Communications Commission shall complete the system of competitive bidding described in subsection (a), including receiving payments, processing applications, and granting licenses, without regard to whether the authority of the Commission under paragraph (11) of section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) has expired.

SA 1857. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

Strike page 59, line 6 and all that follows through page 69, line 7, and insert the following:

(c) LIMITATION ON ARRANGEMENT TERMS.—

(1) IN GENERAL.—The arrangement required under subsection (a) may not provide for the cancellation of any or all amounts of indebtedness.

(2) USE OF PAYMENTS.—All payments received by the Government of the United States from the Government of Ukraine resulting from any loan authorized by this Act shall be exclusively and indefinitely reserved for deposit in the United States Treasury for purposes of repayment of the national debt.

SA 1858. Mr. SANDERS (for himself, Mr. WELCH, and Ms. WARREN) submitted an amendment intended to be proposed by him to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. Notwithstanding any other provision of any division of this Act, no prohibition on funds appropriated under any division of this Act being made available for a contribution, grant, or other payment to the United Nations Relief and Works Agency shall have force or effect.

SA 1859. Mr. SANDERS (for himself and Ms. WARREN) submitted an amendment intended to be proposed by him to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. (a) Notwithstanding any other provision of any division of this Act, no funds shall be made available under any division of this Act for—

(1) ''Operation and Maintenance, Defense-Wide'' to respond to the situation in Israel;

(2) ''Procurement of Ammunition, Army'' to respond to the situation in Israel;

(3) ''Defense Production Act Purchases'' for activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. 4518, 4531, 4532, and 4533); or

(4) ''Foreign Military Financing Program'' for assistance for Israel and for related expenses.

(b) Sections 305, 306, 308, and 309 of division A of this Act shall have no force or effect.

SA 1860. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. EMERGENCY DESIGNATIONS.

No emergency designation under section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)) contained in any division of this Act shall have force or effect.

Strike division T.

SA 1861. Mr. ROUNDS submitted an amendment intended to be proposed by him to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. CLARIFICATION OF ASYLUM ELIGIBILITY.

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

(1) in subsection (a)—

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

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

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

''(i) the alien may be removed to a country (other than the country of the alien's nationality or, in the case of an alien having no nationality, the country of the alien's last habitual residence) in which the alien's life or

freedom would not be threatened on account of race, religion, nationality, membership in a particular social group, or political opinion, and where the alien would have access to a full and fair procedure for determining a claim to asylum or equivalent temporary protection, unless the Attorney General or the Secretary, on a case-by-case basis, finds that it is in the public interest for the alien to receive asylum in the United States; or

''(ii) the alien entered, attempted to enter, or arrived in the United States after transiting through at least one country outside the alien's country of citizenship, nationality, or last lawful habitual residence en route to the United States, unless—

''(I) the alien demonstrates that he or she applied for protection from persecution or torture in at least one country outside the alien's country of citizenship, nationality, or last lawful habitual residence through which the alien transited en route to the United States, and the alien received a final judgment denying the alien protection in each country;

''(II) the alien demonstrates that he or she was a victim of a severe form of trafficking in which a commercial sex act was induced by force, fraud, or coercion, or in which the person induced to perform such act was under the age of 18 years; or in which the trafficking included the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery, and was unable to apply for protection from persecution in each country through which the alien transited en route to the United States as a result of such severe form of trafficking; or

''(III) the only countries through which the alien transited en route to the United States were, at the time of the transit, not parties to the 1951 United Nations Convention relating to the Status of Refugees, the 1967 Protocol Relating to the Status of Refugees, or the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.''; and

(2) in subsection (b)—

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

(B) by amending paragraph (2) to read as follows:

''(2) EXCEPTIONS.—

''(A) IN GENERAL.—Paragraph (1) shall not apply to an alien if the Secretary of Homeland Security or the Attorney General determines that—

''(i) the alien ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion;

''(ii) the alien has been convicted of any felony under Federal, State, tribal, or local law;

''(iii) the alien has been convicted of any misdemeanor offense under Federal, State, tribal, or local law involving—

''(I) the unlawful possession or use of an identification document, authentication feature, or false identification document (as such terms are defined in the jurisdiction where the conviction occurred), unless the alien can establish that the conviction resulted from circumstances showing that—

''(aa) the document or feature was presented before boarding a common carrier;

''(bb) the document or feature related to the alien's eligibility to enter the United States;

''(cc) the alien used the document or feature to depart a country wherein the alien has claimed a fear of persecution; and

''(dd) the alien claimed a fear of persecution without delay upon presenting himself or herself to an immigration officer upon arrival at a United States port of entry;

''(II) the unlawful receipt of a Federal public benefit (as defined in section 401(c) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1611(c))), from a Federal entity, or the unlawful receipt of similar public benefits from a State, tribal, or local entity; or

''(III) possession or trafficking of a controlled substance or controlled substance paraphernalia, as those phrases are defined under the law of the jurisdiction where the conviction occurred, other than a single offense involving possession for one's own use of 30 grams or less of marijuana (as marijuana is defined under the law of the jurisdiction where the conviction occurred);

''(iv) the alien has been convicted of an offense arising under paragraph (1)(A) or (2) of section 274(a), or under section 276;

''(v) the alien has been convicted of a Federal, State, tribal, or local crime that the Attorney General or Secretary of Homeland Security knows, or has reason to believe, was committed in support, promotion, or furtherance of the activity of a criminal street gang (as defined under the law of the jurisdiction where the conviction occurred or in section 521(a) of title 18, United States Code);

''(vi) the alien has been convicted of an offense for driving while intoxicated or impaired, as those terms are defined under the law of the jurisdiction where the conviction occurred (including a conviction for driving while under the influence of or impaired by alcohol or drugs), without regard to whether the conviction is classified as a misdemeanor or felony under Federal, State, tribal, or local law, in which such intoxicated or impaired driving was a cause of serious bodily injury or death of another person;

''(vii) the alien has been convicted of more than one offense for driving while intoxicated or impaired, as those terms are defined under the law of the jurisdiction where the conviction occurred (including a conviction for driving while under the influence of or impaired by alcohol or drugs), without regard to whether the conviction is classified as a misdemeanor or felony under Federal, State, tribal, or local law;

''(viii) the alien has been convicted of a crime—

''(I) that involves conduct amounting to a crime of stalking;

''(II) of child abuse, child neglect, or child abandonment; or

''(III) that involves conduct amounting to a domestic assault or battery offense, including—

''(aa) a misdemeanor crime of domestic violence, as described in section 921(a)(33) of title 18, United States Code;

''(bb) a crime of domestic violence, as described in section 40002(a)(12) of the Violence Against Women Act of 1994 (34 U.S.C. 12291(a)(12)); or

''(cc) any crime based on conduct in which the alien harassed, coerced, intimidated, voluntarily or recklessly used (or threatened to use) force or violence against, or inflicted physical injury or physical pain, however slight, upon a person—

''(AA) who is a current or former spouse of the alien;

''(BB) with whom the alien shares a child;

''(CC) who is cohabitating with, or who has cohabitated with, the alien as a spouse;

''(DD) who is similarly situated to a spouse of the alien under the domestic or family violence laws of the jurisdiction where the offense occurred; or

''(EE) who is protected from that alien's acts under the domestic or family violence laws of the United States or of any State, tribal government, or unit of local government;

''(ix) the alien has engaged in acts of battery or extreme cruelty upon a person and the person—

''(I) is a current or former spouse of the alien;

''(II) shares a child with the alien;

''(III) cohabitates or has cohabitated with the alien as a spouse;

''(IV) is similarly situated to a spouse of the alien under the domestic or family violence laws of the jurisdiction where the offense occurred; or

''(V) is protected from that alien's acts under the domestic or family violence laws of the United States or of any State, tribal government, or unit of local government;

''(x) the alien, having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community of the United States;

''(xi) there are serious reasons for believing that the alien has committed a serious nonpolitical crime outside the United States prior to the arrival of the alien in the United States;

''(xii) there are reasonable grounds for regarding the alien as a danger to the security of the United States;

''(xiii) the alien is described in subclause (I), (II), (III), (IV), or (VI) of section 212(a)(3)(B)(i) or section 237(a)(4)(B) (relating to terrorist activity), unless, in the case only of an alien inadmissible under subclause (IV) of section 212(a)(3)(B)(i), the Secretary of Homeland Security or the Attorney General determines, in the Secretary's or the Attorney General's discretion, that there are not reasonable grounds for regarding the alien as a danger to the security of the United States;

''(xiv) the alien was firmly resettled in another country prior to arriving in the United States; or

''(xv) there are reasonable grounds for concluding the alien could avoid persecution by relocating to another part of the alien's country of nationality or, in the case of an alien having no nationality, another part of the alien's country of last habitual residence.

''(B) SPECIAL RULES.—

''(i) PARTICULARLY SERIOUS CRIME; SERIOUS NONPOLITICAL CRIME OUTSIDE THE UNITED STATES.—

''(I) IN GENERAL.—For purposes of subparagraph (A)(x), the Attorney General or Secretary of Homeland Security, in their discretion, may determine that a conviction constitutes a particularly serious crime based on—

''(aa) the nature of the conviction;

''(bb) the type of sentence imposed; or

''(cc) the circumstances and underlying facts of the conviction.

''(II) DETERMINATION.—In making a determination under subclause (I), the Attorney General or Secretary of Homeland Security may consider all reliable information and is not limited to facts found by the criminal court or provided in the underlying record of conviction.

''(III) TREATMENT OF FELONIES.—In making a determination under subclause (I), an alien who has been convicted of a felony (as defined under this section) or an aggravated felony (as defined under section 101(a)(43)), shall be considered to have been convicted of a particularly serious crime.

''(IV) INTERPOL RED NOTICE.—In making a determination under subparagraph (A)(xi),

an Interpol Red Notice may constitute reliable evidence that the alien has committed a serious nonpolitical crime outside the United States.

''(ii) CRIMES AND EXCEPTIONS.—

''(I) DRIVING WHILE INTOXICATED OR IMPAIRED.—A finding under subparagraph (A)(vi) does not require the Attorney General or Secretary of Homeland Security to find the first conviction for driving while intoxicated or impaired (including a conviction for driving while under the influence of or impaired by alcohol or drugs) as a predicate offense. The Attorney General or Secretary of Homeland Security need only make a factual determination that the alien previously was convicted for driving while intoxicated or impaired as those terms are defined under the jurisdiction where the conviction occurred (including a conviction for driving while under the influence of or impaired by alcohol or drugs).

''(II) STALKING AND OTHER CRIMES.—In making a determination under subparagraph (A)(viii), including determining the existence of a domestic relationship between the alien and the victim, the underlying conduct of the crime may be considered, and the Attorney General or Secretary of Homeland Security is not limited to facts found by the criminal court or provided in the underlying record of conviction.

''(III) BATTERY OR EXTREME CRUELTY.—In making a determination under subparagraph (A)(ix), the phrase 'battery or extreme cruelty' includes—

''(aa) any act or threatened act of violence, including any forceful detention, which results or threatens to result in physical or mental injury;

''(bb) psychological or sexual abuse or exploitation, including rape, molestation, incest, or forced prostitution, shall be considered acts of violence; and

''(cc) other abusive acts, including acts that, in and of themselves, may not initially appear violent, but that are a part of an overall pattern of violence.

''(IV) EXCEPTION FOR VICTIMS OF DOMESTIC VIOLENCE.—An alien who was convicted of an offense described in clause (viii) or (ix) of subparagraph (A) is not ineligible for asylum on that basis if the alien satisfies the criteria under section 237(a)(7)(A).

''(C) SPECIFIC CIRCUMSTANCES.—Paragraph (1) shall not apply to an alien whose claim is based on—

''(i) personal animus or retribution, including personal animus in which the alleged persecutor has not targeted, or manifested an animus against, other members of an alleged particular social group in addition to the member who has raised the claim at issue;

''(ii) the applicant's generalized disapproval of, disagreement with, or opposition to criminal, terrorist, gang, guerilla, or other non-state organizations absent expressive behavior in furtherance of a discrete cause against such organizations related to control of a State or expressive behavior that is antithetical to the State or a legal unit of the State;

''(iii) the applicant's resistance to recruitment or coercion by guerrilla, criminal, gang, terrorist, or other non-state organizations;

''(iv) the targeting of the applicant for criminal activity for financial gain based on wealth or affluence or perceptions of wealth or affluence;

''(v) the applicant's criminal activity; or

''(vi) the applicant's perceived, past or present, gang affiliation.

''(D) DEFINITIONS AND CLARIFICATIONS.—

''(i) DEFINITIONS.—In this paragraph:

''(I) FELONY.—The term 'felony' means—

''(aa) any crime defined as a felony by the relevant jurisdiction (Federal, State, tribal, or local) of conviction; or

''(bb) any crime punishable by more than one year of imprisonment.

''(II) MISDEMEANOR.—The term 'misdemeanor' means—

''(aa) any crime defined as a misdemeanor by the relevant jurisdiction (Federal, State, tribal, or local) of conviction; or

''(bb) any crime not punishable by more than one year of imprisonment.

''(ii) CLARIFICATIONS.—

''(I) CONSTRUCTION.—For purposes of this paragraph, whether any activity or conviction also may constitute a basis for removal is immaterial to a determination of asylum eligibility.

''(II) ATTEMPT, CONSPIRACY, OR SOLICITATION.—For purposes of this paragraph, all references to a criminal offense or criminal conviction shall be deemed to include any attempt, conspiracy, or solicitation to commit the offense or any other inchoate form of the offense.

''(III) EFFECT OF CERTAIN ORDERS.—

''(aa) IN GENERAL.—No order vacating a conviction, modifying a sentence, clarifying a sentence, or otherwise altering a conviction or sentence shall have any effect under this paragraph unless the Attorney General or Secretary of Homeland Security determines that—

''(AA) the court issuing the order had jurisdiction and authority to do so; and

''(BB) the order was not entered for rehabilitative purposes or for purposes of ameliorating the immigration consequences of the conviction or sentence.

''(bb) AMELIORATING IMMIGRATION CONSEQUENCES.—For purposes of item (aa)(BB), the order shall be presumed to be for the purpose of ameliorating immigration consequences if—

''(AA) the order was entered after the initiation of any proceeding to remove the alien from the United States; or

''(BB) the alien moved for the order more than one year after the date of the original order of conviction or sentencing, whichever is later.

''(cc) AUTHORITY OF IMMIGRATION JUDGE.—An immigration judge is not limited to consideration only of material included in any order vacating a conviction, modifying a sentence, or clarifying a sentence to determine whether such order should be given any effect under this paragraph, but may consider such additional information as the immigration judge determines appropriate.

''(E) ADDITIONAL LIMITATIONS.—The Secretary of Homeland Security or the Attorney General may by regulation establish additional limitations and conditions, consistent with this section, under which an alien shall be ineligible for asylum under paragraph (1).

''(F) NO JUDICIAL REVIEW.—There shall be no judicial review of a determination of the Secretary of Homeland Security or the Attorney General under subparagraph (A)(xiii).''.

(b) CREDIBLE FEAR INTERVIEWS.—Section 235(b)(1)(B)(v) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(B)(v)) is amended by striking ''there is a significant possibility'' and all that follows, and inserting '', taking into account the credibility of the statements made by the alien in support of the alien's claim, as determined pursuant to section 208(b)(1)(B)(iii), and such other facts as are known to the officer, the alien more likely than not could establish eligibility for asylum under section 208, and it is more likely than not that the statements made by, and on behalf of, the alien in support of the alien's claim are true.''.

SA 1862. Mr. ROUNDS submitted an amendment intended to be proposed by him to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REVIEW AND PROHIBITIONS BY COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES OF CERTAIN TRANSACTIONS RELATING TO AGRICULTURE.

(a) IN GENERAL.—Section 721 of the Defense Production Act of 1950 (50 U.S.C. 4565) is amended—

(1) in subsection (a), by adding at the end the following:

''(14) AGRICULTURE.—The term 'agriculture' has the meaning given that term in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203).'';

(2) in subsection (b)(1), by adding at the end the following:

''(I) CONSIDERATION OF CERTAIN AGRICULTURAL LAND TRANSACTIONS.—

''(i) IN GENERAL.—Not later than 30 days after receiving notification from the Secretary of Agriculture of a reportable agricultural land transaction, the Committee shall determine—

''(I) whether the transaction is a covered transaction; and

''(II) if the Committee determines that the transaction is a covered transaction, whether to—

''(aa) request the submission of a notice under clause (i) of subparagraph (C) or a declaration under clause (v) of such subparagraph pursuant to the process established under subparagraph (H); or

''(bb) initiate a review pursuant to subparagraph (D).

''(ii) REPORTABLE AGRICULTURAL LAND TRANSACTION DEFINED.—In this subparagraph, the term 'reportable agricultural land transaction' means a transaction—

''(I) that the Secretary of Agriculture has reason to believe is a covered transaction;

''(II) that involves the acquisition of an interest in agricultural land by a foreign person, other than an excepted investor or an excepted real estate investor, as such terms are defined in regulations prescribed by the Committee; and

''(III) with respect to which a person is required to submit a report to the Secretary of Agriculture under section 2(a) of the Agricultural Foreign Investment Disclosure Act of 1978 (7 U.S.C. 3501(a)).'';

(3) in subsection (k)(2)—

(A) by redesignating subparagraphs (H), (I), and (J) as subparagraphs (I), (J), and (K), respectively; and

(B) by inserting after subparagraph (G) the following:

''(H) The Secretary of Agriculture, with respect to any covered transaction related to the purchase of agricultural land or agricultural biotechnology or otherwise related to the agriculture industry in the United States.''; and

(4) by adding at the end the following:

''(r) PROHIBITIONS RELATING TO PURCHASES OF AGRICULTURAL LAND AND AGRICULTURAL BUSINESSES.—

''(1) IN GENERAL.—If the Committee, in conducting a review under this section, determines that a transaction described in clause (i), (ii), or (iv) of subsection (a)(4)(B) would result in the purchase or lease by a covered

foreign person of real estate described in paragraph (2) or would result in control by a covered foreign person of a United States business engaged in agriculture, the President shall prohibit the transaction unless a party to the transaction voluntarily chooses to abandon the transaction.

''(2) REAL ESTATE DESCRIBED.—Subject to regulations prescribed by the Committee, real estate described in this paragraph is agricultural land (as defined in section 9 of the Agricultural Foreign Investment Disclosure Act of 1978 (7 U.S.C. 3508)) in the United States that is in close proximity (subject to subsection (a)(4)(C)(ii)) to a United States military installation or another facility or property of the United States Government that is—

''(A) sensitive for reasons relating to national security for purposes of subsection (a)(4)(B)(ii)(II)(bb); and

''(B) identified in regulations prescribed by the Committee.

''(3) WAIVER.—The President may waive, on a case-by-case basis, the requirement to prohibit a transaction under paragraph (1) after the President determines and reports to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives that the waiver is in the national interest of the United States.

''(4) COVERED FOREIGN PERSON DEFINED.—

''(A) IN GENERAL.—In this subsection, subject to regulations prescribed by the Committee, the term 'covered foreign person'—

''(i) means any foreign person (including a foreign entity) that acts as an agent, representative, or employee of, or acts at the direction or control of, the government of a covered country; and

''(ii) does not include a United States citizen or an alien lawfully admitted for permanent residence to the United States.

''(B) COVERED COUNTRY DEFINED.—For purposes of subparagraph (A), the term 'covered country' means any of the following countries, if the country is determined to be a foreign adversary pursuant to section 7.4 of title 15, Code of Federal Regulations (or a successor regulation):

''(i) The People's Republic of China.

''(ii) The Russian Federation.

''(iii) The Islamic Republic of Iran.

''(iv) The Democratic People's Republic of Korea.''.

(b) SPENDING PLANS.—Not later than 60 days after the date of the enactment of this Act, each department or agency represented on the Committee on Foreign Investment in the United States shall submit to the chairperson of the Committee a copy of the most recent spending plan required under section 1721(b) of the Foreign Investment Risk Review Modernization Act of 2018 (50 U.S.C. 4565 note).

(c) REGULATIONS.—

(1) IN GENERAL.—The President shall direct, subject to section 553 of title 5, United States Code, the issuance of regulations to carry out the amendments made by this section.

(2) EFFECTIVE DATE.—The regulations prescribed under paragraph (1) shall take effect not later than one year after the date of the enactment of this Act.

(d) EFFECTIVE DATE; APPLICABILITY.—The amendments made by this section shall—

(1) take effect on the date that is 30 days after the effective date of the regulations under subsection (c)(2); and

(2) apply with respect to a covered transaction (as defined in section 721 of the Defense Production Act of 1950 (50 U.S.C. 4565)) that is proposed, pending, or completed on or after the date described in paragraph (1).

(e) SUNSET.—The amendments made by this section, and any regulations prescribed to carry out those amendments, shall cease to be effective on the date that is 7 years after the date of the enactment of this Act.

SA 1863. Mr. ROUNDS submitted an amendment intended to be proposed by him to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

DIVISION C—BORDER ACT

SEC. 4001. SHORT TITLE.

This division may be cited as the ''Border Act''.

SEC. 4002. DEFINITIONS.

In this division:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—Except as otherwise explicitly provided, the term ''appropriate committees of Congress'' means—

(A) the Committee on Appropriations of the Senate;

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

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

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

(E) the Committee on the Judiciary of the House of Representatives; and

(F) the Committee on Homeland Security of the House of Representatives.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

TITLE I—CAPACITY BUILDING

Subtitle A—Hiring, Training, and Systems Modernization

CHAPTER 1—HIRING AUTHORITIES

SEC. 4101. USCIS DIRECT HIRE AUTHORITY.

(a) IN GENERAL.—The Secretary may appoint, without regard to the provisions of sections 3309 through 3319 of title 5, United States Code, candidates needed for positions within the Refugee, Asylum and International Operations Directorate, the Field Operations Directorate, and the Service Center Operations Directorate of U.S. Citizenship and Immigration Services for which—

(1) public notice has been given;

(2) the Secretary has determined that a critical hiring need exists; and

(3) the Secretary has consulted with the Director of the Office of Personnel Management regarding—

(A) the positions for which the Secretary plans to recruit;

(B) the quantity of candidates Secretary is seeking; and

(C) the assessment and selection policies the Secretary plans to utilize.

(b) DEFINITION OF CRITICAL HIRING NEED.—In this section, the term ''critical hiring need'' means personnel necessary for the implementation of this Act and associated work.

(c) REPORTING.—Not later than 1 year after the date of enactment of this Act, and annually thereafter for the following 4 years, the Secretary, in consultation with the Director of the Office of Personnel Management, shall submit to Congress a report that includes—

(1) demographic data, including veteran status, regarding individuals hired pursuant to the authority under subsection (a);

(2) salary information of individuals hired pursuant to such authority; and

(3) how the Department of Homeland Security exercised such authority consistently with merit system principles.

(d) SUNSET.—The authority to make an appointment under this section shall terminate on the date that is 5 years after the date of the enactment of this Act.

SEC. 4102. ICE DIRECT HIRE AUTHORITY.

(a) IN GENERAL.—The Secretary may appoint, without regard to the provisions of sections 3309 through 3319 of title 5, United States Code, candidates needed for positions within Enforcement and Removal Operations of U.S. Immigration and Customs Enforcement as a deportation officer or with duties exclusively relating to the Enforcement and Removal, Custody Operations, Alternatives to Detention, or Transportation and Removal program for which—

(1) public notice has been given;

(2) the Secretary has determined that a critical hiring need exists; and

(3) the Secretary has consulted with the Director of the Office of Personnel Management regarding—

(A) the positions for which the Secretary plans to recruit;

(B) the quantity of candidates the Secretary is seeking; and

(C) the assessment and selection policies the Secretary plans to utilize.

(b) DEFINITION OF CRITICAL HIRING NEED.—In this section, the term ''critical hiring need'' means personnel necessary for the implementation of this Act and associated work.

(c) REPORTING.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter for the following 4 years, the Secretary, in consultation with the Director of the Office of Personnel Management, shall submit to Congress a report that includes—

(1) demographic data, including veteran status, regarding individuals hired pursuant to the authority under subsection (a);

(2) salary information of individuals hired pursuant to such authority; and

(3) how the Department of Homeland Security exercised such authority consistently with merit system principles.

(d) SUNSET.—The authority to make an appointment under this section shall terminate on the date that is 5 years after the date of the enactment of this Act.

SEC. 4103. REEMPLOYMENT OF CIVILIAN RETIREES TO MEET EXCEPTIONAL EMPLOYMENT NEEDS.

(a) AUTHORITY.—The Secretary, after consultation with the Director of the Office of Personnel Management, may waive, with respect to any position in U.S. Immigration and Customs Enforcement, U.S. Customs and Border Protection, or U.S. Citizenship and Immigration Services, the application of section 8344 or 8468 of title 5, United States Code, on a case-by-case basis, for employment of an annuitant in a position necessary to implement this Act and associated work, for which there is exceptional difficulty in recruiting or retaining a qualified employee, or when a temporary emergency hiring need exists.

(b) PROCEDURES.—The Secretary, after consultation with the Director of the Office of Personnel Management, shall prescribe procedures for the exercise of the authority under subsection (a), including procedures for a delegation of authority.

(c) ANNUITANTS NOT TREATED AS EMPLOYEES FOR PURPOSES OF RETIREMENT BENEFITS.—An employee for whom a waiver under this section is in effect shall not be considered an employee for purposes of subchapter III of chapter 83 or chapter 84 of title 5, United States Code.

SEC. 4104. ESTABLISHMENT OF SPECIAL PAY RATE FOR ASYLUM OFFICERS.

(a) IN GENERAL.—Subchapter III of chapter 53 of title 5, United States Code, is amended by inserting after section 5332 the following:

"§ 5332a. Special base rates of pay for asylum officers

''(a) DEFINITIONS.—In this section—

''(1) the term 'asylum officer' has the meaning given such term in section 235(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1));

''(2) the term 'General Schedule base rate' means an annual rate of basic pay established under section 5332 before any additions, such as a locality-based comparability payment under section 5304 or 5304a or a special rate supplement under section 5305; and

''(3) the term 'special base rate' means an annual rate of basic pay payable to an asylum officer, before any additions or reductions, that replaces the General Schedule base rate otherwise applicable to the asylum officer and that is administered in the same manner as a General Schedule base rate.

''(b) SPECIAL BASE RATES OF PAY.—

''(1) ENTITLEMENT TO SPECIAL RATE.—Notwithstanding section 5332, an asylum officer is entitled to a special base rate at grades 1 through 15, which shall—

''(A) replace the otherwise applicable General Schedule base rate for the asylum officer;

''(B) be basic pay for all purposes, including the purpose of computing a locality-based comparability payment under section 5304 or 5304a; and

''(C) be computed as described in paragraph (2) and adjusted at the time of adjustments in the General Schedule.

''(2) COMPUTATION.—The special base rate for an asylum officer shall be derived by increasing the otherwise applicable General Schedule base rate for the asylum officer by 15 percent for the grade of the asylum officer and rounding the result to the nearest whole dollar.''.

(b) CLERICAL AMENDMENT.—The table of sections for subchapter III of chapter 53 of title 5, United States Code, is amended by inserting after the item relating to section 5332 the following:

''5332a. Special base rates of pay for asylum officers.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first applicable pay period beginning 30 days after the date of the enactment of this Act.

CHAPTER 2—HIRING WAIVERS

SEC. 4111. HIRING FLEXIBILITY.

Section 3 of the Anti-Border Corruption Act of 2010 (6 U.S.C. 221) is amended by striking subsection (b) and inserting the following new subsections:

''(b) WAIVER AUTHORITY.—The Commissioner of U.S. Customs and Border Protection may waive the application of subsection (a)(1) in the following circumstances:

''(1) In the case of a current, full-time law enforcement officer employed by a State or local law enforcement agency, if such officer—

''(A) has served as a law enforcement officer for not fewer than three years with no break in service;

''(B) is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and has statutory powers for arrest or apprehension;

''(C) is not currently under investigation, does not have disciplinary, misconduct, or derogatory records, has not been found to have engaged in a criminal offense or misconduct, has not resigned from a law enforcement officer position under investigation or in lieu of termination, and has not been dismissed from a law enforcement officer position; and

''(D) has, within the past ten years, successfully completed a polygraph examination as a condition of employment with such officer's current law enforcement agency.

''(2) In the case of a current, full-time Federal law enforcement officer, if such officer—

''(A) has served as a law enforcement officer for not fewer than three years with no break in service;

''(B) has authority to make arrests, conduct investigations, conduct searches, make seizures, carry firearms, and serve orders, warrants, and other processes;

''(C) is not currently under investigation, does not have disciplinary, misconduct, or derogatory records, has not been found to have engaged in a criminal offense or misconduct, has not resigned from a law enforcement officer position under investigation or in lieu of termination, and has not been dismissed from a law enforcement officer position; and

''(D) holds a current background investigation, in accordance with current standards required for access to Top Secret or Top Secret/Sensitive Compartmented Information.

''(3) In the case of an individual who is a member of the Armed Forces (or a reserve component thereof) or a veteran, if such individual—

''(A) has served in the Armed Forces for not fewer than three years;

''(B) holds, or has held within the past five years, Top Secret or Top Secret/Sensitive Compartmented Information clearance;

''(C) holds, or has undergone within the past five years, a current background investigation in accordance with current standards required for access to Top Secret or Top Secret/Sensitive Compartmented Information;

''(D) received, or is eligible to receive, an honorable discharge from service in the Armed Forces, has not engaged in a criminal offense, has not committed a military offense under the Uniform Code of Military Justice, and does not have disciplinary, misconduct, or derogatory records; and

''(E) was not granted any waivers to obtain the clearance referred to subparagraph (B).

''(c) TERMINATION OF WAIVER AUTHORITY.—The authority to issue a waiver under subsection (b) shall terminate on the date that is 3 years after the date of the enactment of the Border Act.''.

SEC. 4112. SUPPLEMENTAL COMMISSIONER AUTHORITY AND DEFINITIONS.

(a) SUPPLEMENTAL COMMISSIONER AUTHORITY.—Section 4 of the Anti-Border Corruption Act of 2010 (Public Law 111–376) is amended to read as follows:

"SEC. 4. SUPPLEMENTAL COMMISSIONER AUTHORITY.

''(a) NON-EXEMPTION.—An individual who receives a waiver under subsection (b) of section 3 is not exempt from other hiring requirements relating to suitability for employment and eligibility to hold a national security designated position, as determined by the Commissioner of U.S. Customs and Border Protection.

''(b) BACKGROUND INVESTIGATIONS.—Any individual who receives a waiver under subsection (b) of section 3 who holds a background investigation in accordance with current standards required for access to Top Secret or Top Secret/Sensitive Compartmented Information shall be subject to an appropriate background investigation.

''(c) ADMINISTRATION OF POLYGRAPH EXAMINATION.—The Commissioner of U.S. Customs and Border Protection is authorized to administer a polygraph examination to an applicant or employee who is eligible for or receives a waiver under subsection (b) of section 3 if information is discovered prior to the completion of a background investigation that results in a determination that a polygraph examination is necessary to make a final determination regarding suitability for employment or continued employment, as the case may be.''.

(b) REPORT.—The Anti-Border Corruption Act of 2010 (Public Law 111–376; 124 Stat. 4104) is amended by adding at the end the following new section:

"SEC. 5. REPORTING REQUIREMENTS.

''(a) ANNUAL REPORT.—Not later than one year after the date of the enactment of this section, and annually thereafter for three years, the Commissioner of U.S. Customs and Border Protection shall submit a report to Congress that includes, with respect to the reporting period—

''(1) the number of waivers granted and denied under section 3(b);

''(2) the reasons for any denials of such waiver;

''(3) the percentage of applicants who were hired after receiving a waiver;

''(4) the number of instances that a polygraph was administered to an applicant who initially received a waiver and the results of such polygraph;

''(5) an assessment of the current impact of the polygraph waiver program on filling law enforcement positions at U.S. Customs and Border Protection;

''(6) additional authorities needed by U.S. Customs and Border Protection to better utilize the polygraph waiver program for its intended goals; and

''(7) any disciplinary actions taken against law enforcement officers hired under the waiver authority authorized under section 3(b).

''(b) ADDITIONAL INFORMATION.—The first report submitted under subsection (a) shall include—

''(1) an analysis of other methods of employment suitability tests that detect deception and could be used in conjunction with traditional background investigations to evaluate potential employees for suitability; and

''(2) a recommendation regarding whether a test referred to in paragraph (1) should be adopted by U.S. Customs and Border Protection when the polygraph examination requirement is waived pursuant to section 3(b).''.

(c) GAO REPORT.—The Anti-Border Corruption Act of 2010 (Public Law 111–376; 124 Stat. 4104), as amended by subsection (b) of this section, is further amended by adding at the end the following new section:

"SEC. 6. GAO REPORT.

''(a) IN GENERAL.—Not later than five years after the date of the enactment of this section, and every five years thereafter, the Comptroller General of the United States shall—

''(1) conduct a review of the disciplinary, misconduct, or derogatory records of all individuals hired using the waiver authority under subsection (b) of section 3—

''(A) to determine the rates of disciplinary actions taken against individuals hired using such waiver authority, as compared to individuals hired after passing the polygraph as required under subsection (a) of that section; and

''(B) to address any other issue relating to discipline by U.S. Customs and Border Protection; and

''(2) submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report that appropriately protects sensitive information and describes the results of the review conducted under paragraph (1).

''(b) SUNSET.—The requirement under this section shall terminate on the date on which the third report required by subsection (a) is submitted.''.

(d) DEFINITIONS.—The Anti-Border Corruption Act of 2010 (Public Law 111–376; 124 Stat. 4104), as amended by subsection (c) of this section, is further amended by adding at the end the following new section:

"SEC. 7. DEFINITIONS.

''In this Act:

''(1) CRIMINAL OFFENSE.—The term 'criminal offense' means—

''(A) any felony punishable by a term of imprisonment of more than one year; and

''(B) any other crime for which an essential element involves fraud, deceit, or misrepresentation to obtain an advantage or to disadvantage another.

''(2) FEDERAL LAW ENFORCEMENT OFFICER.—The term 'Federal law enforcement officer' means a 'law enforcement officer', as defined in section 8331(20) or 8401(17) of title 5, United States Code.

''(3) MILITARY OFFENSE.—The term 'military offense' means—

''(A) an offense for which—

''(i) a member of the Armed Forces may be discharged or separated from service in the Armed Forces; or

''(ii) a punitive discharge is, or would be, authorized for the same or a closely related offense under the Manual for Courts-Martial, as pursuant to Army Regulation 635–200 chapter 14–12; and

''(B) an action for which a member of the Armed Forces received a demotion in military rank as punishment for a crime or wrongdoing, imposed by a court martial or other authority.

''(4) VETERAN.—The term 'veteran' has the meaning given such term in section 101(2) of title 38, United States Code.''.

CHAPTER 3—ALTERNATIVES TO DETENTION IMPROVEMENTS AND TRAINING FOR U.S. BORDER PATROL

SEC. 4121. ALTERNATIVES TO DETENTION IMPROVEMENTS.

(a) CERTIFICATION.—Not later than 90 days after the date of the enactment of this Act, the Director of U.S. Immigration and Customs Enforcement shall certify to the appropriate committees of Congress that—

(1) with respect to the alternatives to detention programs, U.S. Immigration and Customs Enforcement's processes that release aliens under any type of supervision, consistent and standard policies are in place across all U.S. Immigration and Customs Enforcement field offices;

(2) the U.S. Immigration and Customs Enforcement's alternatives to detention programs use escalation and de-escalation techniques; and

(3) reports on the use of, and policies with respect to, such escalation and de-escalation techniques are provided to the public appropriately protecting sensitive information.

(b) ANNUAL POLICY REVIEW.—

(1) IN GENERAL.—Not less frequently than annually, the Director shall conduct a review of U.S. Immigration and Customs Enforcement policies with respect to the alternatives to detention programs so as to ensure standardization and evidence-based decision making.

(2) SUBMISSION OF POLICY REVIEWS.—Not later than 14 days after the completion of each review required by paragraph (1), the Director shall submit to the appropriate committees of Congress a report on the results of the review.

(c) INDEPENDENT VERIFICATION AND VALIDATION.—Not less frequently than every 5 years, the Director shall ensure that an independent verification and validation of U.S. Immigration and Customs Enforcement policies with respect to the alternatives to detention programs is conducted.

SEC. 4122. TRAINING FOR U.S. BORDER PATROL.

(a) IN GENERAL.—The Commissioner of U.S. Customs and Border Protection shall require all U.S. Border Patrol agents and other employees or contracted employees designated by the Commissioner to participate in annual continuing training to maintain and update their understanding of—

(1) Department of Homeland Security policies, procedures, and guidelines;

(2) the fundamentals of law (including the Fourth Amendment to the Constitution of the United States), ethics, and professional conduct;

(3) applicable Federal law and regulations;

(4) applicable migration trends that the Commissioner determines are relevant;

(5) best practices for coordinating with community stakeholders;

(6) de-escalation training; and

(7) any other information the Commissioner determines to be relevant to active duty agents.

(b) TRAINING SUBJECTS.—Continuing training under this section shall include training regarding—

(1) the non-lethal use of force policies available to U.S. Border Patrol agents and de-escalation strategies and methods;

(2) identifying, screening, and responding to vulnerable populations, such as children, persons with diminished mental capacity, victims of human trafficking, pregnant mothers, victims of gender-based violence, victims of torture or abuse, and the acutely ill;

(3) trends in transnational criminal organization activities that impact border security and migration;

(4) policies, strategies, and programs—

(A) to protect due process, the civil, human, and privacy rights of individuals, and the private property rights of land owners;

(B) to reduce the number of migrant and agent deaths; and

(C) to improve the safety of agents on patrol;

(5) personal resilience;

(6) anti-corruption and officer ethics training;

(7) current migration trends, including updated cultural and societal issues of countries that are a significant source of migrants who are—

(A) arriving to seek humanitarian protection; or

(B) encountered at a United States international boundary while attempting to enter without inspection;

(8) the impact of border security operations on natural resources and the environment, including strategies to limit the impact of border security operations on natural resources and the environment;

(9) relevant cultural, societal, racial, and religious training, including cross-cultural communication skills;

(10) training required under the Prison Rape Elimination Act of 2003 (42 U.S.C. 15601 et seq.);

(11) risk management and safety training that includes agency protocols for ensuring public safety, personal safety, and the safety of persons in the custody of the Department of Homeland Security; and

(12) any other training that meets the requirements to maintain and update the subjects identified in subsection (a).

(c) COURSE REQUIREMENTS.—Courses offered under this section—

(1) shall be administered by U.S. Customs and Border Protection; and

(2) shall be approved in advance by the Commissioner of U.S. Customs and Border Protection to ensure that such courses satisfy the requirements for training under this section.

(d) ASSESSMENT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report that assesses the training and education provided pursuant to this section, including continuing education.

CHAPTER 4—MODERNIZING NOTICES TO APPEAR

SEC. 4131. ELECTRONIC NOTICES TO APPEAR.

Section 239 of the Immigration and Nationality Act (8 U.S.C. 1229) is amended—

(1) in subsection (a)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by inserting ''or, if elected by the alien in writing, by email or other electronic means to the extent feasible, if the alien, or the alien's counsel of record, voluntarily elects such service or otherwise accepts service electronically'' after ''mail''; and

(B) in paragraph (2)(A), in the matter preceding clause (i), by inserting ''or, if elected by the alien in writing, by email or other electronic means to the extent feasible, if the alien, or the alien's counsel of record, voluntarily elects such service or otherwise accepts service electronically'' after ''mail''; and

(2) in subsection (c)—

(A) by inserting ''the alien, or to the alien's counsel of record, at'' after ''delivery to''; and

(B) by inserting '', or to the email address or other electronic address at which the alien elected to receive notice under paragraph (1) or (2) of subsection (a)'' before the period at the end.

SEC. 4132. AUTHORITY TO PREPARE AND ISSUE NOTICES TO APPEAR.

Section 239(a) of the Immigration and Nationality Act (8 U.S.C. 1229(a)) is amended by adding at the end the following:

''(4) AUTHORITY FOR CERTAIN PERSONNEL TO SERVE NOTICES TO APPEAR.—Any mission support personnel within U.S. Customs and Border Protection or U.S. Immigration and Customs Enforcement who reports directly to an immigration officer with authority to issue a notice to appear, and who has received the necessary training to issue such a notice, shall be authorized to prepare a notice to appear under this section for review and issuance by the immigration officer.''.

Subtitle B—Asylum Processing at the Border

SEC. 4141. PROVISIONAL NONCUSTODIAL REMOVAL PROCEEDINGS.

(a) IN GENERAL.—Chapter 4 of title II of the Immigration and Nationality Act (8 U.S.C. 1221 et seq.) is amended by inserting after section 235A the following:

"SEC. 235B. PROVISIONAL NONCUSTODIAL REMOVAL PROCEEDINGS.

''(a) GENERAL RULES.—

''(1) CIRCUMSTANCES WARRANTING NONCUSTODIAL PROCEEDINGS.—The Secretary, based upon operational circumstances, may refer an alien applicant for admission for proceedings described in this section if the alien—

''(A) indicates an intention to apply for a protection determination; or

''(B) expresses a credible fear of persecution (as defined in section 235(b)(1)(B)(v)) or torture.

''(2) RELEASE FROM CUSTODY.—Aliens referred for proceedings under this section shall be released from physical custody and processed in accordance with the procedures described in this section.

''(3) ALTERNATIVES TO DETENTION.—An adult alien, including a head of household, who has been referred for a proceeding under this section shall be supervised under the Alternatives to Detention program of U.S. Immigration and Customs Enforcement immediately upon release from physical custody

and continuing for the duration of such proceeding.

''(4) FAMILY UNITY.—The Secretary shall ensure, to the greatest extent practicable, that the referral of a family unit for proceedings under this section includes all members of such family unit who are traveling together.

''(5) EXCEPTIONS.—

''(A) UNACCOMPANIED ALIEN CHILDREN.—The provisions under this section may not be applied to unaccompanied alien children (as defined in section 462(g) of the Homeland Security Act of 2002 (6 U.S.C. 279(g))).

''(B) APPLICABILITY LIMITATION.—

''(i) IN GENERAL.—The Secretary shall only refer for proceedings under this section an alien described in clause (ii).

''(ii) ALIEN DESCRIBED.— An alien described in this clause is an alien who—

''(I) has not affirmatively shown, to the satisfaction of an immigration officer, that the alien has been physically present in the United States for more than the 14-day period immediately prior to the date on which the alien was encountered by U.S. Customs and Border Protection; and

''(II) was encountered within 100 air miles of the international land borders of the United States.

''(6) TIMING.—The provisional noncustodial removal proceedings described in this section shall conclude, to the maximum extent practicable, not later than 90 days after the date the alien is inspected and determined inadmissible.

''(b) PROCEDURES FOR PROVISIONAL NONCUSTODIAL REMOVAL PROCEEDINGS.—

''(1) COMMENCEMENT.—

''(A) IN GENERAL.—Provisional noncustodial removal proceedings shall commence under this section with respect to an alien immediately after the Secretary properly serves a notice of removal proceedings on the alien.

''(B) 90-DAY TIMEFRAME.—The 90-day period under subsection (a)(6) with respect to an alien shall commence upon an inspection and inadmissibility determination of the alien.

''(2) SERVICE AND NOTICE OF INTERVIEW REQUIREMENTS.—In provisional noncustodial removal proceedings conducted under this section, the Secretary shall—

''(A) serve notice to the alien or, if personal service is not practicable, to the alien's counsel of record;

''(B) ensure that such notice, to the maximum extent practicable, is in the alien's native language or in a language the alien understands; and

''(C) include in such notice—

''(i) the nature of the proceedings against the alien;

''(ii) the legal authority under which such proceedings will be conducted; and

''(iii) the charges against the alien and the statutory provisions the alien is alleged to have violated;

''(D) inform the alien of his or her obligation—

''(i) to immediately provide (or have provided) to the Secretary, in writing, the mailing address, contact information, email address or other electronic address, and telephone number (if any), at which the alien may be contacted respecting the proceeding under this section; and

''(ii) to provide to the Secretary, in writing, any change of the alien's mailing address or telephone number shortly after any such change;

''(E) include in such notice—

''(i) the time and place at which the proceeding under this section will be held, which shall be communicated, to the extent practicable, before or during the alien's release from physical custody; or

''(ii) immediately after release, the time and place of such proceeding, which shall be provided not later than 10 days before the scheduled protection determination interview and shall be considered proper service of the commencement of proceedings; and

''(F) inform the alien of—

''(i) the consequences to which the alien would be subject pursuant to section 240(b)(5) if the alien fails to appear at such proceeding, absent exceptional circumstances;

''(ii) the alien's right to be represented, at no expense to the Federal Government, by any counsel or accredited representative selected by the alien who is authorized to represent an alien in such a proceeding; and

''(G) the information described in section 235(b)(1)(B)(iv)(II).

''(3) PROTECTION DETERMINATION.—

''(A) IN GENERAL.—To the maximum extent practicable, within 90 days after the date on which an alien is referred for proceedings under this section, an asylum officer shall conduct a protection determination of such alien in person or through a technology appropriate for protection determinations.

''(B) ACCESS TO COUNSEL.—In any proceeding under this section or section 240D before U.S. Citizenship and Immigration Services and in any appeal of the result of such a proceeding, an alien shall have the privilege of being represented, at no expense to the Federal Government, by counsel authorized to represent an alien in such a proceeding.

''(C) PROCEDURES AND EVIDENCE.—The asylum officer may receive into evidence any oral or written statement that is material and relevant to any matter in the protection determination. The testimony of the alien shall be under oath or affirmation administered by the asylum officer.

''(D) INTERPRETERS.—Whenever necessary, the asylum officer shall procure the assistance of an interpreter, to the maximum extent practicable, in the alien's native language or in a language the alien understands, during any protection determination.

''(E) LOCATION.—

''(i) IN GENERAL.—Any protection determination authorized under this section shall occur in—

''(I) a U.S. Citizenship and Immigration Services office;

''(II) a facility managed, leased, or operated by U.S. Citizenship and Immigration Services;

''(III) any other location designated by the Director of U.S. Citizenship and Immigration Services; or

''(IV) any other federally owned or federally leased building that—

''(aa) the Director has authorized or entered into a memorandum of agreement to be used for such purpose; and

''(bb) meets the special rules under clause (ii) and the minimum requirements under clause (iii).

''(ii) SPECIAL RULES.—

''(I) LOCATION.—A protection determination may not be conducted in a facility that is managed, leased, owned, or operated by U.S. Immigration and Customs Enforcement or U.S. Customs and Border Protection.

''(II) REASONABLE TIME.—The Secretary shall ensure that a protection determination is conducted during a reasonable time of the day.

''(III) GEOGRAPHICAL LIMITATION.—The Secretary shall ensure that each protection determination for an alien is scheduled at a facility that is a reasonable distance from the current residence of such alien.

''(IV) PROTECTION FOR CHILDREN.—In the case of a family unit, the Secretary shall ensure that the best interests of the child or children are considered when conducting a protection determination of the child's family unit.

''(iii) MINIMUM LOCATION REQUIREMENT.—Each facility that the Director authorizes to be used to conduct protection determinations shall—

''(I) have adequate security measures to protect Federal employees, aliens, and beneficiaries for benefits; and

''(II) ensure the best interests of the child or children are prioritized pursuant to clause (ii)(IV) if such children are present at the protection determination.

''(F) WRITTEN RECORD.—The asylum officer shall prepare a written record of each protection determination, which—

''(i) shall be provided to the alien, or to the alien's counsel of record, upon a decision; and

''(ii) shall include—

''(I) a summary of the material facts stated by the alien;

''(II) any additional facts relied upon by the asylum officer;

''(III) the asylum officer's analysis of why, in the light of the facts referred to in subclauses (I) and (II), the alien has or has not established a positive or negative outcome from the protection determination; and

''(IV) a copy of the asylum officer's interview notes.

''(G) RESCHEDULING.—

''(i) IN GENERAL.—The Secretary shall promulgate regulations that permit an alien to reschedule a protection determination in the event of exceptional circumstances.

''(ii) TOLLING OF TIME LIMITATION.—If an interview is rescheduled at the request of an alien, the period between the date on which the protection determination was originally scheduled and the date of the rescheduled interview shall not count toward the 90-day period referred to in subsection (a)(6).

''(H) WITHDRAWAL OF APPLICATION, VOLUNTARY DEPARTURE, AND VOLUNTARY REPATRIATION.—

''(i) VOLUNTARY DEPARTURE.—The Secretary may permit an alien to voluntarily depart in accordance with section 240E.

''(ii) WITHDRAWAL OF APPLICATION.—The Secretary may permit an alien, at any time before the protection merits interview, to withdraw his or her application and depart immediately from the United States in accordance with section 240F.

''(iii) VOLUNTARY REPATRIATION.—The Secretary may permit an alien to voluntarily repatriate in accordance with section 240G.

''(I) CONVERSION TO REMOVAL PROCEEDINGS UNDER SECTION 240.—The asylum officer or immigration officer may refer or place an alien into removal proceedings under section 240 by issuing a notice to appear for the purpose of initiating such proceedings if either such officer determines that—

''(i) such proceedings are required in order to permit the alien to seek an immigration benefit for which the alien is legally entitled to apply; and

''(ii) such application requires such alien to be placed in, or referred to proceedings under section 240 that are not available to such alien under this section.

''(J) PROTECTION OF INFORMATION.—

''(i) SENSITIVE OR LAW ENFORCEMENT INFORMATION.—Nothing in this section may be construed to compel any employee of the Department of Homeland Security to disclose any information that is otherwise protected from disclosure by law.

''(ii) PROTECTION OF CERTAIN INFORMATION.—Before providing the record described in subparagraph (F) to the alien or to the alien's counsel of record, the Director shall protect any information that is prohibited by law from being disclosed.

''(c) PROTECTION DETERMINATION.—

''(1) IDENTITY VERIFICATION.—The Secretary may not conduct the protection determination with respect to an alien until the identity of the alien has been checked against all appropriate records and databases maintained by the Attorney General, the Secretary of State, or the Secretary.

''(2) IN GENERAL.—

''(A) ELIGIBILITY.—Upon the establishing the identity of an alien pursuant to paragraph (1), the asylum officer shall conduct a protection determination in a location selected in accordance with this section.

''(B) OUTCOME.—

''(i) POSITIVE PROTECTION DETERMINATION OUTCOME.—If the protection determination conducted pursuant to subparagraph (A) results in a positive protection determination outcome, the alien shall be referred to protection merits removal proceedings in accordance with the procedures described in paragraph (4).

''(ii) NEGATIVE PROTECTION DETERMINATION OUTCOME.—If such protection determination results in a negative protection determination outcome, the alien shall be subject to the process described in subsection (d).

''(3) RECORD.—

''(A) USE OF RECORD.—In each protection determination, or any review of such determination, the record of the alien's protection determination required under subsection (b)(3)(F) shall constitute the underlying application for the alien's application for asylum, withholding of removal under section 241(b)(3), or protection under the Convention Against Torture for purposes of the protection merits interview.

''(B) DATE OF FILING.—The date on which the Secretary issues a notification of a positive protection determination pursuant to paragraph (2)(B)(i) shall be considered, for all purposes, the date of filing and the date of receipt of the alien's application for asylum, withholding of removal under section 241(b)(3), or protection under the Convention Against Torture, as applicable.

''(4) REFERRAL FOR PROTECTION MERITS REMOVAL PROCEEDINGS.—

''(A) IN GENERAL.—If the alien receives a positive protection determination—

''(i) the alien shall be issued employment authorization pursuant to section 235C; and

''(ii) subject to paragraph (5), the asylum officer shall refer the alien for protection merits removal proceedings described in section 240D.

''(B) NOTIFICATIONS.—As soon as practicable after a positive protection determination, the Secretary shall—

''(i) issue a written notification to the alien of the outcome of such determination;

''(ii) include all of the information described in subsection (b)(2); and

''(iii) ensure that such notification and information concerning the procedures under section 240D, shall be made, at a minimum, not later than 30 days before the date on which the required protection merits interview under section 240D occurs.

''(5) AUTHORITY TO GRANT RELIEF OR PROTECTION.—

''(A) IN GENERAL.—If an alien demonstrates, by clear and convincing evidence, that the alien is eligible for asylum, withholding of removal under section 241(b)(3), or protection under the Convention Against Torture during the protection determination, the asylum officer, subject to the procedures under subparagraph (B), may grant an application for such relief or protection submitted by such alien without referring the alien to protection merits removal proceedings under section 240D.

''(B) SUPERVISORY REVIEW.—

''(i) IN GENERAL.—An application granted by an asylum officer under subparagraph (A) shall be reviewed by a supervisory asylum officer to determine whether such grant is warranted.

''(ii) LIMITATION.—A decision by an asylum officer to grant an application under subparagraph (A) shall not be final, and the alien shall not be notified of such decision, unless a supervisory asylum officer first determines, based on the review conducted pursuant to clause (i), that such a grant is warranted.

''(iii) EFFECT OF APPROVAL.—If the supervisor determines that granting an alien's application for relief or protection is warranted—

''(I) such application shall be approved; and

''(II) the alien shall receive written notification of such decision as soon as practicable.

''(iv) EFFECT OF NON-APPROVAL.—If the supervisor determines that the grant is not warranted, the alien shall be referred for protection merits removal proceedings under section 240D.

''(C) SPECIAL RULES.—Notwithstanding any other provision of law—

''(i) if an alien's application for asylum is approved pursuant to subparagraph (B)(iii), the asylum officer may not issue an order of removal; and

''(ii) if an alien's application for withholding of removal under section 241(b)(3) or for withholding or deferral of removal under the Convention Against Torture is approved pursuant to subparagraph (B)(iii), the asylum officer shall issue a corresponding order of removal.

''(D) BIANNUAL REPORT.—The Director shall submit a biannual report to the relevant committees of Congress that includes, for the relevant period—

''(i) the number of cases described in subparagraph (A) that were referred to a supervisor pursuant to subparagraph (B), disaggregated by asylum office;

''(ii) the number of cases described in clause (i) that were approved subsequent to the referral to a supervisor pursuant to subparagraph (B);

''(iii) the number of cases described in clause (i) that were not approved subsequent to the referral to a supervisor pursuant to subparagraph (B);

''(iv) a summary of the benefits for which any aliens described in subparagraph (A) were considered amenable and whose cases were referred to a supervisor pursuant to subparagraph (B), disaggregated by case outcome referred to in clauses (ii) and (iii);

''(v) a description of any anomalous case outcomes for aliens described in subparagraph (A) whose cases were referred to a supervisor pursuant subparagraph (B); and

''(vi) a description of any actions taken to remedy the anomalous case outcomes referred to in clause (v).

''(E) PROTECTION OF PERSONALLY IDENTIFIABLE INFORMATION.—In preparing each report pursuant to subparagraph (D), the Director shall—

''(i) protect any personally identifiable information associated with aliens described in subparagraph (A); and

''(ii) comply with all applicable privacy laws.

''(6) EMPLOYMENT AUTHORIZATION.—An alien whose application for relief or protection has been approved by a supervisor pursuant to paragraph (5)(B) shall be issued employment authorization under section 235C.

''(d) NEGATIVE PROTECTION DETERMINATION.—

''(1) IN GENERAL.—If an alien receives a negative protection determination, the asylum officer shall—

''(A) provide such alien with written notification of such determination; and

''(B) subject to paragraph (2), order the alien removed from the United States without hearing or review.

''(2) OPPORTUNITY TO REQUEST RECONSIDERATION OR APPEAL.—The Secretary shall notify any alien described in paragraph (1) immediately after receiving notification of a negative protection determination under this subsection that he or she—

''(A) may request reconsideration of such determination in accordance with paragraph (3); and

''(B) may request administrative review of such protection determination decision in accordance with paragraph (4).

''(3) REQUEST FOR RECONSIDERATION.—

''(A) IN GENERAL.—Any alien with respect to whom a negative protection determination has been made may submit a request for reconsideration to U.S. Citizenship and Immigration Services not later than 5 days after such determination.

''(B) DECISION.—The Director, or designee, in the Director's unreviewable discretion, may grant or deny a request for reconsideration made pursuant to subparagraph (A), which decision shall not be subject to review.

''(4) ADMINISTRATIVE REVIEW.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the administrative review of a protection determination with respect to an alien under this subsection shall be based on the record before the asylum officer at the time at which such protection determination was made.

''(B) EXCEPTION.—An alien referred to in subparagraph (A), or the alien's counsel of record, may submit such additional evidence or testimony in accordance with such policies and procedures as the Secretary may prescribe.

''(C) REVIEW.—Each review described in subparagraph (A) shall be conducted by the Protection Appellate Board.

''(D) STANDARD OF REVIEW.—In accordance with the procedures prescribed by the Secretary, the Protection Appellate Board, upon the request of an alien, or the alien's counsel of record, shall conduct a de novo review of the record of the protection determination carried out pursuant to this section with respect to the alien.

''(E) DETERMINATION.—

''(i) TIMING.—The Protection Appellate Board shall complete a review under this paragraph, to the maximum extent practicable, not later than 72 hours after receiving a request from an alien pursuant to subparagraph (D).

''(ii) EFFECT OF POSITIVE DETERMINATION.—If, after conducting a review under this paragraph, the Protection Appellate Board determines that an alien has a positive protection determination, the alien shall be referred for protection merits removal proceedings under section 240D.

''(iii) EFFECT OF NEGATIVE DETERMINATION.—If, after conducting a review under this paragraph, the Protection Appellate Board determines that an alien has a negative protection determination, the alien shall be ordered removed from the United States without additional review.

''(5) JURISDICTIONAL MATTERS.—In any action brought against an alien under section 275(a) or 276, the court shall not have jurisdiction to hear any claim attacking the validity of an order of removal entered pursuant to subsection (c)(5)(C)(ii).

''(e) SERVICE OF PROTECTION DETERMINATION DECISION.—

''(1) PROTECTION DETERMINATION DECISION.—

''(A) IN GENERAL.—Upon reaching a decision regarding a protection determination, the Secretary shall—

''(i) immediately notify the alien, and the alien's counsel of record, if applicable, that a determination decision has been made; and

''(ii) schedule the service of the protection determination decision, which shall take place, to the maximum extent practicable, not later than 5 days after such notification.

''(B) SPECIAL RULES.—

''(i) LOCATION.—Each service of a protection determination decision scheduled pursuant to subparagraph (A)(ii) may occur at—

''(I) a U.S. Immigration and Customs Enforcement facility;

''(II) an Immigration Court; or

''(III) any other federally owned or federally leased building that—

''(aa) the Secretary has authorized or entered into a memorandum of agreement to be used for such purpose; and

''(bb) meets the minimum requirements under this subparagraph.

''(ii) MINIMUM REQUIREMENTS.—In conducting each service of a protection determination decision, the Director shall ensure compliance with the requirements set forth in clauses (ii)(II), (ii)(III), (ii)(IV), and (iii) of subsection (b)(3)(E).

''(2) PROCEDURES FOR SERVICE OF PROTECTION DETERMINATION DECISIONS.—

''(A) WRITTEN DECISION.—The Secretary shall ensure that each alien and the alien's counsel of record, if applicable, attending a determination decision receives a written decision that includes, at a minimum, the articulated basis for the denial of the protection benefit sought by the alien.

''(B) LANGUAGE ACCESS.—The Secretary shall ensure that each written decision required under subparagraph (A) is delivered to the alien in—

''(i) the alien's native language, to the maximum extent practicable; or

''(ii) another language the alien understands.

''(C) ACCESS TO COUNSEL.—An alien who has obtained the services of counsel shall be represented by such counsel, at no expense to the Federal Government, at the service of the protection determination. Nothing in this subparagraph may be construed to create a substantive due process right or to unreasonably delay the scheduling of the service of the protection determination.

''(D) ASYLUM OFFICER.—A protection determination decision may only be served by an asylum officer.

''(E) PROTECTIONS FOR ASYLUM OFFICER DECISIONS BASED ON THE MERITS OF THE CASE.—The Secretary may not impose restrictions on an asylum officer's ability to grant or deny relief sought by an alien in a protection determination or protection merits interview based on a numerical limitation.

''(3) NEGATIVE PROTECTION DETERMINATION.—

''(A) ADVISEMENT OF RIGHTS AND OPPORTUNITIES.—If an alien receives a negative protection determination decision, the asylum officer shall—

''(i) advise the alien if an alternative option of return is available to the alien, including—

''(I) voluntary departure;

''(II) withdrawal of the alien's application for admission; or

''(III) voluntary repatriation; and

''(ii) provide written or verbal information to the alien regarding the process, procedures, and timelines for appealing such denial, to the maximum extent practicable, in the alien's native language, or in a language the alien understands.

''(4) PROTECTION FOR CHILDREN.—In the case of a family unit, the Secretary shall ensure that the best interests of the child or children are considered when conducting a protection determination of the child's family unit.

''(5) FINAL ORDER OF REMOVAL.—If an alien receives a negative protection determination decision, an alien shall be removed in accordance with section 241 upon a final order of removal.

''(f) FAILURE TO CONDUCT PROTECTION DETERMINATION.—

''(1) IN GENERAL.—If the Secretary fails to conduct a protection determination for an alien during the 90-day period set forth in subsection (b)(3)(A), such alien shall be referred for protection merits removal proceedings in accordance with 240D.

''(2) NOTICE OF PROTECTION MERITS INTERVIEW.—

''(A) IN GENERAL.—If an alien is referred for protection merits removal proceedings pursuant to paragraph (1), the Secretary shall properly file with U.S. Citizenship and Immigration Services and serve upon the alien, or the alien's counsel of record, a notice of a protection merits interview, in accordance with subsection (b)(2).

''(B) CONTENTS.—Each notice of protection merits interview served pursuant to subparagraph (A)—

''(i) shall include each element described in subsection (b)(2); and

''(ii) shall—

''(I) inform the alien that an application for protection relief shall be submitted to the Secretary not later than 30 days before the date on which the alien's protection merits interview is scheduled;

''(II) inform the alien that he or she shall receive employment authorization, pursuant to section 235C, not later than 30 days after filing the application required under subclause (I);

''(III) inform the alien that he or she may submit evidence into the record not later than 30 days before the date on which the alien's protection merits interview is scheduled;

''(IV) describe—

''(aa) the penalties resulting from the alien's failure to file the application required under subclause (I); and

''(bb) the terms and conditions for redressing such failure to file; and

''(V) describe the penalties resulting from the alien's failure to appear for a scheduled protection merits interview.

''(3) DATE OF FILING.—The date on which an application for protection relief is received by the Secretary shall be considered the date of filing and receipt for all purposes.

''(4) EFFECT OF FAILURE TO FILE.—

''(A) IN GENERAL.—Failure to timely file an application for protection relief under this subsection will result in an order of removal, absent exceptional circumstances.

''(B) OPPORTUNITY FOR REDRESS.—

''(i) IN GENERAL.—The Secretary shall promulgate regulations authorizing a 15-day opportunity for redress to file an application for protection relief if there are exceptional circumstances regarding the alien's failure to timely file an application for protection relief.

''(ii) CONTENTS.—Each application submitted pursuant to clause (i) shall—

''(I) describe the basis for such request;

''(II) include supporting evidence; and

''(III) identify the exceptional circumstances that led to the alien's failure to file the application for protection relief in a timely manner.

''(C) DECISION .—In evaluating a request for redress submitted pursuant to subparagraph (B)(i), the Director, or designee—

''(i) shall determine whether such request rises to the level of exceptional circumstances; and

''(ii) may schedule a protection determination interview.

''(5) EMPLOYMENT AUTHORIZATION.—

''(A) IN GENERAL.—Employment authorization shall be provided to aliens described in this subsection in accordance with section 235C.

''(B) REVOCATION.—The Secretary may revoke the employment authorization provided to any alien processed under this section or section 240D if such alien—

''(i) has obtained authorization for employment pursuant to the procedures described in section 235C; and

''(ii) absent exceptional circumstances, subsequently fails to appear for a protection determination under subsection (b)(3) or a protection merits interview under 240D(c)(3).

''(g) FAILURE TO APPEAR.—

''(1) PROTECTION MERITS INTERVIEW.—The provisions of section 240(b)(5) shall apply to proceedings under this section.

''(2) OPPORTUNITY TO REDRESS.—

''(A) IN GENERAL.—Not later than 15 days after the date on which an alien fails to appear for a scheduled protection determination or protection merits interview, the alien may submit a written request for a rescheduled protection determination or protection merits interview.

''(B) CONTENTS.—Each request submitted pursuant to subparagraph (A) shall—

''(i) describe the basis for such request;

''(ii) include supporting evidence; and

''(iii) identify the exceptional circumstances that led to the alien's failure to appear.

''(C) DECISION.—In evaluating a request submitted pursuant to subparagraph (A), the Director, or designee shall determine whether the evidence included in such request rises to the level of exceptional circumstances. Such decision shall not be reviewable.

''(h) RULEMAKING.—

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

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

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

''(i) SAVINGS PROVISIONS.—

''(1) EXPEDITED REMOVAL.—Nothing in this section may be construed to expand or restrict the Secretary's discretion to carry out expedited removals pursuant to section 235 to the extent authorized by law. The Secretary shall not refer or place an alien in proceedings under section 235 if the alien has already been placed in or referred to proceedings under this section or section 240D.

''(2) DETENTION.—Nothing in this section may be construed to affect the authority of the Secretary to detain an alien released pursuant to this section if otherwise authorized by law.

''(3) SETTLEMENT AGREEMENTS.—Nothing in this section may be construed—

''(A) to expand or restrict any settlement agreement in effect as of the date of the enactment of this section; or

''(B) to abrogate any provision of the stipulated settlement agreement in Reno v. Flores, as filed in the United States District Court for the Central District of California on January 17, 1997 (CV–85–4544–RJK), including all subsequent court decisions, orders, agreements, and stipulations.

''(4) IMPACT ON OTHER REMOVAL PROCEEDINGS.—The provisions of this section may not be interpreted to apply to any other form of removal proceedings.

''(5) SPECIAL RULE.—For aliens who are natives or citizens of Cuba released pursuant to this section and who are otherwise eligible for adjustment of status under the first section of Public Law 89–732 (8 U.S.C. 1255 note) (commonly known as the 'Cuban Adjustment Act'), the requirement that an alien has been inspected and admitted or paroled into the United States shall not apply. Aliens who are natives or citizens of Cuba or Haiti and have been released pursuant to section 240 (8 U.S.C. 1229) shall be considered to be individuals described in section 501(e)(1) of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note).

''(6) REVIEW OF PROTECTION DETERMINATIONS.—Except for reviews of constitutional claims, no court shall have jurisdiction to review a protection determination issued by U.S. Citizenship and Immigration Services under this section.

''(7) FINAL REMOVAL ORDERS.—No court shall have jurisdiction to review a final order of removal issued under this section.

''(j) JUDICIAL REVIEW.—Notwithstanding any other provision of this Act, judicial review of any decision or action in this section shall be governed only by the United States District Court for the District of Columbia, which shall have sole and original jurisdiction to hear challenges, whether constitutional or otherwise, to the validity of this section or any written policy directive, written policy guideline, written procedure, or the implementation thereof, issued by or under the authority of the Secretary to implement this section.

''(k) REPORTS ON ASYLUM OFFICER GRANT RATES.—

''(1) PUBLICATION OF ANNUAL REPORT.—Not later than 1 year after the date of the enactment of the Border Act, and annually thereafter, the Director of U.S. Citizenship and Immigration Services shall publish a report, on a publicly accessible website of U.S. Citizenship and Immigration Services, which includes, for the reporting period—

''(A) the number of protection determinations that were approved or denied; and

''(B) a description of any anomalous incidents identified by the Director, including any action taken by the Director to address such an incident.

''(2) SEMIANNUAL REPORT TO CONGRESS.—

''(A) IN GENERAL.—Not less frequently than twice each year, the Director of U.S. Citizenship and Immigration Services shall submit a report to the relevant committees of Congress that includes, for the preceding reporting period, and aggregated for the applicable calendar year—

''(i) the number of cases in which a protection determination or protection merits interview has been completed; and

''(ii) for each asylum office or duty station to which more than 20 asylum officers are assigned—

''(I) the median percentage of positive determinations and protection merits interviews in the cases described in clause (i);

''(II) the mean percentage of negative determinations and protection merits interviews in such cases; and

''(III) the number of cases described in subsection (c)(5) in which an alien was referred to a supervisor after demonstrating, by clear and convincing evidence, eligibility for asylum, withholding of removal, or protection under the Convention Against Torture, disaggregated by benefit type;

''(IV) the number of cases described in clause (i) that were approved by a supervisor; and

''(V) the number of cases described in clause (i) that were not approved by a supervisor.

''(B) PRESENTATION OF DATA.—The information described in subparagraph (A) shall be provided in the format of aggregate totals by office or duty station.

''(l) DEFINITIONS.—In this section:

''(1) APPLICATION FOR PROTECTION RELIEF.—The term 'application for protection relief' means any request, application or petition authorized by the Secretary for asylum, withholding of removal, or protection under the Convention Against Torture.

''(2) ASYLUM OFFICER.—The term 'asylum officer' has the meaning given such term in section 235(b)(1)(E).

''(3) CONVENTION AGAINST TORTURE.—The term 'Convention Against Torture' means the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, including any implementing regulations.

''(4) DIRECTOR.—The term 'Director' means the Director of U.S. Citizenship and Immigration Services.

''(5) EXCEPTIONAL CIRCUMSTANCES.—The term 'exceptional circumstances' has the meaning given such term in section 240(e)(1).

''(6) FINAL ORDER OF REMOVAL.—The term 'final order of removal' means an order of removal made by an asylum officer at the conclusion of a protection determination, and any appeal of such order, as applicable.

''(7) PROTECTION APPELLATE BOARD.—The term 'Protection Appellate Board' means the Protection Appellate Board established under section 463 of the Homeland Security Act of 2002.

''(8) PROTECTION DETERMINATION DECISION.—The term 'protection determination decision' means the service of a negative or positive protection determination outcome.

''(9) RELEVANT COMMITTEES OF CONGRESS.—The term 'relevant committees of Congress' means—

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

''(B) the Committee on the Judiciary of the Senate;

''(C) the Committee on Appropriations of the Senate;

''(D) the Committee on Homeland Security of the House of Representatives;

''(E) the Committee on the Judiciary of the House of Representatives;

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

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

''(10) SECRETARY.—The term 'Secretary' means the Secretary of Homeland Security.''.

(b) CLERICAL AMENDMENT.—The table of contents of the Immigration and Nationality Act (8 U.S.C. 1101 note) is amended by inserting after the item relating to section 235A the following:

''Sec. 235B. Provisional noncustodial removal proceedings.''.

SEC. 4142. PROTECTION MERITS REMOVAL PROCEEDINGS.

(a) IN GENERAL.—Chapter 4 of title II of the Immigration and Nationality Act (8 U.S.C. 1221 et seq.) is amended by inserting after section 240C the following:

''SEC. 240D. PROTECTION MERITS REMOVAL PROCEEDINGS.

''(a) COMMENCEMENT OF PROCEEDINGS.—Removal proceedings under this section shall commence immediately after the Secretary properly serves notice on an alien who was—

''(1) processed under section 235B and referred under subsection (c)(4) of that section after having been issued a notice of a positive protection determination under such subsection; or

''(2) referred under section 235B(f).

''(b) DURATION OF PROCEEDINGS.—To the maximum extent practicable, proceedings under this section shall conclude not later than 90 days after the date on which such proceedings commence.

''(c) PROCEDURES.—

''(1) SERVICE AND NOTICE REQUIREMENTS.—Upon the commencement of proceedings under this section, the Secretary shall provide notice of removal proceedings to the alien, or if personal service is not practicable, to the alien's counsel of record. Such notice shall be provided, to the maximum extent practicable, in the alien's native language, or in a language the alien understands, and shall specify or provide—

''(A) the nature of the proceedings against the alien;

''(B) the legal authority under which such proceedings will be conducted;

''(C) the charges against the alien and the statutory provisions alleged to have been violated by the alien;

''(D) that the alien shall—

''(i) immediately provide (or have provided) to the Secretary, in writing, the mailing address, contact information, email address or other electronic address, and telephone number (if any) at which the alien may be contacted respecting the proceeding under this section; and

''(ii) provide to the Secretary, in writing, any change of the alien's mailing address or telephone number after any such change;

''(E)(i) the time and place at which the proceeding under this section will be held, which information shall be communicated, to the extent practicable, before or during the alien's release from physical custody; or

''(ii) immediately after release, the time and place of such proceeding shall be provided to the alien, or to the alien's counsel of record, not later than 10 days before the scheduled protection determination interview, which shall be considered proper service of the commencement of proceedings;

''(F) the consequences for the alien's failure to appear at such proceeding pursuant to section 240(b)(5)(A), absent exceptional circumstances;

''(G) the alien's right to be represented, at no expense to the Federal Government, by any counsel, or an accredited representative, selected by the alien who is authorized to practice in such a proceeding; and

''(H) information described in section 235(b)(1)(B)(iv)(II).

''(2) ALTERNATIVES TO DETENTION.—An adult alien, including a head of household, who has been referred for proceedings under this section, shall be supervised under the Alternatives to Detention program of U.S. Immigration and Customs Enforcement for the duration of such proceedings.

''(3) PROTECTION MERITS INTERVIEW.—

''(A) IN GENERAL.—An asylum officer shall conduct a protection merits interview of each alien processed under this section.

''(B) ACCESS TO COUNSEL.—Section 235B(b)(3)(B) shall apply to proceedings under this section.

''(C) PROCEDURES AND EVIDENCE.—The asylum officer may receive into evidence any oral or written statement that is material and relevant to any matter in the protection merits interview. The testimony of the alien shall be under oath or affirmation, which shall be administered by the asylum officer.

''(D) TRANSLATION OF DOCUMENTS.—Any foreign language document offered by a party in proceedings under this section shall be accompanied by an English language translation and a certification signed by the translator, which shall be printed legibly or typed. Such certification shall include a statement that the translator is competent to translate the document, and that the

translation is true and accurate to the best of the translator's abilities.

''(E) INTERPRETERS.—An interpreter may be provided to the alien for the proceedings under this section, in accordance with section 235B(b)(3)(D).

''(F) LOCATION.—The location for the protection merits interview described in this section shall be determined in accordance with the terms and conditions described in section 235B(b)(3)(E).

''(G) WRITTEN RECORD.—The asylum officer shall prepare a written record of each protection merits interview, which shall be provided to the alien or the alien's counsel, that includes—

''(i) a summary of the material facts stated by the alien;

''(ii) any additional facts relied upon by the asylum officer;

''(iii) the asylum officer's analysis of why, in light of the facts referred to in clauses (i) and (ii), the alien has or has not established eligibility for asylum under section 208, withholding of removal under section 241(b)(3), or protection under the Convention Against Torture; and

''(iv) a copy of the asylum officer's interview notes.

''(H) PROTECTION OF CERTAIN INFORMATION.—Before providing the record described in subparagraph (G) to the alien or the alien's counsel of record, the Director shall protect any information the disclosure of which is prohibited by law.

''(I) RULEMAKING.—The Secretary shall promulgate regulations that permit an alien to request a rescheduled interview due to exceptional circumstances.

''(J) WITHDRAWAL OF APPLICATION, VOLUNTARY DEPARTURE, AND VOLUNTARY REPATRIATION.—

''(i) VOLUNTARY DEPARTURE.—The Secretary may permit an alien to voluntarily depart in accordance with section 240E.

''(ii) WITHDRAWAL OF APPLICATION.—The Secretary may permit an alien, at any time before the protection merits interview, to withdraw his or her application and depart immediately from the United States in accordance with section 240F.

''(iii) VOLUNTARY REPATRIATION.—The Secretary may permit an alien to voluntarily repatriate in accordance with section 240G.

''(4) SPECIAL RULE RELATING TO ONE-YEAR BAR.—An alien subject to proceedings under this section shall not be subject to the one-year bar under section 208(a)(2)(B).

''(5) TIMING OF PROTECTION MERITS INTERVIEW.—A protection merits interview may not be conducted on a date that is earlier than 30 days after the date on which notice is served under paragraph (1).

''(d) PROTECTION MERITS DETERMINATION.—

''(1) IN GENERAL.—After conducting an alien's protection merits interview, the asylum officer shall make a determination on the merits of the alien's application for asylum under section 208, withholding of removal under section 241(b)(3), or protection under the Convention Against Torture.

''(2) POSITIVE PROTECTION MERITS DETERMINATION.—In the case of an alien who the asylum officer determines meets the criteria for a positive protection merits determination, the asylum officer shall approve the alien's application for asylum under section 208, withholding of removal under section 241(b)(3), or protection under the Convention Against Torture.

''(3) NEGATIVE PROTECTION MERITS DETERMINATION.—

''(A) IN GENERAL.—In the case of an alien who the asylum officer determines does not meet the criteria for a positive protection merits determination—

''(i) the asylum officer shall deny the alien's application for asylum under section 208, withholding of removal under section 241(b)(3), or protection under the Convention Against Torture; and

''(ii) the Secretary shall—

''(I) provide the alien with written notice of the decision; and

''(II) subject to subparagraph (B) and subsection (e), order the removal of the alien from the United States.

''(B) REQUEST FOR RECONSIDERATION.—Any alien with respect to whom a negative protection merits determination has been made may submit a request for reconsideration to U.S. Citizenship and Immigration Services not later than 5 days after such determination, in accordance with the procedures set forth in section 235B(d)(3).

''(e) APPEALS.—

''(1) IN GENERAL.—An alien with respect to whom a negative protection merits determination has been made may submit to the Protection Appellate Board a written petition for review of such determination, together with additional evidence supporting the alien's claim, as applicable, not later than 7 days after the date on which a request for reconsideration under subsection (d)(3)(B) has been denied.

''(2) SWORN STATEMENT.—A petition for review submitted under this subsection shall include a sworn statement by the alien.

''(3) RESPONSIBILITIES OF THE DIRECTOR.—

''(A) IN GENERAL.—After the filing of a petition for review by an alien, the Director shall—

''(i) refer the alien's petition for review to the Protection Appellate Board; and

''(ii) before the date on which the Protection Appellate Board commences review, subject to subparagraph (B), provide a full record of the alien's protection merits interview, including a transcript of such interview—

''(I) to the Protection Appellate Board; and

''(II) to the alien, or the alien's counsel of record.

''(B) PROTECTION OF CERTAIN INFORMATION.—Before providing the record described in subparagraph (A)(ii)(II) to the alien or the alien's counsel of record, the Director shall protect any information the disclosure of which is prohibited by law.

''(4) STANDARD OF REVIEW.—

''(A) IN GENERAL.—In reviewing a protection merits determination under this subsection, the Protection Appellate Board shall—

''(i) with respect to questions of fact, determine whether the decision reached by the asylum officer with initial jurisdiction regarding the alien's eligibility for relief or protection was clear error; and

''(ii) with respect to questions of law, discretion, and judgement, make a de novo determination with respect to the alien's eligibility for relief or protection.

''(B) in making a determination under clause (i) or (ii) of subparagraph (A), take into account the credibility of the statements made by the alien in support of the alien's claim and such other facts as are known to the Protection Appellate Board.

''(5) COMPLETION.—To the maximum extent practicable, not later than 7 days after the date on which an alien files a petition for review with the Protection Appellate Board, the Protection Appellate Board shall conclude the review.

''(6) OPPORTUNITY TO SUPPLEMENT.—The Protection Appellate Board shall establish a process by which an alien, or the alien's counsel of record, may supplement the record for purposes of a review under this subsection not less than 30 days before the Protection Appellate Board commences the review.

''(7) RESULT OF REVIEW.—

''(A) VACATUR OF ORDER OF REMOVAL.—In the case of a determination by the Protection Appellate Board that the application of an alien for asylum warrants approval, the Protection Appellate Board shall vacate the order of removal issued by the asylum officer and grant such application.

''(B) WITHHOLDING OF REMOVAL AND CONVENTION AGAINST TORTURE ORDER OF REMOVAL.—In the case of a determination by the Protection Appellate Board that the application of an alien for withholding of removal under section 241(b)(3) or protection under the Convention Against Torture warrants approval, the Protection Appellate Board—

''(i) shall not vacate the order of removal issued by the asylum officer; and

''(ii) shall grant the application for withholding of removal under section 241(b)(3) or protection under the Convention Against Torture, as applicable.

''(C) AFFIRMATION OF ORDER OF REMOVAL.—In the case of a determination by the Protection Appellate Board that the petition for review of a protection merits interview does not warrant approval, the Protection Appellate Board shall affirm the denial of such application and the order of removal shall become final.

''(D) NOTIFICATION.—Upon making a determination with respect to a review under this subsection, the Protection Appellate Board shall expeditiously provide notice of the determination to the alien and, as applicable, to the alien's counsel of record.

''(8) MOTION TO REOPEN OR MOTION TO RECONSIDER.—

''(A) MOTION TO REOPEN.—A motion to reopen a review conducted by the Protection Appellate Board shall state new facts and shall be supported by documentary evidence. The resubmission of previously provided evidence or reassertion of previously stated facts shall not be sufficient to meet the requirements of a motion to reopen under this subparagraph. An alien with a pending motion to reopen may be removed if the alien's order of removal is final, pending a decision on a motion to reopen.

''(B) MOTION TO RECONSIDER.—

''(i) IN GENERAL.—A motion to reconsider a decision of the Protection Appellate Board—

''(I) shall establish that—

''(aa) the Protection Appellate Board based its decision on an incorrect application of law or policy; and

''(bb) the decision was incorrect based on the evidence in the record of proceedings at the time of the decision; and

''(II) shall be filed not later than 30 days after the date on which the decision was issued.

''(ii) LIMITATION.—The Protection Appellate Board shall not consider new facts or evidence submitted in support of a motion to reconsider.

''(f) ORDER OF REMOVAL.—

''(1) IN GENERAL.—The Secretary—

''(A) shall have exclusive and final jurisdiction over the denial of an application for relief or protection under this section; and

''(B) may remove an alien to a country where the alien is a subject, national, or citizen, or in the case of an alien having no nationality, the country of the alien's last habitual residence, or in accordance with the processes established under section 241, unless removing the alien to such country would be prejudicial to the interests of the United States.

''(2) DETENTION; REMOVAL.—The terms and conditions under section 241 shall apply to the detention and removal of aliens ordered removed from the United States under this section.

''(g) LIMITATION ON JUDICIAL REVIEW.—

''(1) DENIALS OF PROTECTION.—Except for review of constitutional claims, no court

shall have jurisdiction to review a decision issued by U.S. Citizenship and Immigration Services under this section denying an alien's application for asylum under section 208, withholding of removal under section 241(b)(3), or protection under the Convention Against Torture.

''(2) FINAL REMOVAL ORDERS.—No court shall have jurisdiction to review a final order of removal issued under this section.

''(h) RULEMAKING.—

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

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

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

''(i) SAVINGS PROVISIONS.—

''(1) DETENTION.—Nothing in this section may be construed to affect the authority of the Secretary to detain an alien who is processed, including for release, under this section if otherwise authorized by law.

''(2) SETTLEMENT AGREEMENTS.—Nothing in this section may be construed—

''(A) to expand or restrict any settlement agreement in effect on the date of the enactment of this section; or

''(B) to abrogate any provision of the stipulated settlement agreement in Reno v. Flores, as filed in the United States District Court for the Central District of California on January 17, 1997 (CV–85–4544–RJK), including all subsequent court decisions, orders, agreements, and stipulations.

''(3) IMPACT ON OTHER REMOVAL PROCEEDINGS.—The provisions of this section may not be interpreted to apply to any other form of removal proceedings.

''(4) CONVERSION TO REMOVAL PROCEEDINGS UNDER SECTION 240.—The asylum officer or immigration officer may refer or place an alien into removal proceedings under section 240 by issuing a notice to appear for the purpose of initiating such proceedings if either such officer determines that—

''(A) such proceedings are required in order to permit the alien to seek an immigration benefit for which the alien is legally entitled to apply; and

''(B) such application requires such alien to be placed in, or referred to proceedings under section 240 that are not available to such alien under this section.

''(j) FAMILY UNITY.—In the case of an alien with a minor child in the United States who has been ordered removed pursuant to this section, the Secretary shall ensure that such alien is removed with the minor child, if the alien elects.

''(k) JUDICIAL REVIEW.—Notwithstanding any other provision of this Act, judicial review of any decision or action in this section shall be governed only by the United States District Court for the District of Columbia, which shall have sole and original jurisdiction to hear challenges, whether constitutional or otherwise, to the validity of this section or any written policy directive, written policy guideline, written procedure, or the implementation thereof, issued by or under the authority of the Secretary to implement this section.

''(l) DEFINITIONS.—In this section:

''(1) ASYLUM OFFICER.—The term 'asylum officer' has the meaning given such term in section 235(b)(1)(E).

''(2) CONVENTION AGAINST TORTURE.—The term 'Convention Against Torture'—means the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, including any implementing regulations.

''(3) DIRECTOR.—The term 'Director' means the Director of U.S. Citizenship and Immigration Services.

''(4) EXCEPTIONAL CIRCUMSTANCES.—The term 'exceptional circumstances' has the meaning given such term in section 240(e)(1).

''(5) FINAL ORDER OF REMOVAL.—The term 'final order of removal' means an order of removal made by an asylum officer at the conclusion of a protection determination, and any appeal of such order, as applicable.

''(6) PROTECTION APPELLATE BOARD.—The term 'Protection Appellate Board' means the Protection Appellate Board established under section 463 of the Homeland Security Act of 2002.

''(7) PROTECTION DETERMINATION DECISION.—The term 'protection determination decision' means the service of a negative or positive protection determination outcome.

''(8) SECRETARY.—The term 'Secretary' means the Secretary of Homeland Security.''.

(b) CLERICAL AMENDMENT.—The table of contents of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 240C the following:

''Sec. 240D. Protection merits removal proceedings.''.

SEC. 4143. VOLUNTARY DEPARTURE AFTER NONCUSTODIAL PROCESSING; WITHDRAWAL OF APPLICATION FOR ADMISSION.

(a) IN GENERAL.—Chapter 4 of title II of the Immigration and Nationality Act (8 U.S.C. 1221 et seq.), as amended by section 4142(a), is further amended by inserting after section 240D the following:

''SEC. 240E. VOLUNTARY DEPARTURE AFTER NONCUSTODIAL PROCESSING.

''(a) CONDITIONS.—

''(1) IN GENERAL.—The Secretary of Homeland Security (referred to in this section as the 'Secretary') may permit an alien to voluntarily depart the United States under this subsection, at the alien's own expense, instead of being subject to proceedings under section 235B or 240D or before the completion of such proceedings, if such alien is not deportable under paragraph (2)(A)(iii) or (4)(B) of section 237(a).

''(2) PERIOD OF VALIDITY.—Permission to depart voluntarily under this subsection shall be valid for a period not to exceed 120 days.

''(3) DEPARTURE BOND.—The Secretary may require an alien permitted to depart voluntarily under this subsection to post a voluntary departure bond, which shall be surrendered upon proof that the alien has departed the United States within the time specified in such bond.

''(b) AT CONCLUSION OF PROCEEDINGS.—

''(1) IN GENERAL.—The Secretary may permit an alien to voluntarily depart the United States under this subsection, at the alien's own expense, if, at the conclusion of a proceeding under section 240D, the asylum officer—

''(A) enters an order granting voluntary departure instead of removal; and

''(B) determines that the alien—

''(i) has been physically present in the United States for not less than 60 days immediately preceding the date on which proper notice was served in accordance with section 235B(e)(2);

''(ii) is, and has been, a person of good moral character for at least 5 years immediately preceding the alien's application for voluntary departure;

''(iii) is not deportable under paragraph (2)(A)(iii) or (4) of section 237(a); and

''(iv) has established, by clear and convincing evidence, that he or she has the means to depart the United States and intends to do so.

''(2) DEPARTURE BOND.—The Secretary shall require any alien permitted to voluntarily depart under this subsection to post a voluntary departure bond, in an amount necessary to ensure that such alien will depart, which shall be surrendered upon proof that the alien has departed the United States within the time specified in such bond.

''(c) INELIGIBLE ALIENS.—The Secretary shall not permit an alien to voluntarily depart under this section if such alien was previously permitted to voluntarily depart after having been found inadmissible under section 212(a)(6)(A).

''(d) CIVIL PENALTY FOR FAILURE TO DEPART.—

''(1) IN GENERAL.—Subject to paragraph (2), an alien who was permitted to voluntarily depart the United States under this section and fails to voluntarily depart within the period specified by the Secretary—

''(A) shall be subject to a civil penalty of not less than $1,000 and not more than $5,000; and

''(B) shall be ineligible, during the 10-year period beginning on the last day such alien was permitted to voluntarily depart, to receive any further relief under this section and sections 240A, 245, 248, and 249.

''(2) SPECIAL RULE.—The restrictions on relief under paragraph (1) shall not apply to individuals identified in section 240B(d)(2).

''(3) NOTICE.—The order permitting an alien to voluntarily depart shall describe the penalties under this subsection.

''(e) ADDITIONAL CONDITIONS.—The Secretary may prescribe regulations that limit eligibility for voluntary departure under this section for any class of aliens. No court may review any regulation issued under this subsection.

''(f) JUDICIAL REVIEW.—No court has jurisdiction over an appeal from the denial of a request for an order of voluntary departure under subsection (b). No court may order a stay of an alien's removal pending consideration of any claim with respect to voluntary departure.

''(g) RULE OF CONSTRUCTION.—Nothing in this section may be construed to affect any voluntary departure relief in any other section of this Act.

''SEC. 240F. WITHDRAWAL OF APPLICATION FOR ADMISSION.

''(a) WITHDRAWAL AUTHORIZED.—The Secretary of Homeland Security (referred to in this section as the 'Secretary'), in the discretion of the Secretary, may permit any alien for admission to withdraw his or her application—

''(1) instead of being placed into removal proceedings under section 235B or 240D; or

''(2) at any time before the alien's protection merits interview occurs under section 240D.

''(b) CONDITIONS.—An alien's decision to withdraw his or her application for admission under subsection (a) shall be made voluntarily. Permission to withdraw an application for admission may not be granted unless the alien intends and is able to depart the United States within a period determined by the Secretary.

''(c) CONSEQUENCE FOR FAILURE TO DEPART.—An alien who is permitted to withdraw his or her application for admission

under this section and fails to voluntarily depart the United States within the period specified by the Secretary pursuant to subsection (b) shall be ineligible, during the 5-year period beginning on the last day of such period, to receive any further relief under this section and section 240A.

''(d) FAMILY UNITY.—In the case of an alien with a minor child in the United States who has been ordered removed after withdrawing an application under this section, the Secretary shall ensure that such alien is removed with the minor child, if the alien elects.

''(e) RULE OF CONSTRUCTION.—Nothing in this section may be construed to affect any withdrawal requirements in any other section of this Act.''.

(b) CLERICAL AMENDMENT.—The table of contents of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), as amended by section 4142(b), is further amended by inserting after the item relating to section 240D the following:

''Sec. 240E. Voluntary departure after non-custodial processing.
''Sec. 240F. Withdrawal of application for admission.''.

SEC. 4144. VOLUNTARY REPATRIATION.

(a) IN GENERAL.—Chapter 4 of title II of the Immigration and Nationality Act (8 U.S.C. 1221 et seq.), as amended by section 4143(a), is further amended by inserting after section 240F, the following:

''SEC. 240G. VOLUNTARY REPATRIATION.

''(a) ESTABLISHMENT.—The Secretary of Homeland Security (referred to in this section as the 'Secretary') shall establish a voluntary repatriation program in accordance with the terms and conditions of this section.

''(b) VOLUNTARY REPATRIATION IN LIEU OF PROCEEDINGS.—Under the voluntary repatriation program established under subsection (a), the Secretary may permit an alien to elect, at any time during proceedings under section 235B or before the alien's protection merits determination under section 240D(d), voluntary repatriation in lieu of continued proceedings under section 235B or 240D.

''(c) PERIOD OF VALIDITY.—An alien who elects voluntary repatriation shall depart the United States within a period determined by the Secretary, which may not exceed 120 days.

''(d) PROCEDURES.—Consistent with subsection (b), the Secretary may permit an alien to elect voluntary repatriation if the asylum officer—

''(1) enters an order granting voluntary repatriation instead of an order of removal; and

''(2) determines that the alien—

''(A) has been physically present in the United States immediately preceding the date on which the alien elects voluntary repatriation;

''(B) is, and has been, a person of good moral character for the entire period the alien is physically present in the United States;

''(C) is not described in paragraph (2)(A)(iii) or (4) of section 237(a);

''(D) meets the applicable income requirements, as determined by the Secretary; and

''(E) has not previously elected voluntary repatriation.

''(e) MINIMUM REQUIREMENTS.—

''(1) NOTICE.—The notices required to be provided to an alien under sections 235B(b)(2) and 240D(c)(1) shall include information on the voluntary repatriation program.

''(2) VERBAL REQUIREMENTS.—The asylum officer shall verbally provide the alien with information about the opportunity to elect voluntary repatriation—

''(A) at the beginning of a protection determination under section 235B(c)(2); and

''(B) at the beginning of the protection merits interview under section 240D(b)(3).

''(3) WRITTEN REQUEST.—An alien subject to section 235B or 240D—

''(A) may elect voluntary repatriation at any time during proceedings under 235B or before the protection merits determination under section 240D(d); and

''(B) may only elect voluntary repatriation—

''(i) knowingly and voluntarily; and

''(ii) in a written format, to the maximum extent practicable, in the alien's native language or in a language the alien understands, or in an alternative record if the alien is unable to write.

''(f) REPATRIATION.—The Secretary is authorized to provide transportation to aliens, including on commercial flights, if such aliens elect voluntary repatriation.

''(g) REINTEGRATION.—Upon election of voluntary repatriation, the Secretary shall advise the alien of any applicable reintegration or reception program available in the alien's country of nationality.

''(h) FAMILY UNITY.—In the case of an alien with a minor child in the United States who has been permitted to voluntarily repatriate pursuant to this section, the Secretary shall ensure that such alien is repatriated with the minor child, if the alien elects.

''(i) IMMIGRATION CONSEQUENCES.—

''(1) ELECTION TIMING.—In the case of an alien who elects voluntary repatriation at any time during proceeding under section 235B or before the protection merits interview, a final order of removal shall not be entered against the alien.

''(2) FAILURE TO TIMELY DEPART.—In the case of an alien who elects voluntary repatriation and fails to depart the United States before the end of the period of validity under subsection (c)—

''(A) the alien shall be subject to a civil penalty in an amount equal to the cost of the commercial flight or the ticket, or tickets, to the country of nationality;

''(B) during the 10-year period beginning on the date on which the period of validity under subsection (c) ends, the alien shall be ineligible for relief under—

''(i) this section;

''(ii) section 240A; and

''(iii) section 240E; and

''(C) a final order of removal shall be entered against the alien.

''(3) EXCEPTIONS.—Paragraph (2) shall not apply to a child of an adult alien who elected voluntary repatriation.

''(j) CLERICAL MATTERS.—

''(1) RULE OF CONSTRUCTION.—Nothing in this section may be construed to affect any voluntary departure under any other section of this Act.

''(2) SAVINGS CLAUSE.—Nothing in this section may be construed to supersede the requirements of section 241(b)(3).

''(3) JUDICIAL REVIEW.—No court shall have jurisdiction of the Secretary's decision, in the Secretary's sole discretion, to permit an alien to elect voluntary repatriation. No court may order a stay of an alien's removal pending consideration of any claim with respect to voluntary repatriation.

''(4) APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as necessary to carry out this section.

''(k) VOLUNTARY REPATRIATION DEFINED.—The term 'voluntary repatriation' means the free and voluntary return of an alien to the alien's country of nationality (or in the case of an alien having no nationality, the country of the alien's last habitual residence) in a safe and dignified manner, consistent with the obligations of the United States under the Convention Relating to the Status of Refugees, done at Geneva July 28, 1952 (as made applicable by the1967 Protocol Relating to the Status of Refugees, done at New York January 31, 1967 (19 UST 6223)).''.

(b) CLERICAL AMENDMENT.—The table of contents of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), as amended by section 4143(b), is further amended by inserting after the item relating to section 240F the following:

''Sec. 240G. Voluntary repatriation.''.

SEC. 4145. IMMIGRATION EXAMINATIONS FEE ACCOUNT.

Section 286 of the Immigration and Nationality Act (8 U.S.C. 1356) is amended—

(1) in subsection (m), by striking ''collected.'' and inserting ''collected: *Provided further*, That such fees may not be set to recover any costs associated with the implementation of sections 235B and 240D, are appropriated by Congress, and are not subject to the fees collected.''; and

(2) in subsection (n), by adding at the end the following: ''Funds deposited in the 'Immigration Examinations Fee Account' shall not be used to reimburse any appropriation for expenses associated with the implementation of sections 235B and 240D.''.

SEC. 4146. BORDER REFORMS.

(a) SPECIAL RULES FOR CONTIGUOUS CONTINENTAL LAND BORDERS.—

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

''SEC. 244A. SPECIAL RULES FOR CONTIGUOUS CONTINENTAL LAND BORDERS.

''(a) IN GENERAL.—An alien described in section 235 or 235B who arrives by land from a contiguous continental land border (whether or not at a designated port of arrival), absent unusual circumstances, shall be promptly subjected to the mandatory provisions of such sections unless the Secretary of Homeland Security (referred to in this section as the 'Secretary')determines, on a case-by-case basis, that there is—

''(1) an exigent medical circumstance involving the alien that requires the alien's physical presence in the United States;

''(2) a significant law enforcement or intelligence purpose warranting the alien's presence in the United States;

''(3) an urgent humanitarian reason directly pertaining to the individual alien, according to specific criteria determined by the Secretary;

''(4) a Tribal religious ceremony, cultural exchange, celebration, subsistence use, or other culturally important purpose warranting the alien's presence in the United States on Tribal land located at or near an international land border;

''(5) an accompanying alien whose presence in the United States is necessary for the alien who meets the criteria described in any of the paragraphs (1) through (4) to further the purposes of such provisions; or

''(6) an alien who, while in the United States, had an emergent personal or bona fide reason to travel temporarily abroad and received approval for Advance Parole from the Secretary.

''(b) RULES OF CONSTRUCTION.—Nothing in this section may be construed—

''(1) to preclude the execution of section 235(a)(4) or 241(a)(5);

''(2) to expand or restrict the authority to grant parole under section 212(d)(5), including for aliens arriving at a port of entry by air or sea, other than an alien arriving by land at a contiguous continental land border for whom a special rule described in subsection (a) applies; or

''(3) to refer to or place an alien in removal proceedings pursuant to section 240, or in any other proceedings, if such referral is not otherwise authorized under this Act.

''(c) TRANSITION RULES.—

''(1) MANDATORY PROCESSING.—Beginning on the date that is 90 days after the date of the enactment of this section, the Secretary shall require any alien described in subsection (a) who does not meet any of the criteria described in paragraphs (1) through (6) of that subsection to be processed in accordance with section 235 or 235B, as applicable, unless such alien is subject to removal proceedings under subsection (b)(3).

''(2) PRE-CERTIFICATION REFERRALS AND PLACEMENTS.—Before the Comptroller General of the United States has certified that sections 235B and 240D are fully operational pursuant to section 4146(d) of the Border Act, the Secretary shall refer or place aliens described in subsection (a) in proceedings under section 240 based upon operational considerations regarding the capacity of the Secretary to process aliens under section 235 or section 235B, as applicable.

''(3) POST-CERTIFICATION REFERRALS AND PLACEMENTS.—After the Comptroller General makes the certification referred to in paragraph (2), the Secretary may only refer aliens described in subsection (a) to, or place such aliens in, proceedings under section 235(b) or 235B, as applicable, unless such alien is subject to removal proceedings under subsection (b)(3).''.

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

''Sec. 244A. Special rules for contiguous continental land borders.''.

(b) MODIFICATION OF AUTHORITY TO ARREST, DETAIN, AND RELEASE ALIENS.—

(1) IN GENERAL.—Section 236(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1226(a)(2)) is amended—

(A) in the matter preceding subparagraph (A), by striking ''on'';

(B) in subparagraph (A), by inserting ''on'' before ''bond''; and

(C) by amending subparagraph (B) to read as follows:

''(B)(i) in the case of an alien encountered in the interior, on conditional parole; or

''(ii) in the case of an alien encountered at the border—

''(I) pursuant to the procedures under 235B; or

''(II) on the alien's own recognizance with placement into removal proceedings under 240; and''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect immediately after the Comptroller General of the United States certifies, in accordance with subsection (d), that sections 235B and 240D of the Immigration and Nationality Act, as added by sections 3141 and 3142, are fully operational.

(c) REPORTING REQUIREMENT.—

(1) IN GENERAL.—Section 236 of the Immigration and Nationality Act (8 U.S.C. 1226) is amended by adding at the end the following:

''(f) SEMIANNUAL REPORT.—

''(1) IN GENERAL.—Not later than 180 days after the date on which the Comptroller General makes the certification described in section 4146(d) of the Border Act, and every 180 days thereafter, the Secretary of Homeland Security shall publish, on a publicly accessible internet website in a downloadable and searchable format, a report that describes each use of the authority of the Secretary under subsection (a)(2)(B)(ii)(II).

''(2) ELEMENTS.—Each report required by paragraph (1) shall include, for the applicable 180-day reporting period—

''(A) the number of aliens released pursuant to the authority of the Secretary of Homeland Security under subsection (a)(2)(B)(ii)(II);

''(B) with respect to each such release—

''(i) the rationale;

''(ii) the Border Patrol sector in which the release occurred; and

''(iii) the number of days between the scheduled date of the protection determination and the date of release from physical custody.

''(3) PRIVACY PROTECTION.—Each report published under paragraph (1)—

''(A) shall comply with all applicable Federal privacy laws; and

''(B) shall not disclose any information contained in, or pertaining to, a protection determination.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect immediately after the Comptroller General of the United States certifies, in accordance with subsection (d), that sections 235B and 240D of the Immigration and Nationality Act, as added by sections 3141 and 3142, are fully operational.

(d) CERTIFICATION PROCESS.—

(1) DEFINITIONS.—In this subsection:

(A) FULLY OPERATIONAL.—The term ''fully operational'' means the Secretary has the necessary resources, capabilities, and personnel to process all arriving aliens referred to in sections 235B and 240D of the Immigration and Nationality Act, as added by sections 3141 and 3142, within the timeframes required by such sections.

(B) REQUIRED PARTIES.—The term ''required parties'' means—

(i) the President;

(ii) the Secretary;

(iii) the Attorney General;

(iv) the Director of the Office of Management and Budget;

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

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

(vii) the Committee on Appropriations of the Senate;

(viii) the Committee on Homeland Security of the House of Representatives;

(ix) the Committee on the Judiciary of the House of Representatives; and

(x) the Committee on Appropriations of the House of Representatives.

(2) REVIEW.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall review the implementation of sections 235B and 240D of the Immigration and Nationality Act, as added by sections 3141 and 3142, to determine whether such sections are fully operational.

(B) REVIEW ELEMENTS.—In completing the review required under subparagraph (A), the Comptroller General shall assess, in comparison to the available resources, capabilities, and personnel on the date of the enactment of this Act, whether there are sufficient—

(i) properly trained personnel, including support personnel;

(ii) real property assets and other required capabilities;

(iii) information technology infrastructure;

(iv) field manuals and guidance, regulations, and policies;

(v) other investments that the Comptroller General considers necessary; and

(vi) asylum officers to effectively process all aliens who are considered amenable for processing under section 235(b), section 235B, section 240, and section 240D of the Immigration and Nationality Act.

(3) CERTIFICATION OF FULL IMPLEMENTATION.—If the Comptroller General determines, after completing the review required under paragraph (2), that sections 235B and 240D of the Immigration and Nationality Act are fully operational, the Comptroller General shall immediately submit to the required parties a certification of such determination.

(4) NONCERTIFICATION AND SUBSEQUENT REVIEWS.—If the Comptroller General determines, after completing the review required under paragraph (2), that such sections 235B and 240D are not fully operational, the Comptroller General shall—

(A) notify the required parties of such determination, including the reasons for such determination;

(B) conduct a subsequent review in accordance with paragraph (2)(A) not later than 180 days after each previous review that concluded that such sections 235B and 240D were not fully operational; and

(C) conduct a subsequent review not later than 90 days after each time Congress appropriates additional funding to fully implement such sections 235B and 240D.

(5) DETERMINATION OF THE SECRETARY.—Not later than 7 days after receiving a certification described in paragraph (3), the Secretary shall confirm or reject the certification of the Comptroller General.

(6) EFFECT OF REJECTION.—

(A) NOTIFICATION.—If the Secretary rejects a certification of the of the Comptroller General pursuant to paragraph (A), the Secretary shall immediately—

(i) notify the President, the Comptroller General, and the congressional committees listed in paragraph (1) of such rejection; and

(ii) provide such entities with a rationale for such rejection.

(B) SUBSEQUENT REVIEWS.—If the Comptroller General receives a notification of rejection from the Secretary pursuant to subparagraph (A), the Comptroller General shall conduct a subsequent review in accordance with paragraph (4)(B).

SEC. 4147. PROTECTION APPELLATE BOARD.

(a) IN GENERAL.—Subtitle E of title IV of the Homeland Security Act of 2002 (6 U.S.C. 271 et seq.) is amended by adding at the end the following:

''SEC. 463. PROTECTION APPELLATE BOARD.

''(a) ESTABLISHMENT.—The Secretary shall establish within the U.S. Citizenship and Immigration Services an appellate authority to conduct administrative appellate reviews of protection merits determinations made under section 240D of the Immigration and Nationality Act in which the alien is denied relief or protection, to be known as the 'Protection Appellate Board'.

''(b) COMPOSITION.—Each panel of the Protection Appellate Board shall be composed of 3 U.S. Citizenship and Immigration Services asylum officers (as defined in section 235(b)(1)(E) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(E))), assigned to the panel at random, who—

''(1) possess the necessary experience adjudicating asylum claims; and

''(2) are from diverse geographic regions.

''(c) DUTIES OF ASYLUM OFFICERS.—In conducting a review under section 240D(e) of the Immigration and Nationality Act, each asylum officer assigned to a panel of the Protection Appellate Board shall independently review the file of the alien concerned, including—

''(1) the record of the alien's protection determination (as defined in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a))), as applicable;

''(2) the alien's application for a protection merits interview (as defined in section 240D(1) of that Act);

''(3) a transcript of the alien's protection merits interview;

''(4) the final record of the alien's protection merits interview;

''(5) a sworn statement from the alien identifying new evidence or alleged error and any

accompanying information the alien or the alien's legal representative considers important; and

''(6) any additional materials, information, or facts inserted into the record.

''(d) DECISIONS.—Any final determination made by a panel of the Protection Appellate Board shall be by majority decision, independently submitted by each member of the panel.

''(e) EXCLUSIVE JURISDICTION.—The Protection Appellate Board shall have exclusive jurisdiction to review appeals of negative protections merits determinations.

''(f) PROTECTIONS FOR DECISIONS BASED ON MERITS OF CASE.—The Director of U.S. Citizenship and Immigration Services may not impose restrictions on an asylum officer's ability to grant or deny relief or protection based on a numerical limitation.

''(g) REPORTS.—

''(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this section, and annually thereafter, the Secretary—

''(A) shall submit a report to the appropriate committees of the Congress that includes, for the preceding year—

''(i) the number of petitions for review submitted by aliens under section 240D(e) of the Immigration and Nationality Act;

''(ii) the number of appeals considered by the Protection Appellate Board under such section that resulted in a grant of relief or protection;

''(iii) the number of appeals considered by the Protection Appellate Board under such section that resulted in a denial of relief or protection;

''(iv) the geographic regions in which the members of the Protection Appellate Board held their primary duty station;

''(v) the tenure of service of the members of the Protection Appellate Board;

''(vi) a description of any anomalous case outcome identified by the Secretary and the resolution of any such case outcome;

''(vii) the number of unanimous decisions by the Protection Appellate Board;

''(viii) an identification of the number of cases the Protection Appellate Board was unable to complete in the timelines specified under section 240D(e) of the Immigration and Nationality Act; and

''(ix) a description of any steps taken to remediate any backlog identified under clause (viii), as applicable; and

''(B) in submitting each such report, shall protect all personally identifiable information of Federal employees and aliens who are subject to the reporting under this subsection.

''(2) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term 'appropriate committees of Congress' means—

''(A) the Committee on Appropriations of the Senate;

''(B) the Committee on the Judiciary of the Senate;

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

''(D) the Committee on Appropriations of the House of Representatives;

''(E) the Committee on the Judiciary of the House of Representatives; and

''(F) the Committee on Homeland Security of the House of Representatives.''.

(b) CLERICAL AMENDMENT.—The table of contents of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 462 the following:

''Sec. 463. Protection Appellate Board.''.

TITLE II—ASYLUM PROCESSING ENHANCEMENTS

SEC. 4201. COMBINED SCREENINGS.

Section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) is amended by adding at the end the following:

''(53) The term 'protection determination' means—

''(A) a screening conducted pursuant to section 235(b)(1)(B)(v); or

''(B) a screening to determine whether an alien is eligible for—

''(i) withholding of removal under section 241(b)(3); or

''(ii) protection under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, which includes the regulations implementing any law enacted pursuant to Article 3 of such convention.

''(54) The term 'protection merits interview' means an interview to determine whether an alien—

''(A) meets the definition of refugee under paragraph (42), in accordance with the terms and conditions under section 208;

''(B) is eligible for withholding of removal under section 241(b)(3); or

''(C) is eligible for protection under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, which includes the regulations implementing any law enacted pursuant to Article 3 of such convention.''.

SEC. 4202. CREDIBLE FEAR STANDARD AND ASYLUM BARS AT SCREENING INTERVIEW.

Section 235(b)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(B)) is amended—

(1) in clause (v), by striking ''significant possibility'' and inserting ''reasonable possibility''; and

(2) by adding at the end, the following:

''(vi) ASYLUM EXCEPTIONS.—An asylum officer, during the credible fear screening of an alien—

''(I) shall determine whether any of the asylum exceptions under section 208(b)(2) disqualify the alien from receiving asylum; and

''(II) may determine that the alien does not meet the definition of credible fear of persecution under clause (v) if any such exceptions apply, including whether any such exemptions to such disqualifying exceptions may apply.''.

SEC. 4203. INTERNAL RELOCATION.

(a) IN GENERAL.—Section 208(b)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1158(b)(2)(A)) is amended—

(1) in clause (v), by striking ''or'' at the end;

(2) in clause (vi), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(vii) there are reasonable grounds for concluding that the alien could avoid persecution by relocating to—

''(I) another location in the alien's country of nationality; or

''(II) in the case of an alien having no nationality, another location in the alien's country of last habitual residence.''.

(b) INAPPLICABILITY.—Section 244(c)(2)(B)(ii) of the Immigration and Nationality Act (8 U.S.C. 1254a(c)(2)(B)(ii)) is amended by inserting ''clauses (i) through (vi) of'' after ''described in''.

SEC. 4204. ASYLUM OFFICER CLARIFICATION.

Section 235(b)(1)(E) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(E)) is amended—

(1) in clause (i), by striking ''comparable to'' and all that follows and inserting '', including nonadversarial techniques;'';

(2) in clause (ii), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(iii)(I) is an employee of U.S. Citizenship and Immigration Services; and

''(II) is not a law enforcement officer.''.

TITLE III—SECURING AMERICA

Subtitle A—Border Emergency Authority

SEC. 4301. BORDER EMERGENCY AUTHORITY.

(a) IN GENERAL.—Chapter 4 of title II of the Immigration and Nationality Act (8 U.S.C. 1221 et seq.), as amended by section 4146(a), is further amended by adding at the end the following:

''SEC. 244B. BORDER EMERGENCY AUTHORITY.

''(a) USE OF AUTHORITY.—

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

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

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

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

''(C) An unaccompanied alien child.

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

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

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

''(i) a member of the Armed Forces of the United States and associated personnel, United States Government employees or contractors on orders abroad, or United States Government employees or contractors, and an accompanying family member who is on orders or is a member of the alien's household, subject to required assurances;

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

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

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

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

''(b) BORDER EMERGENCY AUTHORITY DESCRIBED.—

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

''(2) TERMS AND CONDITIONS.—

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

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

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

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

''(I) section 241(b)(3); and

''(II) the Convention Against Torture.

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

''(I) shall not be summarily removed; and

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

''(iv) ADDITIONAL REVIEW.—

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

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

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

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

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

''(3) ACTIVATIONS OF AUTHORITY.—

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

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

''(i) the sum of—

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

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

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

''(ii) 7.

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

''(c) CONTINUED ACCESS TO SOUTHWEST LAND BORDER PORTS OF ENTRY.—

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

''(2) SPECIAL RULES.—

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

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

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

''(e) SAVINGS PROVISIONS.—

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

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

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

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

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

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

''(g) EFFECTIVE DATE.—

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

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

''(h) RULEMAKING.—

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

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

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

''(i) DEFINITIONS.—In this section:

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

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

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

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

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

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

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

''(4) SECRETARY.—The term 'Secretary' means the Secretary of Homeland Security.

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

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

''(j) SUNSET.—This section—

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

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

(b) CLERICAL AMENDMENT.—The table of contents of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), as amended by section 4146(b), is further amended by inserting after the item relating to section 244A the following:

''Sec. 244B Border emergency authority.''.

Subtitle B—Fulfilling Promises to Afghan Allies

SEC. 4321. DEFINITIONS.

In this subtitle:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

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

(B) the Committee on Foreign Relations of the Senate;

(C) the Committee on Armed Services of the Senate;

(D) the Committee on Appropriations of the Senate;

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

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

(G) the Committee on Foreign Affairs of the House of Representatives;

(H) the Committee on Armed Services of the House of Representatives;

(I) the Committee on Appropriations of the House of Representatives; and

(J) the Committee on Homeland Security of the House of Representatives.

(2) IMMIGRATION LAWS.—The term ''immigration laws'' has the meaning given such term in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

(4) SPECIAL IMMIGRANT STATUS.—The term ''special immigrant status'' means special immigrant status provided under—

(A) the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note; Public Law 111–8);

(B) section 1059 of the National Defense Authorization Act for Fiscal Year 2006 (8 U.S.C. 1101 note; Public Law 109–163); or

(C) subparagraph (N) of section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)), as added by section 4326(a).

(5) SPECIFIED APPLICATION.—The term ''specified application'' means—

(A) a pending, documentarily complete application for special immigrant status; and

(B) a case in processing in the United States Refugee Admissions Program for an individual who has received a Priority 1 or Priority 2 referral to such program.

(6) UNITED STATES REFUGEE ADMISSIONS PROGRAM.—The term ''United States Refugee Admissions Program'' means the program to resettle refugees in the United States pursuant to the authorities provided in sections 101(a)(42), 207, and 412 of the Immigration and Nationality Act (8 U.S.C. 1101(a)(42), 1157, and 1522).

SEC. 4322. SUPPORT FOR AFGHAN ALLIES OUTSIDE THE UNITED STATES.

(a) RESPONSE TO CONGRESSIONAL INQUIRIES.—The Secretary of State shall respond to inquiries by Members of Congress regarding the status of a specified application submitted by, or on behalf of, a national of Afghanistan, including any information that has been provided to the applicant, in accordance with section 222(f) of the Immigration and Nationality Act (8 U.S.C. 1202(f)).

(b) OFFICE IN LIEU OF EMBASSY.—During the period in which there is no operational United States embassy in Afghanistan, the Secretary of State shall designate an appropriate office within the Department of State—

(1) to review specified applications submitted by nationals of Afghanistan residing in Afghanistan, including by conducting any required interviews;

(2) to issue visas or other travel documents to such nationals, in accordance with the immigration laws;

(3) to provide services to such nationals, to the greatest extent practicable, that would normally be provided by an embassy; and

(4) to carry out any other function the Secretary of State considers necessary.

SEC. 4323. CONDITIONAL PERMANENT RESIDENT STATUS FOR ELIGIBLE INDIVIDUALS.

(a) DEFINITIONS.—In this section:

(1) CONDITIONAL PERMANENT RESIDENT STATUS.—The term ''conditional permanent resident status'' means conditional permanent resident status under section 216 and 216A of the Immigration and Nationality Act (8 U.S.C. 1186a, 1186b), subject to the provisions of this section.

(2) ELIGIBLE INDIVIDUAL.—The term ''eligible individual'' means an alien who—

(A) is present in the United States;

(B) is a citizen or national of Afghanistan or, in the case of an alien having no nationality, is a person who last habitually resided in Afghanistan;

(C) has not been granted permanent resident status;

(D)(i) was inspected and admitted to the United States on or before the date of the enactment of this Act; or

(ii) was paroled into the United States during the period beginning on July 30, 2021, and ending on the date of the enactment of this Act, provided that such parole has not been terminated by the Secretary upon written notice; and

(E) is admissible to the United States as an immigrant under the immigration laws, including eligibility for waivers of grounds of inadmissibility to the extent provided by the immigration laws and subject to the terms of subsection (c) of this section.

(b) CONDITIONAL PERMANENT RESIDENT STATUS FOR ELIGIBLE INDIVIDUALS.—

(1) ADJUSTMENT OF STATUS TO CONDITIONAL PERMANENT RESIDENT STATUS.—Beginning on the date of the enactment of this Act, the Secretary may—

(A) adjust the status of each eligible individual to that of an alien lawfully admitted for permanent residence status, subject to the procedures established by the Secretary to determine eligibility for conditional permanent resident status; and

(B) create for each eligible individual a record of admission to such status as of the date on which the eligible individual was initially inspected and admitted or paroled into the United States, or July 30, 2021, whichever is later,

unless the Secretary determines, on a case-by-case basis, that such individual is subject to any ground of inadmissibility under section 212 (other than subsection (a)(4)) of the Immigration and Nationality Act (8 U.S.C. 1182) and is not eligible for a waiver of such grounds of inadmissibility as provided by this subtitle or by the immigration laws.

(2) CONDITIONAL BASIS.—An individual who obtains lawful permanent resident status under this section shall be considered, at the time of obtaining the status of an alien lawfully admitted for permanent residence, to have obtained such status on a conditional basis subject to the provisions of this section.

(c) CONDITIONAL PERMANENT RESIDENT STATUS DESCRIBED.—

(1) ASSESSMENT.—

(A) IN GENERAL.—Before granting conditional permanent resident status to an eligible individual under subsection (b)(1), the Secretary shall conduct an assessment with respect to the eligible individual, which shall be equivalent in rigor to the assessment conducted with respect to refugees admitted to the United States through the United States Refugee Admissions Program, for the purpose of determining whether the eligible individual is subject to any ground of inadmissibility under section 212 (other than subsection (a)(4)) of the Immigration and Nationality Act (8 U.S.C. 1182).

(B) CONSULTATION.—In conducting an assessment under subparagraph (A), the Secretary may consult with the head of any other relevant agency and review the holdings of any such agency.

(2) REMOVAL OF CONDITIONS.—

(A) IN GENERAL.—Not earlier than the date described in subparagraph (B), the Secretary may remove the conditional basis of the status of an individual granted conditional permanent resident status under this section unless the Secretary determines, on a case-by-case basis, that such individual is subject to any ground of inadmissibility under paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), and is not eligible for a waiver of such grounds of inadmissibility as provided by this subtitle or by the immigration laws.

(B) DATE DESCRIBED.—The date described in this subparagraph is the earlier of—

(i) the date that is 4 years after the date on which the individual was admitted or paroled into the United States; or

(ii) July 1, 2027.

(C) WAIVER.—

(i) IN GENERAL.—Except as provided in clause (ii), with respect to an eligible individual, the Secretary may waive the application of the grounds of inadmissibility under 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) for humanitarian purposes or to ensure family unity.

(ii) EXCEPTIONS.—The Secretary may not waive under clause (i) the application of subparagraphs (C) through (E) and (G) through (H) of paragraph (2), or paragraph (3), of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)).

(iii) RULE OF CONSTRUCTION.—Nothing in this subparagraph may be construed to expand or limit any other waiver authority applicable under the immigration laws to an applicant for adjustment of status.

(D) TIMELINE.—Not later than 180 days after the date described in subparagraph (B), the Secretary shall endeavor to remove conditions as to all individuals granted conditional permanent resident status under this section who are eligible for removal of conditions.

(3) TREATMENT OF CONDITIONAL BASIS OF STATUS PERIOD FOR PURPOSES OF NATURALIZATION.—An individual in conditional permanent resident status under this section, or who otherwise meets the requirements under (a)(1) of this section, shall be considered—

(A) to have been admitted to the United States as an alien lawfully admitted for permanent residence; and

(B) to be present in the United States as an alien lawfully admitted to the United States for permanent residence, provided that, no alien shall be naturalized unless the alien's conditions have been removed under this section.

(d) TERMINATION OF CONDITIONAL PERMANENT RESIDENT STATUS.—

(1) IN GENERAL.—Conditional permanent resident status shall terminate on, as applicable—

(A) the date on which the Secretary removes the conditions pursuant to subsection (c)(2), on which date the alien shall be lawfully admitted for permanent residence without conditions;

(B) the date on which the Secretary determines that the alien was not an eligible individual under subsection (a)(2) as of the date that such conditional permanent resident status was granted, on which date of the Secretary's determination the alien shall no longer be an alien lawfully admitted for permanent residence; or

(C) the date on which the Secretary determines pursuant to subsection (c)(2) that the alien is not eligible for removal of conditions, on which date the alien shall no longer be an alien lawfully admitted for permanent residence.

(2) NOTIFICATION.—If the Secretary terminates status under this subsection, the Secretary shall so notify the individual in writing and state the reasons for the termination.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the authority of the Secretary at any time to place in removal proceedings under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a) any alien who has conditional permanent resident status under this section, if the alien is deportable under section 237 of such Act (8 U.S.C. 1227) under a ground of deportability applicable to an alien who has been lawfully admitted for permanent residence.

(f) PAROLE EXPIRATION TOLLED.—The expiration date of a period of parole shall not apply to an individual under consideration for conditional permanent resident status under this section, until such time as the Secretary has determined whether to issue conditional permanent resident status.

(g) PERIODIC NONADVERSARIAL MEETINGS.—

(1) IN GENERAL.—Not later than 180 days after the date on which an individual is conferred conditional permanent resident status under this section, and periodically thereafter, the Office of Refugee Resettlement shall make available opportunities for the individual to participate in a nonadversarial meeting, during which an official of the Office of Refugee Resettlement (or an agency funded by the Office) shall—

(A) on request by the individual, assist the individual in a referral or application for applicable benefits administered by the Department of Health and Human Services and completing any applicable paperwork; and

(B) answer any questions regarding eligibility for other benefits administered by the United States Government.

(2) NOTIFICATION OF REQUIREMENTS.—Not later than 7 days before the date on which a meeting under paragraph (1) is scheduled to occur, the Secretary of Health and Human Services shall provide notice to the individual that includes the date of the scheduled meeting and a description of the process for rescheduling the meeting.

(3) CONDUCT OF MEETING.—The Secretary of Health and Human Services shall implement practices to ensure that—

(A) meetings under paragraph (1) are conducted in a nonadversarial manner; and

(B) interpretation and translation services are provided to individuals granted conditional permanent resident status under this section who have limited English proficiency.

(4) RULES OF CONSTRUCTION.—Nothing in this subsection shall be construed—

(A) to prevent an individual from electing to have counsel present during a meeting under paragraph (1); or

(B) in the event that an individual declines to participate in such a meeting, to affect the individual's conditional permanent resident status under this section or eligibility to have conditions removed in accordance with this section.

(h) CONSIDERATION.—Except with respect to an application for naturalization and the benefits described in subsection (p), an individual in conditional permanent resident status under this section shall be considered to be an alien lawfully admitted for permanent residence for purposes of the adjudication of an application or petition for a benefit or the receipt of a benefit.

(i) NOTIFICATION OF REQUIREMENTS.—Not later than 90 days after the date on which the status of an individual is adjusted to that of conditional permanent resident status under this section, the Secretary shall provide notice to such individual with respect to the provisions of this section, including subsection (c)(1) (relating to the conduct of assessments) and subsection (g) (relating to periodic nonadversarial meetings).

(j) APPLICATION FOR NATURALIZATION.—The Secretary shall establish procedures whereby an individual who would otherwise be eligible to apply for naturalization but for having conditional permanent resident status, may be considered for naturalization coincident with removal of conditions under subsection (c)(2).

(k) ADJUSTMENT OF STATUS DATE.—

(1) IN GENERAL.—An alien described in paragraph (2) shall be regarded as lawfully admitted for permanent residence as of the date the alien was initially inspected and admitted or paroled into the United States, or July 30, 2021, whichever is later.

(2) ALIEN DESCRIBED.—An alien described in this paragraph is an alien who—

(A) is described in subparagraph (A), (B), or (D) of subsection (a)(2), and whose status was adjusted to that of an alien lawfully admitted for permanent residence on or after July 30, 2021, but on or before the date of the enactment of this Act; or

(B) is an eligible individual whose status is then adjusted to that of an alien lawfully admitted for permanent residence after the date of the enactment of this Act under any provision of the immigration laws other than this section.

(l) PARENTS AND LEGAL GUARDIANS OF UNACCOMPANIED CHILDREN.—A parent or legal guardian of an eligible individual shall be eligible to obtain status as an alien lawfully admitted for permanent residence on a conditional basis if—

(1) the eligible individual—

(A) was under 18 years of age on the date on which the eligible individual was granted conditional permanent resident status under this section; and

(B) was not accompanied by at least one parent or guardian on the date the eligible individual was admitted or paroled into the United States; and

(2) such parent or legal guardian was admitted or paroled into the United States after the date referred to in paragraph (1)(B).

(m) GUIDANCE.—

(1) INTERIM GUIDANCE.—

(A) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall issue guidance implementing this section.

(B) PUBLICATION.—Notwithstanding section 553 of title 5, United States Code, guidance issued pursuant to subparagraph (A)—

(i) may be published on the internet website of the Department of Homeland Security; and

(ii) shall be effective on an interim basis immediately upon such publication but may be subject to change and revision after notice and an opportunity for public comment.

(2) FINAL GUIDANCE.—

(A) IN GENERAL.—Not later than 180 days after the date of issuance of guidance under paragraph (1), the Secretary shall finalize the guidance implementing this section.

(B) EXEMPTION FROM THE ADMINISTRATIVE PROCEDURES ACT.—Chapter 5 of title 5, United States Code (commonly known as the ''Administrative Procedures Act''), or any other law relating to rulemaking or information collection, shall not apply to the guidance issued under this paragraph.

(n) ASYLUM CLAIMS.—

(1) IN GENERAL.—With respect to the adjudication of an application for asylum submitted by an eligible individual, section 2502(c) of the Extending Government Funding and Delivering Emergency Assistance Act (8 U.S.C. 1101 note; Public Law 117–43) shall not apply.

(2) RULE OF CONSTRUCTION.—Nothing in this section may be construed to prohibit an eligible individual from seeking or receiving asylum under section 208 of the Immigration and Nationality Act (8 U.S.C. 1158).

(o) PROHIBITION ON FEES.—The Secretary may not charge a fee to any eligible individual in connection with the initial issuance under this section of—

(1) a document evidencing status as an alien lawfully admitted for permanent residence or conditional permanent resident status; or

(2) an employment authorization document.

(p) ELIGIBILITY FOR BENEFITS.—

(1) IN GENERAL.—Notwithstanding any other provision of law—

(A) an individual described in subsection (a) of section 2502 of the Afghanistan Supplemental Appropriations Act, 2022 (8 U.S.C. 1101 note; Public Law 117–43) shall retain his or her eligibility for the benefits and services described in subsection (b) of such section if the individual has a pending application, or is granted adjustment of status, under this section; and

(B) such benefits and services shall remain available to the individual to the same extent and for the same periods of time as such benefits and services are otherwise available to refugees who acquire such status.

(2) EXCEPTION FROM 5-YEAR LIMITED ELIGIBILITY FOR MEANS-TESTED PUBLIC BENEFITS.—Section 403(b)(1) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(b)(1)) is amended by adding at the end the following:

''(F) An alien whose status is adjusted under section 4333 of the Border Act to that of an alien lawfully admitted for permanent residence or to that of an alien lawfully admitted for permanent residence on a conditional basis.''.

(q) RULE OF CONSTRUCTION.—Nothing in this section may be construed to preclude an eligible individual from applying for or receiving any immigration benefit to which the individual is otherwise entitled.

(r) EXEMPTION FROM NUMERICAL LIMITATIONS.—

(1) IN GENERAL.—Aliens granted conditional permanent resident status or lawful permanent resident status under this section shall not be subject to the numerical limitations under sections 201, 202, and 203 of the Immigration and Nationality Act (8 U.S.C. 1151, 1152, and 1153).

(2) SPOUSE AND CHILDREN BENEFICIARIES.—A spouse or child who is the beneficiary of an immigrant petition under section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) filed by an alien who has been granted conditional permanent resident status or lawful permanent resident status under this section, seeking classification of the spouse or child under section 203(a)(2)(A) of that Act (8 U.S.C. 1153(a)(2)(A)) shall not be subject to the numerical limitations under sections 201, 202, and 203 of the Immigration and Nationality Act (8 U.S.C. 1151, 1152, and 1153).

(s) EFFECT ON OTHER APPLICATIONS.—Notwithstanding any other provision of law, in the interest of efficiency, the Secretary may pause consideration of any application or request for an immigration benefit pending adjudication so as to prioritize an application for adjustment of status to an alien lawfully admitted for permanent residence under this section.

(t) AUTHORIZATION FOR APPROPRIATIONS.—There is authorized to be appropriated to the Attorney General, the Secretary of Health and Human Services, the Secretary, and the Secretary of State such sums as are necessary to carry out this section.

SEC. 4324. REFUGEE PROCESSES FOR CERTAIN AT-RISK AFGHAN ALLIES.

(a) DEFINITION OF AFGHAN ALLY.—

(1) IN GENERAL.—In this section, the term ''Afghan ally'' means an alien who is a citizen or national of Afghanistan, or in the case of an alien having no nationality, an alien who last habitually resided in Afghanistan, who—

(A) was—

(i) a member of—

(I) the special operations forces of the Afghanistan National Defense and Security Forces;

(II) the Afghanistan National Army Special Operations Command;

(III) the Afghan Air Force; or

(IV) the Special Mission Wing of Afghanistan;

(ii) a female member of any other entity of the Afghanistan National Defense and Security Forces, including—

(I) a cadet or instructor at the Afghanistan National Defense University; and

(II) a civilian employee of the Ministry of Defense or the Ministry of Interior Affairs;

(iii) an individual associated with former Afghan military and police human intelligence activities, including operators and Department of Defense sources;

(iv) an individual associated with former Afghan military counterintelligence, counterterrorism, or counternarcotics;

(v) an individual associated with the former Afghan Ministry of Defense, Ministry of Interior Affairs, or court system, and who was involved in the investigation, prosecution or detention of combatants or members of the Taliban or criminal networks affiliated with the Taliban; or

(vi) a senior military officer, senior enlisted personnel, or civilian official who served on the staff of the former Ministry of Defense or the former Ministry of Interior Affairs of Afghanistan; or

(B) provided service to an entity or organization described in subparagraph (A) for not less than 1 year during the period beginning on December 22, 2001, and ending on September 1, 2021, and did so in support of the United States mission in Afghanistan.

(2) INCLUSIONS.—For purposes of this section, the Afghanistan National Defense and Security Forces includes members of the security forces under the Ministry of Defense and the Ministry of Interior Affairs of the Islamic Republic of Afghanistan, including the Afghanistan National Army, the Afghan Air Force, the Afghanistan National Police, and any other entity designated by the Secretary of Defense as part of the Afghanistan National Defense and Security Forces during the relevant period of service of the applicant concerned.

(b) REFUGEE STATUS FOR AFGHAN ALLIES.—

(1) DESIGNATION AS REFUGEES OF SPECIAL HUMANITARIAN CONCERN.—Afghan allies shall be considered refugees of special humanitarian concern under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157), until the later of 10 years after the date of enactment of this Act or upon determination by the Secretary of State, in consultation with the Secretary of Defense and the Secretary, that such designation is no longer in the interest of the United States.

(2) THIRD COUNTRY PRESENCE NOT REQUIRED.—Notwithstanding section 101(a)(42) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(42)), the Secretary of State and the Secretary shall, to the greatest extent possible, conduct remote refugee processing for an Afghan ally located in Afghanistan.

(c) AFGHAN ALLIES REFERRAL PROGRAM.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act—

(A) the Secretary of Defense, in consultation with the Secretary of State, shall establish a process by which an individual may apply to the Secretary of Defense for classification as an Afghan ally and request a referral to the United States Refugee Admissions Program; and

(B) the head of any appropriate department or agency that conducted operations in Afghanistan during the period beginning on December 22, 2001, and ending on September 1, 2021, in consultation with the Secretary of State, may establish a process by which an individual may apply to the head of the appropriate department or agency for classification as an Afghan ally and request a referral to the United States Refugee Admissions Program.

(2) APPLICATION SYSTEM.—

(A) IN GENERAL.—The process established under paragraph (1) shall—

(i) include the development and maintenance of a secure online portal through which applicants may provide information verifying their status as Afghan allies and upload supporting documentation; and

(ii) allow—

(I) an applicant to submit his or her own application;

(II) a designee of an applicant to submit an application on behalf of the applicant; and

(III) in the case of an applicant who is outside the United States, the submission of an application regardless of where the applicant is located.

(B) USE BY OTHER AGENCIES.—The Secretary of Defense may enter into arrangements with the head of any other appropriate department or agency so as to allow the application system established under subparagraph (A) to be used by such department or agency.

(3) REVIEW PROCESS.—As soon as practicable after receiving a request for classification and referral described in paragraph (1), the head of the appropriate department or agency shall—

(A) review—

(i) the service record of the applicant, if available;

(ii) if the applicant provides a service record or other supporting documentation, any information that helps verify the service record concerned, including information or an attestation provided by any current or former official of the department or agency who has personal knowledge of the eligibility of the applicant for such classification and referral; and

(iii) the data holdings of the department or agency and other cooperating interagency partners, including biographic and biometric records, iris scans, fingerprints, voice biometric information, hand geometry biometrics, other identifiable information, and any other information related to the applicant, including relevant derogatory information; and

(B)(i) in a case in which the head of the department or agency determines that the applicant is an Afghan ally without significant derogatory information, refer the Afghan ally to the United States Refugee Admissions Program as a refugee; and

(ii) include with such referral—

(I) any service record concerned, if available;

(II) if the applicant provides a service record, any information that helps verify the service record concerned; and

(III) any biometrics for the applicant.

(4) REVIEW PROCESS FOR DENIAL OF REQUEST FOR REFERRAL.—

(A) IN GENERAL.—In the case of an applicant with respect to whom the head of the appropriate department or agency denies a request for classification and referral based on a determination that the applicant is not an Afghan ally or based on derogatory information—

(i) the head of the department or agency shall provide the applicant with a written notice of the denial that provides, to the maximum extent practicable, a description of the basis for the denial, including the facts and inferences, or evidentiary gaps, underlying the individual determination; and

(ii) the applicant shall be provided an opportunity to submit not more than 1 written appeal to the head of the department or agency for each such denial.

(B) DEADLINE FOR APPEAL.—An appeal under clause (ii) of subparagraph (A) shall be submitted—

(i) not more than 120 days after the date on which the applicant concerned receives notice under clause (i) of that subparagraph; or

(ii) on any date thereafter, at the discretion of the head of the appropriate department or agency.

(C) REQUEST TO REOPEN.—

(i) IN GENERAL.—An applicant who receives a denial under subparagraph (A) may submit a request to reopen a request for classification and referral under the process established under paragraph (1) so that the applicant may provide additional information, clarify existing information, or explain any unfavorable information.

(ii) LIMITATION.—After considering 1 such request to reopen from an applicant, the head of the appropriate department or agency may deny subsequent requests to reopen submitted by the same applicant.

(5) FORM AND CONTENT OF REFERRAL.—To the extent practicable, the head of the appropriate department or agency shall ensure that referrals made under this subsection—

(A) conform to requirements established by the Secretary of State for form and content; and

(B) are complete and include sufficient contact information, supporting documentation, and any other material the Secretary of State or the Secretary consider necessary or helpful in determining whether an applicant is entitled to refugee status.

(6) TERMINATION.—The application process and referral system under this subsection shall terminate upon the later of 1 year before the termination of the designation under subsection (b)(1) or on the date of a joint determination by the Secretary of State and the Secretary of Defense, in consultation with the Secretary, that such termination is in the national interest of the United States.

(d) GENERAL PROVISIONS.—

(1) PROHIBITION ON FEES.—The Secretary, the Secretary of Defense, or the Secretary of State may not charge any fee in connection with a request for a classification and referral as a refugee under this section.

(2) DEFENSE PERSONNEL.—Any limitation in law with respect to the number of personnel within the Office of the Secretary of Defense, the military departments, or a Defense Agency (as defined in section 101(a) of title 10, United States Code) shall not apply to personnel employed for the primary purpose of carrying out this section.

(3) REPRESENTATION.—An alien applying for admission to the United States under this section may be represented during the application process, including at relevant interviews and examinations, by an attorney or other accredited representative. Such representation shall not be at the expense of the United States Government.

(4) PROTECTION OF ALIENS.—The Secretary of State, in consultation with the head of any other appropriate Federal agency, shall make a reasonable effort to provide an alien who has been classified as an Afghan ally and has been referred as a refugee under this section protection or to immediately remove such alien from Afghanistan, if possible.

(5) OTHER ELIGIBILITY FOR IMMIGRANT STATUS.—No alien shall be denied the opportunity to apply for admission under this section solely because the alien qualifies as an

immediate relative or is eligible for any other immigrant classification.

(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as necessary for each of fiscal years 2024 through 2034 to carry out this section.

(e) RULE OF CONSTRUCTION.—Nothing in this section may be construed to inhibit the Secretary of State from accepting refugee referrals from any entity.

SEC. 4325. IMPROVING EFFICIENCY AND OVERSIGHT OF REFUGEE AND SPECIAL IMMIGRANT PROCESSING.

(a) ACCEPTANCE OF FINGERPRINT CARDS AND SUBMISSIONS OF BIOMETRICS.—In addition to the methods authorized under the heading relating to the Immigration and Naturalization Service under title I of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act of 1998 (Public Law 105–119, 111 Stat. 2448; 8 U.S.C. 1103 note), and other applicable law, and subject to such safeguards as the Secretary, in consultation with the Secretary of State or the Secretary of Defense, as appropriate, shall prescribe to ensure the integrity of the biometric collection (which shall include verification of identity by comparison of such fingerprints with fingerprints taken by or under the direct supervision of the Secretary prior to or at the time of the individual's application for admission to the United States), the Secretary may, in the case of any application for any benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), accept fingerprint cards or any other submission of biometrics—

(1) prepared by international or nongovernmental organizations under an appropriate agreement with the Secretary or the Secretary of State;

(2) prepared by employees or contractors of the Department of Homeland Security or the Department of State; or

(3) provided by an agency (as defined under section 3502 of title 44, United States Code).

(b) STAFFING.—

(1) VETTING.—The Secretary of State, the Secretary, the Secretary of Defense, and any other agency authorized to carry out the vetting process under this subtitle, shall each ensure sufficient staffing, and request the resources necessary, to efficiently and adequately carry out the vetting of applicants for—

(A) referral to the United States Refugee Admissions Program, consistent with the determinations established under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157); and

(B) special immigrant status.

(2) REFUGEE RESETTLEMENT.—The Secretary of Health and Human Services shall ensure sufficient staffing to efficiently provide assistance under chapter 2 of title IV of the Immigration and Nationality Act (8 U.S.C. 1521 et seq.) to refugees resettled in the United States.

(c) REMOTE PROCESSING.—Notwithstanding any other provision of law, the Secretary of State and the Secretary shall employ remote processing capabilities for refugee processing under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157), including secure digital file transfers, videoconferencing and teleconferencing capabilities, remote review of applications, remote interviews, remote collection of signatures, waiver of the applicant's appearance or signature (other than a final appearance and verification by the oath of the applicant prior to or at the time of the individual's application for admission to the United States), waiver of signature for individuals under 5 years old, and any other capability the Secretary of State and the Secretary consider appropriate, secure, and likely to reduce processing wait times at particular facilities.

(d) MONTHLY ARRIVAL REPORTS.—With respect to monthly reports issued by the Secretary of State relating to United States Refugee Admissions Program arrivals, the Secretary of State shall report—

(1) the number of monthly admissions of refugees, disaggregated by priorities; and

(2) the number of Afghan allies admitted as refugees.

(e) INTERAGENCY TASK FORCE ON AFGHAN ALLY STRATEGY.—

(1) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the President shall establish an Interagency Task Force on Afghan Ally Strategy (referred to in this section as the ''Task Force'')—

(A) to develop and oversee the implementation of the strategy and contingency plan described in subparagraph (A)(i) of paragraph (4); and

(B) to submit the report, and provide a briefing on the report, as described in subparagraphs (A) and (B) of paragraph (4).

(2) MEMBERSHIP.—

(A) IN GENERAL.—The Task Force shall include—

(i) 1 or more representatives from each relevant Federal agency, as designated by the head of the applicable relevant Federal agency; and

(ii) any other Federal Government official designated by the President.

(B) RELEVANT FEDERAL AGENCY DEFINED.—In this paragraph, the term ''relevant Federal agency'' means—

(i) the Department of State;

(ii) the Department Homeland Security;

(iii) the Department of Defense;

(iv) the Department of Health and Human Services;

(v) the Federal Bureau of Investigation; and

(vi) the Office of the Director of National Intelligence.

(3) CHAIR.—The Task Force shall be chaired by the Secretary of State.

(4) DUTIES.—

(A) REPORT.—

(i) IN GENERAL.—Not later than 180 days after the date on which the Task Force is established, the Task Force, acting through the chair of the Task Force, shall submit a report to the appropriate committees of Congress that includes—

(I) a strategy for facilitating the resettlement of nationals of Afghanistan outside the United States who, during the period beginning on October 1, 2001, and ending on September 1, 2021, directly and personally supported the United States mission in Afghanistan, as determined by the Secretary of State in consultation with the Secretary of Defense; and

(II) a contingency plan for future emergency operations in foreign countries involving foreign nationals who have worked directly with the United States Government, including the Armed Forces of the United States and United States intelligence agencies.

(ii) ELEMENTS.—The report required under clause (i) shall include—

(I) the total number of nationals of Afghanistan who have pending specified applications, disaggregated by—

(aa) such nationals in Afghanistan and such nationals in a third country;

(bb) type of specified application; and

(cc) applications that are documentarily complete and applications that are not documentarily complete;

(II) an estimate of the number of nationals of Afghanistan who may be eligible for special immigrant status;

(III) with respect to the strategy required under subparagraph (A)(i)(I)—

(aa) the estimated number of nationals of Afghanistan described in such subparagraph;

(bb) a description of the process for safely resettling such nationals of Afghanistan;

(cc) a plan for processing such nationals of Afghanistan for admission to the United States that—

(AA) discusses the feasibility of remote processing for such nationals of Afghanistan residing in Afghanistan;

(BB) includes any strategy for facilitating refugee and consular processing for such nationals of Afghanistan in third countries, and the timelines for such processing;

(CC) includes a plan for conducting rigorous and efficient vetting of all such nationals of Afghanistan for processing;

(DD) discusses the availability and capacity of sites in third countries to process applications and conduct any required vetting for such nationals of Afghanistan, including the potential to establish additional sites; and

(EE) includes a plan for providing updates and necessary information to affected individuals and relevant nongovernmental organizations;

(dd) a description of considerations, including resource constraints, security concerns, missing or inaccurate information, and diplomatic considerations, that limit the ability of the Secretary of State or the Secretary to increase the number of such nationals of Afghanistan who can be safely processed or resettled;

(ee) an identification of any resource or additional authority necessary to increase the number of such nationals of Afghanistan who can be processed or resettled;

(ff) an estimate of the cost to fully implement the strategy; and

(gg) any other matter the Task Force considers relevant to the implementation of the strategy;

(IV) with respect to the contingency plan required by clause (i)(II)—

(aa) a description of the standard practices for screening and vetting foreign nationals considered to be eligible for resettlement in the United States, including a strategy for vetting, and maintaining the records of, such foreign nationals who are unable to provide identification documents or biographic details due to emergency circumstances;

(bb) a strategy for facilitating refugee or consular processing for such foreign nationals in third countries;

(cc) clear guidance with respect to which Federal agency has the authority and responsibility to coordinate Federal resettlement efforts;

(dd) a description of any resource or additional authority necessary to coordinate Federal resettlement efforts, including the need for a contingency fund;

(ee) any other matter the Task Force considers relevant to the implementation of the contingency plan; and

(V) a strategy for the efficient processing of all Afghan special immigrant visa applications and appeals, including—

(aa) a review of current staffing levels and needs across all interagency offices and officials engaged in the special immigrant visa process;

(bb) an analysis of the expected Chief of Mission approvals and denials of applications in the pipeline in order to project the expected number of visas necessary to provide special immigrant status to all approved applicants under this subtitle during the several years after the date of the enactment of this Act;

(cc) an assessment as to whether adequate guidelines exist for reconsidering or reopening applications for special immigrant visas in appropriate circumstances and consistent with applicable laws; and

(dd) an assessment of the procedures throughout the special immigrant visa application process, including at the Portsmouth Consular Center, and the effectiveness of communication between the Portsmouth Consular Center and applicants, including an identification of any area in which improvements to the efficiency of such procedures and communication may be made.

(iii) FORM.—The report required under clause (i) shall be submitted in unclassified form but may include a classified annex.

(B) BRIEFING.—Not later than 60 days after submitting the report required by clause (i), the Task Force shall brief the appropriate committees of Congress on the contents of the report.

(5) TERMINATION.—The Task Force shall remain in effect until the later of—

(A) the date on which the strategy required under paragraph (4)(A)(i)(I) has been fully implemented;

(B) the date of a determination by the Secretary of State, in consultation with the Secretary of Defense and the Secretary, that a task force is no longer necessary for the implementation of subparagraphs (A) and (B) of paragraph (1); or

(C) the date that is 10 years after the date of the enactment of this Act.

(f) IMPROVING CONSULTATION WITH CONGRESS.—Section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) is amended—

(1) in subsection (a), by amending paragraph (4) to read as follows:

''(4)(A) In the determination made under this subsection for each fiscal year (beginning with fiscal year 1992), the President shall enumerate, with the respective number of refugees so determined, the number of aliens who were granted asylum in the previous year.

''(B) In making a determination under paragraph (1), the President shall consider the information in the most recently published projected global resettlement needs report published by the United Nations High Commissioner for Refugees.'';

(2) in subsection (e), by amending paragraph (2) to read as follows:

''(2) A description of the number and allocation of the refugees to be admitted, including the expected allocation by region, and an analysis of the conditions within the countries from which they came.''; and

(3) by adding at the end the following—

''(g) QUARTERLY REPORTS ON ADMISSIONS.—Not later than 30 days after the last day of each quarter beginning the fourth quarter of fiscal year 2024, the President shall submit to the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, and the Committee on Foreign Relations of the Senate and the Committee on Homeland Security, the Committee on the Judiciary, and the Committee on Foreign Affairs of the House of Representatives a report that includes the following:

''(1) REFUGEES ADMITTED.—

''(A) The number of refugees admitted to the United States during the preceding quarter.

''(B) The cumulative number of refugees admitted to the United States during the applicable fiscal year, as of the last day of the preceding quarter.

''(C) The number of refugees expected to be admitted to the United States during the remainder of the applicable fiscal year.

''(D) The number of refugees from each region admitted to the United States during the preceding quarter.

''(2) ALIENS WITH PENDING SECURITY CHECKS.—With respect only to aliens processed under section 101(a)(27)(N), subtitle C of title III of the Border Act, or section 602(b)(2)(A)(ii)(II) of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note; Public Law 111–8)—

''(A) the number of aliens, by nationality, security check, and responsible vetting agency, for whom a National Vetting Center or other security check has been requested during the preceding quarter, and the number of aliens, by nationality, for whom the check was pending beyond 30 days; and

''(B) the number of aliens, by nationality, security check, and responsible vetting agency, for whom a National Vetting Center or other security check has been pending for more than 180 days.

''(3) CIRCUIT RIDES.—

''(A) For the preceding quarter—

''(i) the number of Refugee Corps officers deployed on circuit rides and the overall number of Refugee Corps officers;

''(ii) the number of individuals interviewed—

''(I) on each circuit ride; and

''(II) at each circuit ride location;

''(iii) the number of circuit rides; and

''(iv) for each circuit ride, the duration of the circuit ride.

''(B) For the subsequent 2 quarters, the number of circuit rides planned.

''(4) PROCESSING.—

''(A) For refugees admitted to the United States during the preceding quarter, the average number of days between—

''(i) the date on which an individual referred to the United States Government as a refugee applicant is interviewed by the Secretary of Homeland Security; and

''(ii) the date on which such individual is admitted to the United States.

''(B) For refugee applicants interviewed by the Secretary of Homeland Security in the preceding quarter, the approval, denial, recommended approval, recommended denial, and hold rates for the applications for admission of such individuals, disaggregated by nationality.''.

SEC. 4326. SUPPORT FOR CERTAIN VULNERABLE AFGHANS RELATING TO EMPLOYMENT BY OR ON BEHALF OF THE UNITED STATES.

(a) SPECIAL IMMIGRANT VISAS FOR CERTAIN RELATIVES OF CERTAIN MEMBERS OF THE ARMED FORCES.—

(1) IN GENERAL.—Section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)) is amended—

(A) in subparagraph (L)(iii), by adding a semicolon at the end;

(B) in subparagraph (M), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(N) a citizen or national of Afghanistan who is the parent or brother or sister of—

''(i) a member of the armed forces (as defined in section 101(a) of title 10, United States Code); or

''(ii) a veteran (as defined in section 101 of title 38, United States Code).''.

(2) NUMERICAL LIMITATIONS.—

(A) IN GENERAL.—Subject to subparagraph (C), the total number of principal aliens who may be provided special immigrant visas under subparagraph (N) of section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)), as added by paragraph (1), may not exceed 2,500 each fiscal year.

(B) CARRYOVER.—If the numerical limitation specified in subparagraph (A) is not reached during a given fiscal year, the numerical limitation specified in such subparagraph for the following fiscal year shall be increased by a number equal to the difference between—

(i) the numerical limitation specified in subparagraph (A) for the given fiscal year; and

(ii) the number of principal aliens provided special immigrant visas under subparagraph (N) of section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)) during the given fiscal year.

(C) MAXIMUM NUMBER OF VISAS.—The total number of aliens who may be provided special immigrant visas under subparagraph (N) of section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)) shall not exceed 10,000.

(D) DURATION OF AUTHORITY.—The authority to issue visas under subparagraph (N) of section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)) shall—

(i) commence on the date of the enactment of this Act; and

(ii) terminate on the date on which all such visas are exhausted.

(b) CERTAIN AFGHANS INJURED OR KILLED IN THE COURSE OF EMPLOYMENT.—Section 602(b) of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note; Public Law 111–8) is amended—

(1) in paragraph (2)(A)—

(A) by amending clause (ii) to read as follows:

''(ii)(I) was or is employed in Afghanistan on or after October 7, 2001, for not less than 1 year—

''(aa) by, or on behalf of, the United States Government; or

''(bb) by the International Security Assistance Force (or any successor name for such Force) in a capacity that required the alien—

''(AA) while traveling off-base with United States military personnel stationed at the International Security Assistance Force (or any successor name for such Force), to serve as an interpreter or translator for such United States military personnel; or

''(BB) to perform activities for the United States military personnel stationed at International Security Assistance Force (or any successor name for such Force); or

''(II) in the case of an alien who was wounded or seriously injured in connection with employment described in subclause (I), was employed for any period until the date on which such wound or injury occurred, if the wound or injury prevented the alien from continuing such employment;''; and

(B) in clause (iii), by striking ''clause (ii)'' and inserting ''clause (ii)(I)'';

(2) in paragraph (13)(A)(i), by striking ''subclause (I) or (II)(bb) of paragraph (2)(A)(ii)'' and inserting ''item (aa) or (bb)(BB) of paragraph (2)(A)(ii)(I)'';

(3) in paragraph (14)(C), by striking ''paragraph (2)(A)(ii)'' and inserting ''paragraph (2)(A)(ii)(I)''; and

(4) in paragraph (15), by striking ''paragraph (2)(A)(ii)'' and inserting ''paragraph (2)(A)(ii)(I)''.

(c) EXTENSION OF SPECIAL IMMIGRANT VISA PROGRAM UNDER AFGHAN ALLIES PROTECTION ACT OF 2009.—Section 602(b) of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note; Public Law 111–8) is amended—

(1) in paragraph (3)(F)—

(A) in the subparagraph heading, by striking ''FISCAL YEARS 2015 THROUGH 2022'' and inserting ''FISCAL YEARS 2015 THROUGH 2029''; and

(B) in clause (i), by striking ''December 31, 2024'' and inserting ''December 31, 2029''; and

(C) in clause (ii), by striking ''December 31, 2024'' and inserting ''December 31, 2029''; and

(2) in paragraph (13), in the matter preceding subparagraph (A), by striking ''January 31, 2024'' and inserting ''January 31, 2030''.

(d) AUTHORIZATION OF VIRTUAL INTERVIEWS.—Section 602(b)(4) of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note; Public Law 111–8;) is amended by adding at the end the following:

''(D) VIRTUAL INTERVIEWS.—Notwithstanding section 222(e) of the Immigration and Nationality Act (8 U.S.C. 1202(e)), an application for an immigrant visa under this section may be signed by the applicant through a virtual video meeting before a consular officer and verified by the oath of

the applicant administered by the consular officer during a virtual video meeting.''.

(e) QUARTERLY REPORTS.—Paragraph (12) of section 602(b) of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note; Public Law 111–8) is amended is amended to read as follows:

''(12) QUARTERLY REPORTS.—

''(A) REPORT TO CONGRESS.—Not later than 120 days after the date of enactment of the Border Act and every 90 days thereafter, the Secretary of State and the Secretary of Homeland Security, in consultation with the Secretary of Defense, shall submit to the appropriate committees of Congress a report that includes the following:

''(i) For the preceding quarter—

''(I) a description of improvements made to the processing of special immigrant visas and refugee processing for citizens and nationals of Afghanistan;

''(II) the number of new Afghan referrals to the United States Refugee Admissions Program, disaggregated by referring entity;

''(III) the number of interviews of Afghans conducted by U.S. Citizenship and Immigration Services, disaggregated by the country in which such interviews took place;

''(IV) the number of approvals and the number of denials of refugee status requests for Afghans;

''(V) the number of total admissions to the United States of Afghan refugees;

''(VI) number of such admissions, disaggregated by whether the refugees come from within, or outside of, Afghanistan;

''(VII) the average processing time for citizens and nationals of Afghanistan who are applicants for referral under section 4324 of the Border Act;

''(VIII) the number of such cases processed within such average processing time; and

''(IX) the number of denials issued with respect to applications by citizens and nationals of Afghanistan for referrals under section 4324 of the Border Act.

''(ii) The number of applications by citizens and nationals of Afghanistan for refugee referrals pending as of the date of submission of the report.

''(iii) A description of the efficiency improvements made in the process by which applications for special immigrant visas under this subsection are processed, including information described in clauses (iii) through (viii) of paragraph (11)(B).

''(B) FORM OF REPORT.—Each report required by subparagraph (A) shall be submitted in unclassified form but may contain a classified annex.

''(C) PUBLIC POSTING.—The Secretary of State shall publish on the website of the Department of State the unclassified portion of each report submitted under subparagraph (A).''.

(f) GENERAL PROVISIONS.—

(1) PROHIBITION ON FEES.—The Secretary, the Secretary of Defense, or the Secretary of State may not charge any fee in connection with an application for, or issuance of, a special immigrant visa or special immigrant status under—

(A) section 602 of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note; Public Law 111–8);

(B) section 1059 of the National Defense Authorization Act for Fiscal Year 2006 (8 U.S.C. 1101 note; Public Law 109–163); or

(C) subparagraph (N) of section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)), as added by subsection (a)(1).

(2) DEFENSE PERSONNEL.—Any limitation in law with respect to the number of personnel within the Office of the Secretary of Defense, the military departments, or a Defense Agency (as defined in section 101(a) of title 10, United States Code) shall not apply to personnel employed for the primary purpose of carrying out this section.

(3) PROTECTION OF ALIENS.—The Secretary of State, in consultation with the head of any other appropriate Federal agency, shall make a reasonable effort to provide an alien who is seeking status as a special immigrant under subparagraph (N) of section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)), as added by subsection (a)(1), protection or to immediately remove such alien from Afghanistan, if possible.

(4) RESETTLEMENT SUPPORT.—A citizen or national of Afghanistan who is admitted to the United States under this section or an amendment made by this section shall be eligible for resettlement assistance, entitlement programs, and other benefits available to refugees admitted under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) to the same extent, and for the same periods of time, as such refugees.

SEC. 4327. SUPPORT FOR ALLIES SEEKING RESETTLEMENT IN THE UNITED STATES.

Notwithstanding any other provision of law, during the period beginning on the date of the enactment of this Act and ending on the date that is 10 years thereafter, the Secretary and the Secretary of State may waive any fee or surcharge or exempt individuals from the payment of any fee or surcharge collected by the Department of Homeland Security and the Department of State, respectively, in connection with a petition or application for, or issuance of, an immigrant visa to a national of Afghanistan under section 201(b)(2)(A)(i) or 203(a) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i) and 1153(a)), respectively.

SEC. 4328. REPORTING.

(a) QUARTERLY REPORTS.—Beginning on January 1, 2028, not less frequently than quarterly, the Secretary shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that includes, for the preceding quarter—

(1) the number of individuals granted conditional permanent resident status under section 4323, disaggregated by the number of such individuals for whom conditions have been removed;

(2) the number of individuals granted conditional permanent resident status under section 4323 who have been determined to be ineligible for removal of conditions (and the reasons for such determination); and

(3) the number of individuals granted conditional permanent resident status under section 4323 for whom no such determination has been made (and the reasons for the lack of such determination).

(b) ANNUAL REPORTS.—Not less frequently than annually, the Secretary, in consultation with the Attorney General, shall submit to the appropriate committees of Congress a report that includes for the preceding year, with respect to individuals granted conditional permanent resident status under section 4323—

(1) the number of such individuals who are placed in removal proceedings under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a) charged with a ground of deportability under subsection (a)(2) of section 237 of that Act (8 U.S.C. 1227), disaggregated by each applicable ground under that subsection;

(2) the number of such individuals who are placed in removal proceedings under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a) charged with a ground of deportability under subsection (a)(3) of section 237 of that Act (8 U.S.C. 1227), disaggregated by each applicable ground under that subsection;

(3) the number of final orders of removal issued pursuant to proceedings described in paragraphs (1) and (2), disaggregated by each applicable ground of deportability;

(4) the number of such individuals for whom such proceedings are pending, disaggregated by each applicable ground of deportability; and

(5) a review of the available options for removal from the United States, including any changes in the feasibility of such options during the preceding year.

TITLE IV—PROMOTING LEGAL IMMIGRATION

SEC. 4401. EMPLOYMENT AUTHORIZATION FOR FIANCÉS, FIANCÉES, SPOUSES, AND CHILDREN OF UNITED STATES CITIZENS AND SPECIALTY WORKERS.

Section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)) is amended by adding at the end the following:

''(15) The Secretary of Homeland Security shall authorize an alien fiancé, fiancée, or spouse admitted pursuant to clause (i) or (ii) of section 101(a)(15)(K), or any child admitted pursuant to section 101(a)(15)(K)(iii) to engage in employment in the United States incident to such status and shall provide the alien with an 'employment authorized' endorsement during the period of authorized admission.

''(16) Upon the receipt of a completed petition described in subparagraph (E) or (F) of section 204(a)(1) for a principal alien who has been admitted pursuant to section 101(a)(15)(H)(i)(b), the Secretary of Homeland Security shall authorize the alien spouse or child of such principal alien who has been admitted under section 101(a)(15)(H) to accompany or follow to join a principal alien admitted under such section, to engage in employment in the United States incident to such status and shall provide the alien with an 'employment authorized' endorsement during the period of authorized admission.''.

SEC. 4402. ADDITIONAL VISAS.

Section 201 of the Immigration and Nationality Act (8 U.S.C. 1151) is amended—

(1) in subsection (c)—

(A) by adding at the end the following:

''(6)(A) For fiscal years 2025, 2026, 2027, 2028, and 2029—

''(i) 512,000 shall be substituted for 480,000 in paragraph (1)(A)(i); and

''(ii) 258,000 shall be substituted for 226,000 in paragraph (1)(B)(i)(i).

''(B) The additional visas authorized under subparagraph (A)—

''(i) shall be issued each fiscal year;

''(ii) shall remain available in any fiscal year until issued; and

''(iii) shall be allocated in accordance with this section and sections 202 and 203.''; and

(2) in subsection (d), by adding at the end the following:

''(3)(A) For fiscal years 2025, 2026, 2027, 2028, and 2029, 158,000 shall be substituted for 140,000 in paragraph (1)(A).

''(B) The additional visas authorized under subparagraph (A)—

''(i) shall be issued each fiscal year;

''(ii) shall remain available in any fiscal year until issued; and

''(iii) shall be allocated in accordance with this section and section 202 and 203.''.

SEC. 4403. CHILDREN OF LONG-TERM VISA HOLDERS.

(a) MAINTAINING FAMILY UNITY FOR CHILDREN OF LONG-TERM H–1B NONIMMIGRANTS AFFECTED BY DELAYS IN VISA AVAILABILITY.—Section 203(h) of the Immigration and Nationality Act (8 U.S.C. 1153(h)) is amended by adding at the end the following:

''(6) CHILD STATUS DETERMINATION FOR CERTAIN DEPENDENT CHILDREN OF H-1B NONIMMIGRANTS.—

''(A) DETERMINATIVE FACTORS.—For purposes of subsection (d), the determination of

whether an alien described in subparagraph (B) satisfies the age and marital status requirements set forth in section 101(b)(1) shall be made using the alien's age and marital status on the date on which an initial petition as a nonimmigrant described in section 101(a)(15)(H)(i)(b) was filed on behalf of the alien's parent, if such petition was approved.

''(B) ALIEN DESCRIBED.—An alien is described in this subparagraph if such alien—

''(i) maintained, for an aggregate period of at least 8 years before reaching 21 years of age, the status of a dependent child of a nonimmigrant described in section 101(a)(15)(H)(i)(b) pursuant to a lawful admission; and

''(ii)(I) sought to acquire the status of an alien lawfully admitted for permanent residence during the 2-year period beginning on the date on which an immigrant visa became available to such alien; or

''(II) demonstrates, by clear and convincing evidence, that the alien's failure to seek such status during such 2-year period was due to extraordinary circumstances.''.

(b) NONIMMIGRANT DEPENDENT CHILDREN OF H-1B NONIMMIGRANTS.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following:

''(s) CHILD DERIVATIVE BENEFICIARIES OF H-1B NONIMMIGRANTS.—

''(1) AGE DETERMINATION.—In the case of an alien who maintained, for an aggregate period of at least 8 years before reaching 21 years of age, the status of a dependent child of a nonimmigrant described in section 101(a)(15)(H)(i)(b) pursuant to a lawful admission, such alien's age shall be determined based on the date on which an initial petition for classification under such section was filed on behalf of the alien's parent, if such petition is approved.

''(2) LONG-TERM DEPENDENTS.—Notwithstanding the alien's actual age or marital status, an alien who is determined to be a child under paragraph (1) and is otherwise eligible may change status to, or extend status as, a dependent child of a nonimmigrant described in section 101(a)(15)(H)(i)(b) if the alien's parent—

''(A) maintains lawful status under such section;

''(B) has an employment-based immigrant visa petition that has been approved pursuant to section 203(b); and

''(C) has not yet had an opportunity to seek an immigrant visa or adjust status under section 245.

''(3) EMPLOYMENT AUTHORIZATION.—An alien who is determined to be a child under paragraph (1) is authorized to engage in employment in the United States incident to the status of his or her nonimmigrant parent.

''(4) SURVIVING RELATIVE CONSIDERATION.—Notwithstanding the death of the qualifying relative, an alien who is determined to be a child under paragraph (1) is authorized to extend status as a dependent child of a nonimmigrant described in section 101(a)(15)(H)(i)(b).''.

(c) MOTION TO REOPEN OR RECONSIDER.—

(1) IN GENERAL.—A motion to reopen or reconsider the denial of a petition under section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) and a subsequent application for an immigrant visa or adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255), may be granted if—

(A) such petition or application would have been approved if—

(i) section 203(h)(6) of the Immigration and Nationality Act, as added by subsection (a), had been in effect when the petition or application was adjudicated; and

(ii) the person concerned remains eligible for the requested benefit;

(B) the individual seeking relief pursuant to such motion was in the United States at the time the underlying petition or application was filed; and

(C) such motion is filed with the Secretary or the Attorney General not later than the date that is 2 years after the date of the enactment of this Act.

(2) PROTECTION FROM REMOVAL.—Notwithstanding any other provision of the law, the Attorney General and the Secretary—

(A) may not initiate removal proceedings against or remove any alien who has a pending nonfrivolous motion under paragraph (1) or is seeking to file such a motion unless—

(i) the alien is a danger to the community or a national security risk; or

(ii) initiating a removal proceeding with respect to such alien is in the public interest; and

(B) shall provide aliens with a reasonable opportunity to file such a motion.

(3) EMPLOYMENT AUTHORIZATION.—An alien with a pending, nonfrivolous motion under this subsection shall be authorized to engage in employment through the date on which a final administrative decision regarding such motion has been made.

SEC. 4404. MILITARY NATURALIZATION MODERNIZATION.

(a) IN GENERAL.—Chapter 2 of title III of the Immigration and Nationality Act (8 U.S.C. 1421 et seq.) is amended—

(1) by striking section 328 (8 U.S.C. 1439); and

(2) in section 329 (8 U.S.C. 1440)—

(A) by amending the section heading to read as follows: ''**NATURALIZATION THROUGH SERVICE IN THE SELECTED RESERVE OR IN ACTIVE-DUTY STATUS**.—'';

(B) in subsection (a)—

(i) in the matter preceding paragraph (1), by striking ''during either'' and all that follows through ''foreign force'';

(ii) in paragraph (1)—

(I) by striking ''America Samoa, or Swains Island'' and inserting ''American Samoa, Swains Island, or any of the freely associated States (as defined in section 611(b)(1)(C) of the Individuals with Disabilities Education Act (20 U.S.C. 1411(b)(1)(C)),''; and

(II) by striking ''he'' and inserting ''such person''; and

(iii) in paragraph (2), by striking ''in an active-duty status, and whether separation from such service was under honorable conditions'' and inserting ''in accordance with subsection (b)(3)''; and

(C) in subsection (b)—

(i) in paragraph (1), by striking ''he'' and inserting ''such person''; and

(ii) in paragraph (3), by striking ''an active-duty status'' and all that follows through ''foreign force, and'' and inserting ''in an active status (as defined in section 101(d) of title 10, United States Code), in the Selected Reserve of the Ready Reserve, or on active duty (as defined in such section) and, if separated''.

(b) CLERICAL AMENDMENT.—The table of contents for the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by striking the items relating to sections 328 and 329 and inserting the following:

''Sec. 329. Naturalization through service in the Selected Reserve or in active-duty status.''.

SEC. 4405. TEMPORARY FAMILY VISITS.

(a) ESTABLISHMENT OF NEW NONIMMIGRANT VISA SUBCATEGORY.—Section 101(a)(15)(B) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(B)) is amended by striking ''temporarily for business or temporarily for pleasure;'' and inserting ''temporarily for—

''(i) business;

''(ii) pleasure; or

''(iii) family purposes;''.

(b) REQUIREMENTS APPLICABLE TO FAMILY PURPOSES VISAS.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184), as amended by section 4403(b), is further amended by adding at the end the following:

''(t) REQUIREMENTS APPLICABLE TO FAMILY PURPOSES VISAS.—

''(1) DEFINED TERM.—In this subsection and in section 101(a)(15)(B)(iii), the term 'family purposes' means any visit by a relative for a social, occasional, major life, or religious event, or for any other purpose.

''(2) FAMILY PURPOSES VISA.—Except as provided in paragraph (3), family travel for pleasure is authorized pursuant to the policies, terms, and conditions in effect on the day before the date of the enactment of the Border Act.

''(3) SPECIAL RULES FOR FAMILY PURPOSES VISAS FOR ALIENS AWAITING IMMIGRANT VISAS.—

''(A) NOTIFICATION OF APPROVED PETITION.—A visa may not be issued to a relative under section 101(a)(15)(B)(iii) until after the consular officer is notified that the Secretary of Homeland Security has approved a petition filed in the United States by a family member of the relative who is a United States citizen or lawful permanent resident.

''(B) PETITION.—A petition referred to in subparagraph (A) shall—

''(i) be in such form and contain such information as the Secretary may prescribe by regulation; and

''(ii) shall include—

''(I) a declaration of financial support, affirming that the petitioner will provide financial support to the relative for the duration of his or her temporary stay in the United States;

''(II) evidence that the relative has—

''(aa) obtained, for the duration of his or her stay in the United States, a short-term travel medical insurance policy; or

''(bb) an existing health insurance policy that provides coverage for international medical expenses; and

''(III) a declaration from the relative, under penalty of perjury, affirming the relative's—

''(aa) intent to depart the United States at the conclusion of the relative's period of authorized admission; and

''(bb) awareness of the penalties for overstaying such period of authorized admission.

''(4) PETITIONER ELIGIBILITY.—

''(A) IN GENERAL.—Absent extraordinary circumstances, an individual may not petition for the admission of a relative as a nonimmigrant described in section 101(a)(15)(B)(iii) if such individual previously petitioned for the admission of such a relative who—

''(i) was admitted to the United States pursuant to a visa issued under such section as a result of such petition; and

''(ii) overstayed his or her period of authorized admission.

''(B) PREVIOUS PETITIONERS.—

''(i) IN GENERAL.—An individual filing a declaration of financial support on behalf of a relative seeking admission as a nonimmigrant described in section 101(a)(15)(B)(iii) who has previously provided a declaration of financial support for such a relative shall—

''(I) certify to the Secretary of Homeland Security that the relative whose admission the individual previously supported did not overstay his or her period of authorized admission; or

''(II) explain why the relative's overstay was due to extraordinary circumstances beyond the control of the relative.

''(ii) CRIMINAL PENALTY FOR FALSE STATEMENT.—A certification under clause (i)(I)

shall be subject to the requirements under section 1001 of title 18, United States Code.

''(C) WAIVER.—The Secretary of Homeland Security may waive the application of section 212(a)(9)(B) in the case of a nonimmigrant described in section 101(a)(15)(B)(iii) who overstayed his or her period of authorized admission due to extraordinary circumstances beyond the control of the nonimmigrant.''.

(c) RESTRICTION ON CHANGE OF STATUS.—Section 248(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1258(a)(1)) is amended by inserting ''(B)(iii),'' after ''subparagraph''.

(d) FAMILY PURPOSE VISA ELIGIBILITY WHILE AWAITING IMMIGRANT VISA.—

(1) IN GENERAL.—Notwithstanding section 214(b) of the Immigration and Nationality Act (8 U.S.C. 1184(b)), a nonimmigrant described in section 101(a)(15)(B)(iii) of such Act, as added by subsection (a), who has been classified as an immigrant under section 201 of such Act (8 U.S.C. 1151) and is awaiting the availability of an immigrant visa subject to the numerical limitations under section 203 of such Act (8 U.S.C. 1153) may be admitted pursuant to a family purposes visa, in accordance with section 214(t) of such Act, as added by subsection (b), if the individual is otherwise eligible for admission.

(2) LIMITATION.—An alien admitted under section 101(a)(15)(B)(iii) of the Immigration and Nationality Act, pursuant to section 214(t)(3) of such Act, as added by subsection (b), may not be considered to have been admitted to the United States for purposes of section 245(a) of such Act (8 U.S.C. 1255(a)).

(e) RULE OF CONSTRUCTION.—Nothing in this section, or in the amendments made by this section, may be construed as—

(1) limiting the authority of immigration officers to refuse to admit to the United States an applicant under section 101(a)(15)(B)(iii) of the Immigration and Nationality Act, as added by subsection (a), who fails to meet 1 or more of the criteria under section 214(t) of such Act, as added by subsection (b), or who is inadmissible under section 212(a) of such Act (8 U.S.C. 1182(a)); or

(2) precluding the use of section 101(a)(15)(B)(ii) of the Immigration and Nationality Act, as added by subsection (a), for family travel for pleasure in accordance with the policies and procedures in effect on the day before the date of the enactment of this Act.

TITLE V—SELF-SUFFICIENCY AND DUE PROCESS

Subtitle A—Work Authorizations

SEC. 4501. WORK AUTHORIZATION.

Section 208(d)(2) of the Immigration and Nationality Act (8 U.S.C. 1158(d)(2)) is amended to read as follows:

''(2) EMPLOYMENT ELIGIBILITY.—Except as provided in section 235C—

''(A) an applicant for asylum is not entitled to employment authorization, but such authorization may be provided by the Secretary of Homeland Security by regulation; and

''(B) an applicant who is not otherwise eligible for employment authorization may not be granted employment authorization under this section before the date that is 180 days after the date on which the applicant files an application for asylum.''.

SEC. 4502. EMPLOYMENT ELIGIBILITY.

(a) IN GENERAL.—Chapter 4 of title II of the Immigration and Nationality Act (8 U.S.C. 1221 et seq.), as amended by section 4141(a), is further amended by adding at the end the following:

''SEC. 235C. EMPLOYMENT ELIGIBILITY.

''(a) EXPEDITED EMPLOYMENT ELIGIBILITY.—

''(1) IN GENERAL.—The Secretary of Homeland Security shall authorize employment for any alien who—

''(A)(i) is processed under the procedures described in section 235(b)(1) and receives a positive protection determination pursuant to such procedures; or

''(ii)(I) is processed under the procedures described in section 235B; and

''(II)(aa) receives a positive protection determination and is subsequently referred under section 235B(c)(2)(B)(i) for a protection merits interview; or

''(bb) is referred under section 235B(f)(1) for a protection merits interview; and

''(B) is released from the physical custody of the Secretary of Homeland Security.

''(2) APPLICATION.—The Secretary of Homeland Security shall grant employment authorization to—

''(A) an alien described in paragraph (1)(A)(i) immediately upon such alien's release from physical custody;

''(B) an alien described in paragraph (1)(A)(ii)(II)(aa) at the time such alien receives a positive protection determination or is referred for a protection merits interview; and

''(C) an alien described in paragraph (1)(A)(ii)(II)(bb) on the date that is 30 days after the date on which such alien files an application pursuant to section 235B(f).

''(b) TERM.—Employment authorization under this section—

''(1) shall be for an initial period of 2 years; and

''(2) shall be renewable, as applicable—

''(A) for additional 2-year periods while the alien is in protection merits removal proceedings, including while the outcome of the protection merits interview is under administrative or judicial review; or

''(B) until the date on which—

''(i) the alien receives a negative protection merits determination; or

''(ii) the alien otherwise receives employment authorization under any other provision of this Act.

''(c) RULES OF CONSTRUCTION.—

''(1) DETENTION.—Nothing in this section may be construed to expand or restrict the authority of the Secretary of Homeland Security to detain or release from detention an alien, if such detention or release from detention is authorized by law.

''(2) LIMITATION ON AUTHORITY.—The Secretary of Homeland Security may not authorize for employment in the United States an alien being processed under section 235(b)(1) or 235B in any circumstance not explicitly described in this section.''.

(b) CONFORMING AMENDMENT.—The table of contents for the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 235B, as added by section 4141(b), the following:

''Sec. 235C. Employment eligibility.''.

Subtitle B—Protecting Due Process

SEC. 4511. ACCESS TO COUNSEL.

(a) IN GENERAL.—Section 235(b)(1)(B)(iv) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(B)(iv)) is amended to read as follows:

''(iv) INFORMATION ABOUT PROTECTION DETERMINATIONS.—

''(I) IN GENERAL.—The Secretary of Homeland Security shall provide an alien with information in plain language regarding protection determinations conducted under this section, including the information described in subclause (II)—

''(aa) at the time of the initial processing of the alien; and

''(bb) to the maximum extent practicable, in the alien's native language or in a language the alien understands.

''(II) INFORMATION DESCRIBED.—The information described in this subclause is information relating to—

''(aa) the rights and obligations of the alien during a protection determination;

''(bb) the process by which a protection determination is conducted;

''(cc) the procedures to be followed by the alien in a protection determination; and

''(dd) the possible consequences of—

''(AA) not complying with the obligations referred to in item (aa); and

''(BB) not cooperating with Federal authorities.

''(III) ACCESSIBILITY.—An alien who has a limitation that renders the alien unable to read written materials provided under subclause (I) shall receive an interpretation of such materials in the alien's native language, to the maximum extent practicable, or in a language and format the alien understands.

''(IV) TIMING OF PROTECTION DETERMINATION.—

''(aa) IN GENERAL.—The protection determination of an alien shall not occur earlier than 72 hours after the provision of the information described in subclauses (I) and (II).

''(bb) WAIVER.—An alien may—

''(AA) waive the 72-hour requirement under item (aa) only if the alien knowingly and voluntarily does so, only in a written format or in an alternative record if the alien is unable to write, and only after the alien receives the information required to be provided under subclause (I); and

''(BB) consult with an individual of the alien's choosing in accordance with subclause (V) before waiving such requirement.

''(V) CONSULTATION.—

''(aa) IN GENERAL.—An alien who is eligible for a protection determination may consult with one or more individuals of the alien's choosing before the screening or interview, or any review of such a screening or interview, in accordance with regulations prescribed by the Secretary of Homeland Security.

''(bb) LIMITATION.—Consultation described in item (aa) shall be at no expense to the Federal Government.

''(cc) PARTICIPATION IN INTERVIEW.—An individual chosen by the alien may participate in the protection determination of the alien conducted under this subparagraph.

''(dd) ACCESS.—The Secretary of Homeland Security shall ensure that a detained alien has effective access to the individuals chosen by the alien, which may include physical access, telephonic access, and access by electronic communication.

''(ee) INCLUSIONS.—Consultations under this subclause may include—

''(AA) consultation with an individual authorized by the Department of Justice through the Recognition and Accreditation Program; and

''(BB) consultation with an attorney licensed under applicable law.

''(ff) RULES OF CONSTRUCTION.—Nothing in this subclause may be construed—

''(AA) to require the Federal Government to pay for any consultation authorized under item (aa);

''(BB) to invalidate or limit the remedies, rights, and procedures of any Federal law that provides protection for the rights of individuals with disabilities; or

''(CC) to contravene or limit the obligations under the Vienna Convention on Consular Relations done at Vienna April 24, 1963.''.

(b) CONFORMING AMENDMENT.—Section 238(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1228(a)(2)) is amended by striking ''make reasonable efforts to ensure that the alien's access to counsel'' and inserting ''ensure that the alien's access to counsel, pursuant to section 235(b)(1)(B)(iv),''.

SEC. 4512. COUNSEL FOR CERTAIN UNACCOMPANIED ALIEN CHILDREN.

Section 235(c)(5) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(c)(5)) is amended to read as follows:

''(5) ACCESS TO COUNSEL.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary of Health and Human Services shall ensure, to the greatest extent practicable and consistent with section 292 of the Immigration and Nationality Act (8 U.S.C. 1362), that all unaccompanied alien children who are or have been in the custody of the Secretary of Health and Human Services or the Secretary of Homeland Security, and who are not described in subsection (a)(2)(A), have counsel to represent them in legal proceedings or matters and protect them from mistreatment, exploitation, and trafficking. To the greatest extent practicable, the Secretary of Health and Human Services shall make every effort to utilize the services of pro bono counsel who agree to provide representation to such children without charge.

''(B) EXCEPTION FOR CERTAIN CHILDREN.—

''(i) IN GENERAL.—An unaccompanied alien child who is 13 years of age or younger, and who is placed in or referred to removal proceedings pursuant to section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a), shall be represented by counsel subject to clause (v).

''(ii) AGE DETERMINATIONS.—The Secretary of Health and Human Services shall ensure that age determinations of unaccompanied alien children are conducted in accordance with the procedures developed pursuant to subsection (b)(4).

''(iii) APPEALS.—The rights and privileges under this subparagraph—

''(I) shall not attach to—

''(aa) an unaccompanied alien child after the date on which—

''(AA) the removal proceedings of the child under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a) terminate;

''(BB) an order of removal with respect to the child becomes final; or

''(CC) an immigration benefit is granted to the child; or

''(bb) an appeal to a district court or court of appeals of the United States, unless certified by the Secretary as a case of extraordinary importance; and

''(II) shall attach to administrative reviews and appeals.

''(iv) IMPLEMENTATION.—Not later than 90 days after the date of the enactment of the Border Act, the Secretary of Health and Human Services shall implement this subparagraph

''(v) REMEDIES.—

''(I) IN GENERAL.—For the population described in clause (i) of this subparagraph and subsection (b)(1) of section 292 of the Immigration and Nationality Act (8 U.S.C. 1362), declaratory judgment that the unaccompanied alien child has a right to be referred to counsel, including pro-bono counsel, or a continuance of immigration proceedings, shall be the exclusive remedies available, other than for those funds subject to appropriations.

''(II) SETTLEMENTS.—Any settlement under this subparagraph shall be subject to appropriations.''.

SEC. 4513. COUNSEL FOR CERTAIN INCOMPETENT INDIVIDUALS.

Section 240 of the Immigration and Nationality Act (8 U.S.C. 1158(a)) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

''(e) REPRESENTATION FOR CERTAIN INCOMPETENT ALIENS.—

''(1) IN GENERAL.—The immigration judge is authorized to appoint legal counsel or a certified representative accredited through the Department of Justice to represent an alien in removal proceedings if—

''(A) pro bono counsel is not available; and

''(B) the alien—

''(i) is unrepresented;

''(ii) was found by an immigration judge to be incompetent to represent themselves; and

''(iii) has been placed in or referred to removal proceedings pursuant to this section.

''(2) DETERMINATION ON COMPETENCE.—

''(A) PRESUMPTION OF COMPETENCE.—An alien is presumed to be competent to participate in removal proceedings and has the duty to raise the issue of competency. If there are no indicia of incompetency in an alien's case, no further inquiry regarding competency is required.

''(B) DECISION OF THE IMMIGRATION JUDGE.—

''(i) IN GENERAL.—If there are indicia of incompetency, the immigration judge shall consider whether there is good cause to believe that the alien lacks sufficient competency to proceed without additional safeguards.

''(ii) INCOMPETENCY TEST.—The test for determining whether an alien is incompetent to participate in immigration proceedings, is not malingering, and consequently lacks sufficient capacity to proceed, is whether the alien, not solely on account of illiteracy or language barriers—

''(I) lacks a rational and factual understanding of the nature and object of the proceedings;

''(II) cannot consult with an available attorney or representative; and

''(III) does not have a reasonable opportunity to examine and present evidence and cross-examine witnesses.

''(iii) NO APPEAL.—A decision of an immigration judge under this subparagraph may not be appealed administratively and is not subject to judicial review.

''(C) EFFECT OF FINDING OF INCOMPETENCE.—A finding by an immigration judge that an alien is incompetent to represent himself or herself in removal proceedings shall not prejudice the outcome of any proceeding under this section or any finding by the immigration judge with respect to whether the alien is inadmissible under section 212 or removable under section 237.

''(3) QUARTERLY REPORT.—Not later than 90 days after the effective date of a final rule implementing this subsection, and quarterly thereafter, the Director of the Executive Office for Immigration Review shall submit to the appropriate committees of Congress a report that includes—

''(A)(i) the number of aliens in proceedings under this section who claimed during the reporting period to be incompetent to represent themselves, disaggregated by immigration court and immigration judge; and

''(ii) a description of each reason given for such claims, such as mental disease or mental defect; and

''(B)(i) the number of aliens in proceedings under this section found during the reporting period by an immigration judge to be incompetent to represent themselves, disaggregated by immigration court and immigration judge; and

''(ii) a description of each reason upon which such findings were based, such as mental disease or mental defect.

''(4) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed—

''(A) to require the Secretary of Homeland Security or the Attorney General to analyze whether an alien is incompetent to represent themselves, absent an indicia of incompetency;

''(B) to establish a substantive due process right;

''(C) to automatically equate a diagnosis of a mental illness to a lack of competency;

''(D) to limit the ability of the Attorney General or the immigration judge to prescribe safeguards to protect the rights and privileges of the alien;

''(E) to limit any authorized representation program by a State, local, or Tribal government;

''(F) to provide any statutory right to representation in any proceeding authorized under this Act, unless such right is already authorized by law; or

''(G) to interfere with, create, or expand any right or responsibility established through a court order or settlement agreement in effect before the date of the enactment of the Border Act.

''(5) RULEMAKING.—The Attorney General is authorized to prescribe regulations to carry out this subsection.''.

SEC. 4514. CONFORMING AMENDMENT.

Section 292 of the Immigration and Nationality Act (8 U.S.C. 1362) is amended to read as follows:

''SEC. 292. RIGHT TO COUNSEL.

''(a) IN GENERAL.—In any removal proceeding before an immigration judge and in any appeal proceeding before the Attorney General from an order issued through such removal proceeding, the person concerned shall have the privilege of being represented (at no expense to the Federal Government) by any counsel who is authorized to practice in such proceedings.

''(b) EXCEPTIONS FOR CERTAIN POPULATIONS.—The Federal Government is authorized to provide counsel, at its own expense, in proceedings described in subsection (a) for—

''(1) unaccompanied alien children described in paragraph (5)(B) of section 235(c) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(c)); and

''(2) subject to appropriations, certain incompetent aliens described in section 240(e).''.

TITLE VI—ACCOUNTABILITY AND METRICS

SEC. 4601. EMPLOYMENT AUTHORIZATION COMPLIANCE.

Not later than 1 year and 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit a report to the appropriate committees of Congress and to the public that describes the actions taken by Secretary pursuant to section 235C of the Immigration and Nationality Act, as added by section 4502, including—

(1) the number of employment authorization applications granted or denied pursuant to subsection (a)(1) of such section 235C, disaggregated by whether the alien concerned was processed under the procedures described in section 235(b)(1) or 235B of such Act;

(2) the ability of the Secretary to comply with the timelines for provision of work authorization prescribed in subparagraphs (A) through (C) of section 235C(a)(2) of such Act, including whether complying with subparagraphs (A) and (B) of such section 235C(a)(2) has caused delays in the processing of such aliens;

(3) the number of employment authorizations revoked due to an alien's failure to comply with the requirements under section 235B(f)(5)(B) of the Immigration and Nationality Act, as added by section 4141, or for any other reason, along with the articulated basis; and

(4) the average time for the revocation of an employment authorization if an alien is authorized to work under section 235C of the Immigration and Nationality Act and is subsequently ordered removed.

SEC. 4602. LEGAL ACCESS IN CUSTODIAL SETTINGS.

Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit a report to the appropriate committees of Congress and to the public regarding alien access to legal representation and consultation in custodial settings, including—

(1) the total number of aliens who secured or failed to secure legal representation pursuant to section 235(b)(1)(B)(iv)(V) of the Immigration and Nationality Act, as added by section 4511, before the protection determination under section 235(b)(1)(B)(i) of such Act, including the disposition of such alien's interview;

(2) the total number of aliens who waived the 72-hour period pursuant to section 235(b)(1)(B)(iv)(IV)(bb) of such Act, including the disposition of the alien's protection determination pursuant to section 235(b)(1)(B)(i) of such Act;

(3) the total number of aliens who required a verbal interpretation of the information about screenings and interviews pursuant to section 235(b)(1)(B)(iv) of such Act, disaggregated by the number of aliens who received or did not receive such an interpretation, respectively, pursuant to section 235(b)(1)(B)(iv)(III) of such Act, including the disposition of their respective protection determinations pursuant to section 235(b)(1)(B)(i) of such Act;

(4) the total number of aliens who received information, either verbally or in writing, in their native language; and

(5) whether such policies and procedures with respect to access provided in section 235(b)(1)(B)(iv) have been made available publicly.

SEC. 4603. CREDIBLE FEAR AND PROTECTION DETERMINATIONS.

Not later than 1 year and 60 days after the date of the enactment of this Act, and annually thereafter, the Director of U.S. Citizenship and Immigration Services shall submit a report to the appropriate committees of Congress and to the public that sets forth—

(1) the number of aliens who requested or received a protection determination pursuant to section 235(b)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(B));

(2) the number of aliens who requested or received a protection determination pursuant to section 235B(b) of such Act, as added by section 4141;

(3) the number of aliens described in paragraphs (1) and (2) who are subject to an asylum exception under section 235(b)(1)(B)(vi) of such Act, disaggregated by specific asylum exception;

(4) the number of aliens for whom an asylum officer determined that an alien may be eligible for a waiver under section 235(b)(1)(B)(vi) of such Act and did not apply such asylum exception to such alien;

(5) the number of aliens described in paragraph (1) or (2) who—

(A) received a positive screening or determination; or

(B) received a negative screening or determination;

(6) the number of aliens described in paragraph (5)(B) who requested reconsideration or appeal of a negative screening and the disposition of such requests;

(7) the number of aliens described in paragraph (6) who, upon reconsideration—

(A) received a positive screening or determination, as applicable; or

(B) received a negative screening or determination, as applicable;

(8) the number of aliens described in paragraph (5)(B) who appealed a decision subsequent to a request for reconsideration;

(9) the number of aliens described in paragraph (5)(B) who, upon appeal of a decision, disaggregated by whether or not such alien requested reconsideration of a negative screening—

(A) received a positive screening or determination, as applicable; or

(B) received negative screening or determination, as applicable; and

(10) the number of aliens who withdraw their application for admission, including—

(A) whether such alien could read or write;

(B) whether the withdrawal occurred in the alien's native language;

(C) the age of such alien; and

(D) the Federal agency or component that processed such withdrawal.

SEC. 4604. PUBLICATION OF OPERATIONAL STATISTICS BY U.S. CUSTOMS AND BORDER PROTECTION.

(a) IN GENERAL.—Beginning in the second calendar month beginning after the date of the enactment of this Act, the Commissioner for U.S. Customs and Border Protection shall publish, not later than the seventh day of each month, on a publicly available website of the Department, information from the previous month relating to—

(1) the number of alien encounters, disaggregated by—

(A) whether such aliens are admissible or inadmissible, including the basis for such determinations;

(B) the U.S. Border Patrol sector and U.S. Customs and Border Protection field office that recorded the encounter;

(C) any outcomes recorded in the terrorist screening database (as such term is defined in section 2101 of the Homeland Security Act of 2002 (6 U.S.C. 621)), including—

(i) whether the alien is found to be inadmissible or removable due to a specific ground relating to terrorism;

(ii) the alien's country of nationality, race or ethnic identification, and age; and

(iii) whether the alien's alleged terrorism is related to domestic or international actors, if available;

(D) aliens with active Federal or State warrants for arrest in the United States and the nature of the crimes justifying such warrants;

(E) the nationality of the alien;

(F) whether the alien encountered is a single adult, an individual in a family unit, an unaccompanied child, or an accompanied child;

(G) the average time the alien remained in custody, disaggregated by demographic information;

(H) the processing disposition of each alien described in this paragraph upon such alien's release from the custody of U.S. Customs and Border Protection, disaggregated by nationality;

(I) the number of aliens who are paroled pursuant to section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)), disaggregated by geographic region or sector;

(J) the recidivism rate of aliens described in this paragraph, including the definition of ''recidivism'' and notice of any changes to such definition; and

(K) aliens who have a confirmed gang affiliation, including—

(i) whether such alien was determined to be inadmissible or removable due to such affiliation;

(ii) the specific gang affiliation alleged;

(iii) the basis of such allegation; and

(iv) the Federal agency or component that made such allegation or determination;

(2) seizures, disaggregated by the U.S. Border Patrol sector and U.S. Customs and Border Protection field office that recorded the encounter, of—

(A) narcotics;

(B) firearms, whether inbound or outbound, including whether such firearms were manufactured in the United States, if known;

(C) monetary instruments, whether inbound and outbound; and

(D) other specifically identified contraband;

(3) with respect to border emergency authority described in section 244A of the Immigration and Nationality Act, as added by section 4301—

(A) the number of days such authority was in effect;

(B) the number of encounters (as defined in section 244A(i)(3)) of such Act, disaggregated by U.S. Border Patrol sector and U.S. Customs and Border Patrol field office;

(C) the number of summary removals made under such authority;

(D) the number of aliens who manifested a fear of persecution or torture and were screened for withholding of removal or for protection under the Convention Against Torture, and the disposition of each such screening, including the processing disposition or outcome;

(E) the number of aliens who were screened at a port of entry in a safe and orderly manner each day such authority was in effect, including the processing disposition or outcome;

(F) whether such authority was exercised under subparagraph (A), (B)(i), or (B)(ii) of section 244A(b)(3) of such Act;

(G) a public description of all the methods by which the Secretary determines if an alien may be screened in a safe and orderly manner;

(H) the total number of languages that are available for such safe and orderly process;

(I) the number of aliens who were returned to a country that is not their country of nationality;

(J) the number of aliens who were returned to any country without a humanitarian or protection determination during the use of such authority;

(K) the number of United States citizens who were inadvertently detained, removed, or affected by such border emergency authority;

(L) the number of individuals who have lawful permission to enter the United States and were inadvertently detained, removed, or affected by such border emergency authority;

(M) a summary of the impact to lawful trade and travel during the use of such border emergency authority, disaggregated by port of entry;

(N) the disaggregation of the information described in subparagraphs (C), (D), (E), (I), (J), (K), and (L) by the time the alien remained in custody and by citizenship and family status, including—

(i) single adults;

(ii) aliens traveling in a family unit;

(iii) unaccompanied children;

(iv) accompanied children;

(4) information pertaining to agricultural inspections;

(5) border rescues and mortality data;

(6) information regarding trade and travel; and

(7) with respect to aliens who were transferred from the physical custody of a State or Federal law enforcement agency or other State agency to the physical custody of a Federal agency or component—

(A) the specific States concerned;

(B) whether such alien had initially been charged with a State crime before the State transferred such alien to such Federal agency or component; and

(C) the underlying State crime with which the alien was charged.

(b) TOTALS.—The information described in subsection (a) shall include the total amount

of each element described in each such paragraph in the relevant unit of measurement for reporting month.

(c) DEFINITIONS.—The monthly publication required under subsection (a) shall—

(1) include the definition of all terms used by the Commissioner; and

(2) specifically note whether the definition of any term has been changed.

(d) PROTECTION OF PERSONALLY IDENTIFIABLE INFORMATION.—In preparing each publication pursuant to subsection (a), the Secretary shall—

(1) protect any personally identifiable information associated with aliens described in subsection (a); and

(2) comply with all applicable privacy laws.

SEC. 4605. UTILIZATION OF PAROLE AUTHORITIES.

Section 602(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1182 note) is amended to read as follows:

''(b) ANNUAL REPORT TO CONGRESS.—

''(1) IN GENERAL.—Not later than 90 days after the end of each fiscal year, the Secretary of Homeland Security shall submit a report to the Committee on the Judiciary of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on the Judiciary of the House of Representatives, the Committee on Homeland Security of the House of Representatives, and the public that identifies the number of aliens paroled into the United States pursuant to section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)).

''(2) CONTENTS.—Each report required under paragraph (1) shall include—

''(A) the total number of aliens—

''(i) who submitted applications for parole;

''(ii) whose parole applications were approved; or

''(iii) who were granted parole into the United States during the fiscal year immediately preceding the fiscal year during which such report is submitted;

''(B) the elements described in subparagraph (A), disaggregated by—

''(i) citizenship or nationality;

''(ii) demographic categories;

''(iii) the component or subcomponent of the Department of Homeland Security that granted such parole;

''(iv) the parole rationale or class of admission, if applicable; and

''(v) the sector, field office, area of responsibility, or port of entry where such parole was requested, approved, or granted;

''(C) the number of aliens who requested re-parole, disaggregated by the elements described in subparagraph (B), and the number of denials of re-parole requests;

''(D) the number of aliens whose parole was terminated for failing to abide by the terms of parole, disaggregated by the elements described in subparagraph (B);

''(E) for any parole rationale or class of admission which requires sponsorship, the number of sponsor petitions which were—

''(i) confirmed;

''(ii) confirmed subsequent to a nonconfirmation; or

''(iii) denied;

''(F) for any parole rationale or class of admission in which a foreign government has agreed to accept returns of third country nationals, the number of returns of such third country nationals such foreign government has accepted;

''(G) the number of aliens who filed for asylum after being paroled into the United States; and

''(H) the number of aliens described in subparagraph (G) who were granted employment authorization based solely on a grant of parole.

''(3) PROTECTION OF PERSONALLY IDENTIFIABLE INFORMATION.—In preparing each report pursuant to paragraph (1), the Secretary shall—

''(A) protect any personally identifiable information associated with aliens described in paragraph (1); and

''(B) comply with all applicable privacy laws.''.

SEC. 4606. ACCOUNTABILITY IN PROVISIONAL REMOVAL PROCEEDINGS.

(a) IN GENERAL.—Not later than 1 year and 30 days after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate committees of Congress and the public regarding the implementation of sections 235B and 240D of the Immigration and Nationality Act, as added by sections 3141 and 3142 during the previous 12-month period.

(b) CONTENTS.—Each report required under subsection (a) shall include—

(1) the number of aliens processed pursuant to section 235B(b) of the Immigration and Nationality Act, disaggregated by—

(A) whether the alien was a single adult or a member of a family unit;

(B) the number of aliens who—

(i) were provided proper service and notice upon release from custody pursuant to section 235B(b)(2) of such Act; or

(ii) were not given such proper service and notice;

(C) the number of aliens who received a protection determination interview pursuant to section 235B(c) of such Act within the 90-day period required under section 235B(b)(3)(A) of such Act;

(D) the number of aliens described in subparagraph (C)—

(i) who retained legal counsel;

(ii) who received a positive protection determination;

(iii) who received a negative protection determination;

(iv) for those aliens described in clause (iii), the number who—

(I) requested reconsideration;

(II) whether such reconsideration resulted in approval or denial;

(III) whether an alien upon receiving a negative motion for reconsideration filed an appeal;

(IV) who appealed a negative decision without filing for reconsideration;

(V) whether the appeal resulted in approval or denial, disaggregated by the elements in subclauses (III) and (IV); and

(VI) whether the alien, upon receiving a negative decision as described in subclauses (III) and (V), was removed from the United States upon receiving such negative decision;

(v) who absconded during such proceedings; and

(vi) who failed to receive proper service;

(E) the number of aliens who were processed pursuant to section 235B(f) of such Act; and

(F) the number of aliens described in subparagraph (E) who submitted their application pursuant to section 235B(f)(2)(B)(i) of such Act;

(2) the average time taken by the Department of Homeland Security—

(A) to perform a protection determination interview pursuant to section 235B(b) of such Act;

(B) to serve notice of a protection determination pursuant to section 235B(e) of such Act after a determination has been made pursuant to section 235B(b) of such Act;

(C) to provide an alien with a work authorization pursuant to section 235C of such Act, as added by section 4501, disaggregated by the requirements under subparagraphs (A), (B), and (C) of section 235C(a)(2) of such Act; and

(D) the utilization of the Alternatives to Detention program authorized under section 235B(a)(3) of such Act, disaggregated by—

(i) types of alternatives to detention used to supervise the aliens after being released from physical custody;

(ii) the level of compliance by the alien with the rules of the Alternatives to Detention program; and

(iii) the total cost of each Alternatives to Detention type;

(3) the number of aliens processed pursuant to section 240D(d) of such Act, disaggregated by—

(A) whether the alien was a single adult or a member of a family unit;

(B) the number of aliens who were provided proper service and notice of a protection determination pursuant to section 235B(e) of such Act;

(C) the number of aliens who received a protection merits interview pursuant to section 240D(c)(3) of such Act within the 90-day period required under section 240D(b) of such Act;

(D) the number of aliens who received a positive protection merits determination pursuant to section 240D(d)(2) of such Act;

(E) the number of aliens who received a negative protection merits determination pursuant to section 240D(d)(3) of such Act, disaggregated by the number of aliens who appealed the determination pursuant to section 240D(e) of such Act and who received a result pursuant to section 240D(e)(7) of such Act;

(F) the number of aliens who were processed pursuant to section 240D of such Act who retained legal counsel;

(G) the number of aliens who appeared at such proceedings; and

(H) the number of aliens who absconded during such proceedings; and

(4) the average time taken by the Department of Homeland Security—

(A) to perform a protection merits interview pursuant to section 240D(d) of such Act;

(B) to serve notice of a protection merits determination pursuant to section 240D(d) of such Act; and

(C) the utilization of Alternatives to Detention program authorized under section 240D(c)(2) of such Act, disaggregated by—

(i) types of alternatives to detention used to supervise the aliens after being released from physical custody; and

(ii) the level of compliance by the aliens with rules of the Alternatives to Detention program.

(c) PROTECTION OF PERSONALLY IDENTIFIABLE INFORMATION.—In preparing each report pursuant to subsection (a), the Secretary shall—

(1) protect any personally identifiable information associated with aliens described in subsection (a); and

(2) comply with all applicable privacy laws.

SEC. 4607. ACCOUNTABILITY IN VOLUNTARY REPATRIATION, WITHDRAWAL, AND DEPARTURE.

(a) IN GENERAL.—Not later than 1 year and 30 days after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate committees of Congress regarding the implementation of section 240G of the Immigration and Nationality Act, as added by section 4144.

(b) CONTENTS.—The report required under subsection (a) shall include the number of aliens who utilized the provisions of such section 240G, disaggregated by—

(1) demographic information;

(2) the period in which the election took place;

(3) the total costs of repatriation flight when compared to the cost to charter a private, commercial flight for such return;

(4) alien use of reintegration or reception programs in the alien's country of nationality after removal from the United States;

(5) the number of aliens who failed to depart in compliance with section 240G(i)(2) of such Act;

(6) the number of aliens to which a civil penalty and a period of ineligibility was applied; and

(7) the number of aliens who did depart.

SEC. 4608. GAO ANALYSIS OF IMMIGRATION JUDGE AND ASYLUM OFFICER DECISION-MAKING REGARDING ASYLUM, WITHHOLDING OF REMOVAL, AND PROTECTION UNDER THE CONVENTION AGAINST TORTURE.

(a) IN GENERAL.—Not later than 2 years after the Comptroller General of the United States submits the certification described in section 4146(d)(3), the Comptroller General shall analyze the decision rates of immigration judges and asylum officers regarding aliens who have received a positive protection determination and have been referred to proceedings under section 240 or 240D of the Immigration and Nationality Act, as applicable, to determine—

(1) whether the Executive Office for Immigration Review and U.S. Citizenship and Immigration Services have any differential in rate of decisions for cases involving asylum, withholding of removal, or protection under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984; and

(2) the causes for any such differential, including any policies, procedures, or other administrative measures.

(b) RECOMMENDATIONS.—Upon completing the analysis required under subsection (a), the Comptroller General shall submit recommendations to the Director of the Executive Office for Immigration Review and the Director of U.S. Citizenship and Immigration Services regarding any administrative or procedural changes necessary to ensure uniformity in decision-making between those agencies, which may not include quotas.

SEC. 4609. REPORT ON COUNSEL FOR UNACCOMPANIED ALIEN CHILDREN.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, and annually thereafter, the Secretary of Health and Human Services shall submit a report to the appropriate committees of Congress with respect to unaccompanied alien children who received appointed counsel pursuant to section 235(c)(5)(B) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, as added by section 4512, including—

(1) the number of unaccompanied alien children who obtained such counsel compared to the number of such children who did not obtain such counsel;

(2) the sponsorship category of unaccompanied alien children who obtained counsel;

(3) the age ranges of unaccompanied alien children who obtained counsel;

(4) the administrative appeals, if any, of unaccompanied alien children who obtained counsel; and

(5) the case outcomes of unaccompanied alien children who obtained counsel.

(b) PROTECTION OF PERSONALLY IDENTIFIABLE INFORMATION.—In preparing each report pursuant to subsection (a), the Secretary of Health and Human Services shall—

(1) protect any personally identifiable information associated with aliens described in subsection (a); and

(2) comply with all applicable privacy laws.

SEC. 4610. RECALCITRANT COUNTRIES.

Section 243(d) of the Immigration and Nationality Act (8 U.S.C. 1253(d)) is amended—

(1) by striking ''On being notified'' and inserting the following:

''(1) IN GENERAL.—On being notified''; and

(2) by adding at the end the following:

''(2) REPORT ON RECALCITRANT COUNTRIES.—

''(A) IN GENERAL.—Not later than 90 days after the last day of each fiscal year, the Secretary of Homeland Security and the Secretary of State shall jointly—

''(i) prepare an unclassified annual report, which may include a classified annex, that includes the information described in subparagraph (C); and

''(ii) submit such report to Committee on Homeland Security and Governmental Affairs of the Senate; the Committee on the Judiciary of the Senate, the Committee on Foreign Relations of the Senate, the Committee on Homeland Security of the House of Representatives, the Committee on the Judiciary of the House of Representatives, and the Committee on Foreign Affairs of the House of Representatives.

''(B) BRIEFING.—Not later than 30 days after the date on which a report is submitted pursuant to subparagraph (A), designees of the Secretary of Homeland Security and of the Secretary of State shall brief the committees referred to in subparagraph (A)(ii) regarding any measures taken to encourage countries to accept the return of their citizens, subjects, or nationals, or aliens whose last habitual residence was within each such country, who have been ordered removed from the United States.

''(C) CONTENTS.—Each report prepared pursuant to subparagraph (A)(i) shall include—

''(i) a list of all countries that—

''(I) deny the acceptance of their citizens, subjects, or nationals, or aliens whose last habitual residence was within such country, who have been ordered removed to such country from the United States; or

''(II) unreasonably delay the acceptance of their citizens, subjects, or nationals, or aliens whose last habitual residence was within such country, who have been ordered removed to such country from the United States;

''(ii) for each country described in clause (i)(II), the average length of delay of such citizens, subjects, nationals, or aliens acceptance into such country;

''(iii) a list of the foreign countries that have placed unreasonable limitations upon the acceptance of their citizens, subjects, or nationals, or aliens whose last habitual residence was within such country, who have been ordered removed to such country from the United States;

''(iv) a description of the criteria used to determine that a country described under clause (iii) has placed such unreasonable limitations;

''(v) the number of aliens ordered removed from the United States to a country described in clause (i) or (iii) whose removal from the United States was pending as of the last day of the previous fiscal year, including—

''(I) the number of aliens who—

''(aa) received a denial of a work authorization; and

''(bb) are not eligible to request work authorization;

''(vi) the number of aliens ordered removed from the United States to a country described in clause (i) or (iii) whose removal from the United States was pending as of the last day of the previous fiscal year and who are being detained, disaggregated by—

''(I) the length of such detention;

''(II) the aliens who requested a review of the significant likelihood of their removal in the reasonably foreseeable future;

''(III) the aliens for whom the request for release under such review was denied;

''(IV) the aliens who remain detained on account of special circumstances despite no significant likelihood that such aliens will be removed in the foreseeable future, disaggregated by the specific circumstance;

''(V) the aliens described in subclause (IV) who are being detained based on a determination that they are specially dangerous;

''(VI) the aliens described in subclause (V) whose request to review the basis for their continued detention was denied;

''(VII) demographic categories, including part of a family unit, single adults, and unaccompanied alien children;

''(vii) the number of aliens referred to in clauses (i) through (iii) who—

''(I) have criminal convictions, disaggregated by National Crime Information Center code, whether misdemeanors or felonies;

''(II) are considered national security threats to the United States;

''(III) are members of a criminal gang or another organized criminal organization, if found to be inadmissible or removable on such grounds; or

''(IV) have been released from U.S. Immigration and Customs Enforcement custody on an order of supervision and the type of supervision and compliance with such supervision, if applicable;

''(viii) a description of the actions taken by the Department of Homeland Security and the Department of State to encourage foreign nations to accept the return of their nationals; and

''(ix) the total number of individuals that such jurisdiction has accepted who are not citizens, subjects, or nationals, or aliens who last habitually resided within such jurisdiction and have been removed from the United States, if any.''.

TITLE VII—OTHER MATTERS

SEC. 4701. SEVERABILITY.

If any provision of this Act, any amendment made by this Act, or the application of any such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of such provisions or amendments to any other person or circumstance shall not be affected.

SA 1864. Mr. HAGERTY submitted an amendment intended to be proposed by him to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. None of the funds made available by this Act may be used to provide grants or other funding to any government entity or organization, including nonprofit entities, that has not certified that it does not facilitate voting by noncitizens in Federal, State, or local government elections.

SA 1865. Mr. HAGERTY submitted an amendment intended to be proposed by him to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. None of the funds made available by this Act may be used to provide grants or other funding to any government entity or organization, including nonprofit entities, that facilitates voting by noncitizens in Federal, State, or local government elections.

SA 1866. Mr. HAGERTY submitted an amendment intended to be proposed by him to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

On page 22, between lines 20 and 21, insert the following:

SEC. 311. None of the funds appropriated in this division may be made available to facilitate the migration, resettlement, or admission into the United States of any alien who is inadmissible under section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)) based upon activity or affiliation related to Hamas.

SA 1867. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Notwithstanding any provision of any division of this Act, section 403 of title IV of division B, which modifies the application of section 552(c)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2348a(c)(2)), is repealed.

SA 1868. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Notwithstanding any other provision of any division of this Act, the appropriation of $1,575,000,000 for Assistance for Europe, Eurasia and Central Asia in title IV of division B shall have no force or effect.

SA 1869. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Notwithstanding any provision of any division of this Act, section 402 of title IV of division B, which modifies the application of section 506(a)(2)(B) of the Foreign Assistance Act of 1961 (22 U.S.C. 2318(a)(2)(B)), is repealed.

SA 1870. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Notwithstanding any provision of any division of this Act, none of the funds made available for budget support for Ukraine from the Economic Support Fund may be used for the reimbursement of salaries or welfare programs.

SA 1871. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Notwithstanding any provision of any division of this Act, none of the funds made available for budget support for Ukraine from the Economic Support Fund may be used for the reimbursement of salaries.

SA 1872. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Notwithstanding any provision of any division of this Act, the $7,899,000,000 appropriated for the Economic Support Fund is rescinded.

SA 1873. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 38, strike line 8 and all that follows through page 48, line 13, and insert the following:

(c) LIMITATION ON ARRANGEMENT TERMS.—

(1) IN GENERAL.—The arrangement required under subsection (a) may not provide for the cancellation of any or all amounts of indebtedness.

(2) USE OF PAYMENTS.—All payments received by the Government of the United States from the Government of Ukraine resulting from any loan or loan guarantee authorized by an Act of Congress shall be exclusively and indefinitely reserved for deposit in the United States Treasury for purposes of repayment of the national debt.

SA 1874. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 38 of H.R. 8035, as passed by the House of Representatives and incorporated by reference into this Act by H. Res. 1160, strike line 8 and all that follows through page 48, line 13, and insert the following:

(c) LIMITATION ON ARRANGEMENT TERMS.—

(1) IN GENERAL.—The arrangement required under subsection (a) may not provide for the cancellation of any or all amounts of indebtedness.

(2) USE OF PAYMENTS.—All payments received by the Government of the United States from the Government of Ukraine resulting from any loan authorized by this Act shall be exclusively and indefinitely reserved for—

(A) the construction of a wall along the southern land border of the United States; and

(B) other measures to improve the security of the borders of the United States.

SA 1875. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Notwithstanding any provision of any division of this Act, section 401 of title IV of division B, which modifies the application of section 506(a)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2318(a)(1)), is repealed.

SA 1876. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. Notwithstanding any other provision of any division of this Act, the appropriation of $481,000,000 to the Administration for Children and Families for Refugee and Entrant Assistance in title III of division B shall have no force or effect.

SA 1877. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. Notwithstanding any other provision of any division of this Act, the appropriation of $300,000,000 for International Narcotics Control and Law Enforcement in title IV of division B shall have no force or effect.

SA 1878. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. Notwithstanding any other provision of any division of this Act, the appropriation of $25,000,000 for Transition Initiatives in title IV of division B is repealed.

SA 1879. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. CLARIFICATION OF PRESIDENTIAL AUTHORITY RELATING TO QUALIFIED DIVESTITURES WITH RESPECT TO FOREIGN ADVERSARY CONTROLLED APPLICATIONS.

Notwithstanding any other provision of any division of this Act, nothing in division H shall be construed, with respect to a qualified divestiture, to permit the President—

(1) to place any conditions, directly or indirectly, on an intended buyer or recipient of the data or assets of a foreign adversary controlled application, unless such conditions are strictly necessary to ensure such intended buyer or recipient is not controlled by a foreign adversary; or

(2) to certify a transaction for a foreign adversary controlled application that does not strictly meet the requirements for a qualified divestiture under subparagraphs (A) and (B) of section 2(g)(6) of division H.

SA 1880. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

On page 150, line 25, strike ''foreign adversary country'' and insert ''government of a foreign country (as defined in section 1 of the Foreign Agent Registration Act of 1938 (22 U.S.C. 611))''.

SA 1881. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. CONGRESSIONAL APPROVAL OF PRESIDENTIAL DETERMINATION THAT COMPANY'S FOREIGN OWNERSHIP PRESENTS SIGNIFICANT THREAT TO NATIONAL SECURITY.

Notwithstanding any other provision of any division of this Act, for purposes of division H, the President may not determine that a covered company's foreign ownership presents a significant threat to the national security of the United States, for purposes of designating a website or application as a foreign adversary controlled application, unless the determination is enacted by a joint resolution of Congress.

SA 1882. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PROHIBITION ON TRANSFER OF SENSITIVE DATA OF UNITED STATES CITIZENS TO FOREIGN ADVERSARIES.

(a) PROHIBITION.—Subject to subsection (b), it shall be unlawful for an individual or business operating in the United States to sell, license, rent, trade, transfer, release, disclose, provide access to, or otherwise make available the sensitive data of another United States citizen to—

(1) any foreign adversary; or

(2) any entity that is beholden to a foreign adversary.

(b) EXCLUSION.—The prohibition under subsection (a) shall not apply to the extent that an individual or business—

(1) is transmitting data, or is providing or maintaining a specific platform or service to transfer data, at the express direction and consent of an individual (or such individual's next of kin in the event that such an individual is incapacitated) between such individual and 1 or more individuals;

(2) is reporting, publishing, or otherwise making available news or information that is available to the general public, including information from a telephone book or online directory, a television, internet, or radio program, the news media, or an internet site that is available to the general public on an unrestricted basis, but not including an obscene visual depiction (as such term is used in section 1460 of title 18, United States Code);

(3) is participating in research or research and development activities (as defined in section 9 of the Small Business Act (15 U.S.C. 638)) in a foreign country, unless such country is a foreign country of concern (as defined in section 9901 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (15 U.S.C. 4651); or

(4) is an individual operating in a non-commercial context.

(c) ENFORCEMENT .—

(1) BY THE COMMISSION.—

(A) UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—A violation of this section shall be treated as a violation of a rule defining an unfair or a deceptive act or practice under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(B) POWERS OF THE COMMISSION.—

(i) IN GENERAL.—The Commission shall enforce this section in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this section.

(ii) PRIVILEGES AND IMMUNITIES.—Any person who violates this section shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act.

(iii) AUTHORITY PRESERVED.—Nothing in this section may be construed to limit the authority of the Commission under any other provision of law.

(2) BY STATES.—

(A) IN GENERAL.—In any case in which the attorney general of a State has reason to believe that an interest of the residents of the State has been or is threatened or adversely affected by the engagement of any person in a practice that violates this section, the attorney general of the State may, as parens patriae, bring a civil action on behalf of the residents of the State in an appropriate district court of the United States—

(i) to enjoin further violation of such section by such person;

(ii) to compel compliance with such section; and

(iii) to obtain damages, restitution, or other compensation on behalf of such residents.

(B) INVESTIGATORY POWERS.—Nothing in this paragraph may be construed to prevent the attorney general of a State from exercising the powers conferred on the attorney general by the laws of the State to conduct investigations, to administer oaths or affirmations, or to compel the attendance of witnesses or the production of documentary or other evidence.

(C) VENUE; SERVICE OF PROCESS.—

(i) VENUE.—Any action brought under subparagraph (A) may be brought in—

(I) the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code; or

(II) another court of competent jurisdiction.

(ii) SERVICE OF PROCESS.—In an action brought under subparagraph (A), process may be served in any district in which the defendant—

(I) is an inhabitant; or

(II) may be found.

(d) INAPPLICABILITY OF NATIONAL EMERGENCY REQUIREMENT.—The requirements of section 202 of the International Emergency Economic Powers Act (50 U.S.C. 1701) shall not apply for purposes of this section.

(e) DEFINITIONS.—In this section:

(1) BEHOLDEN TO A FOREIGN ADVERSARY.—The term ''beholden to a foreign adversary'' means, with respect to an individual or business, that—

(A) such individual or business acts as a representative, employee, or servant of a foreign adversary or of a person whose activities are directly or indirectly supervised, directed, financed, or subsidized in whole or in major part by a foreign adversary; or

(B) such individual is a member of a foreign political party.

(2) COMMISSION.—The term ''Commission'' means the Federal Trade Commission.

(3) EXPRESS DIRECTION AND CONSENT.—The term ''express direction and consent''—

(A) means, with the respect to the disclosure of sensitive data, the informed, opt-in, voluntary, specific, and unambiguous written consent (which may include written consent provided by electronic means) to the disclosure of such data by the individual to whom the data pertains; and

(B) does not include—

(i) consent secured without first providing to the individual a clear and conspicuous disclosure, apart from any privacy policy, terms of service, terms of use, general release, user agreement, or other similar document, of all information material to the provision of consent;

(ii) consent secured by the individual hovering over, muting, pausing, or closing a given piece of content; or

(iii) an agreement obtained through the use of a user interface designed or manipulated with the substantial effect of subverting or impairing user autonomy, decision making, or choice.

(4) FOREIGN ADVERSARY.—The term ''foreign adversary'' means a country specified in section 4872(d)(2) of title 10, United States Code.

(5) FOREIGN POLITICAL PARTY.—The term ''foreign political party'' includes any organization or any other combination of individuals in a foreign adversary, or any unit or branch thereof, having for an aim or purpose, or which is engaged in any activity devoted in whole or in part to, the establishment, administration, control, or acquisition of administration or control, of a government of a foreign adversary or a subdivision thereof.

(6) PRECISE GEOLOCATION INFORMATION.—The term ''precise geolocation information'' means information that—

(A) is derived from a device or technology; and

(B) reveals the past, present, or historical physical location of an individual or device that identifies or is linked or reasonably linkable to 1 or more individuals, with sufficient precision to identify street level location information of an individual or device or the location of an individual or device within a range of 1,850 feet or less.

(7) SENSITIVE DATA.—The term ''sensitive data'' includes the following:

(A) A government-issued identifier, such as a Social Security number, passport number, or driver's license number.

(B) Any information that describes or reveals the past, present, or future physical health, mental health, disability, diagnosis, or healthcare condition or treatment of an individual.

(C) A financial account number, debit card number, credit card number, or information that describes or reveals the income level or bank account balances of an individual.

(D) Biometric information.

(E) Genetic information.

(F) Precise geolocation information.

(G) An individual's private communications such as voicemails, emails, texts, direct messages, mail, voice communications, and video communications, or information identifying the parties to such communications or pertaining to the transmission of such communications, including telephone numbers called, telephone numbers from which calls were placed, the time calls were made, call duration, and location information of the parties to the call.

(H) Account or device log-in credentials, or security or access codes for an account or device.

(I) Information identifying the sexual behavior of an individual.

(J) Calendar information, address book information, phone or text logs, photos, audio recordings, or videos, maintained for private use by an individual, regardless of whether such information is stored on the individual's device or is accessible from that device and is backed up in a separate location.

(K) A photograph, film, video recording, or other similar medium that shows the naked or undergarment-clad private area of an individual.

(L) Information revealing the video content requested or selected by an individual.

(M) Information about an individual under the age of 18.

(N) An individual's race, color, ethnicity, or religion.

(O) Information identifying an individual's online activities over time and across websites or online services.

(P) Information that reveals the status of an individual as a member of the Armed Forces.

(Q) Any other data that an individual or business operating in the United States sells, licenses, rents, trades, transfers, releases, discloses, provides access to, or otherwise makes available to a foreign government, or individual or business that is beholden to a foreign adversary, for the purpose of identifying the types of data listed in subparagraphs (A) through (P).

(f) RULES OF CONSTRUCTION.—

(1) NATIONAL SECURITY.—Nothing in this Act may be construed to prevent legal country-to-country data transfer between the United States and allies of the United States if such transfer is in direct support of the national security missions and objectives of the United States government.

(2) CRIMINAL INVESTIGATION COMPLIANCE.—Nothing in this Act may be construed to prevent any individual or business operating in the United States from fully complying with any lawful criminal investigation.

(3) EMERGENCY TRANSFER OF PERSONAL DATA.—Nothing in this Act may be construed to prevent an individual from providing their own sensitive data, or that of a dependent, at the express direction and consent of the individual in the event of a medical emergency.

(g) NON-PREEMPTION OF STATE LAW.—

(1) IN GENERAL.—Nothing in this Act, or a regulation promulgated under this Act, shall be construed to preempt, displace, or supplant any State law, expect to the extent that a provision of State law conflicts with a provision of this Act, or a regulation promulgated under this Act, and then only to the extent of the conflict.

(2) STATE LAW CONFLICT MEANING.—For the purposes of this subsection, a provision of State law does not conflict with a provision of this Act, or a regulation promulgated under this Act, if such provision of State law provides greater privacy protection than the privacy protection provided by such provision of this Act or such regulation.

(h) EFFECTIVE DATE.—This section shall take effect on the date that is 60 days after the date of the enactment of this Act.

SA 1883. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

DIVISION ___—STOPPING HARMFUL INCIDENTS TO ENFORCE LAWFUL DRONE USE

SEC. 1. SHORT TITLE.

This division may be cited as the ''Stopping Harmful Incidents to Enforce Lawful Drone Use Act'' or the ''SHIELD U Act''.

SEC. 2. DEFINITIONS.

In this division:

(1) COMMERCIAL SERVICE AIRPORT.—The term ''commercial service airport'' has the meaning given that term in paragraph (7) of section 47102 of title 49, United States Code, and includes the area of navigable airspace necessary to ensure safety in the takeoff and landing of aircraft at the airport.

(2) COVERED AIR CARRIER.—The term ''covered air carrier'' means an air carrier or a foreign air carrier as those terms are defined in section 40102 of title 49, United States Code.

(3) COUNTER-UAS ACTIVITIES.—The term ''Counter-UAS activities'' means the following:

(A) Detecting, identifying, monitoring, and tracking an unmanned aircraft or unmanned aircraft system, without prior consent, including by means of intercept or other access of a wire communication, an oral communication, or an electronic communication used to control the unmanned aircraft or unmanned aircraft system.

(B) Warning an operator of an unmanned aircraft or unmanned aircraft system, including by passive or active, and direct or indirect physical, electronic, radio, and electromagnetic means.

(C) Disrupting control of an unmanned aircraft or unmanned aircraft system, without prior consent, including by disabling the unmanned aircraft or unmanned aircraft system by intercepting, interfering, or causing interference with wire, oral, electronic, or radio communications used to control the unmanned aircraft or unmanned aircraft system.

(D) Seizing or exercising control of an unmanned aircraft or unmanned aircraft system.

(E) Seizing or otherwise confiscating an unmanned aircraft or unmanned aircraft system.

(F) Using reasonable force to disable, damage, or destroy an unmanned aircraft or unmanned aircraft system.

(4) NAVIGABLE AIRSPACE.—The term ''navigable airspace'' has the meaning given that term in paragraph (32) of section 40102 of title 49, United States Code.

(5) NON-KINETIC EQUIPMENT.—The term ''non-kinetic equipment'' means equipment that is used to—

(A) intercept or otherwise access a wire communication, an oral communication, an electronic communication, or a radio communication used to control an unmanned aircraft or unmanned aircraft system; and

(B) disrupt control of the unmanned aircraft or unmanned aircraft system, without prior consent, including by disabling the unmanned aircraft or unmanned aircraft system by intercepting, interfering, or causing

interference with wire, oral, electronic, or radio communications that are used to control the unmanned aircraft or unmanned aircraft system.

(6) THREATS POSED BY AN UNMANNED AIRCRAFT OR UNMANNED AIRCRAFT SYSTEM.—The term ''threats posed by an unmanned aircraft or unmanned aircraft system'' means an unauthorized activity of an unmanned aircraft or unmanned aircraft system that is reasonably believed to—

(A) create the potential for bodily harm to, or loss of human life of, a person within property under the jurisdiction of—

(i) a commercial service airport; or

(ii) a State or locality; or

(B) have the potential to cause severe economic damage to—

(i) property of a commercial service airport; or

(ii) property under the jurisdiction of a State or locality.

(7) UNMANNED AIRCRAFT, UNMANNED AIRCRAFT SYSTEM.—The terms ''unmanned aircraft'' and ''unmanned aircraft system'' have the meanings given those terms in section 44801 of title 49, United States Code.

SEC. 3. COUNTER-UAS ACTIVITIES ON COMMERCIAL SERVICE AIRPORT PROPERTY.

(a) COUNTER-UAS ACTIVITIES.—

(1) IN GENERAL.—Notwithstanding any other provision of law and subject to paragraph (3), with respect to a commercial service airport, the following departments and agencies may, in a manner consistent with the Fourth Amendment to the Constitution of the United States, carry out Counter-UAS activities for purposes of detecting, identifying, and mitigating the threats posed by an unmanned aircraft or unmanned aircraft system to the safety or security of the airport:

(A) The Department of Homeland Security.

(B) The State and local law enforcement agencies in the State in which the airport is located.

(C) The law enforcement agency of the airport.

(2) TESTING AUTHORITY.—Subject to paragraphs (3) and (4), the Secretary of Homeland Security, the heads of the State or local law enforcement agencies of the State in which a commercial service airport is located, or the law enforcement agency of the commercial service airport, may research, test, provide training on, and evaluate any equipment, including any electronic equipment, to determine the capability and utility of the equipment to carry out Counter-UAS activities to detect, identify, and mitigate the threats posed by an unmanned aircraft or unmanned aircraft system to the safety or security of the airport.

(3) AIRPORT OPERATOR CONSENT REQUIRED.—Activities permitted under paragraph (1) or (2) shall only be carried out with the consent of, in consultation with, and with the participation of, the airport operator.

(4) CONSULTATION REQUIREMENT FOR TESTING OF NON-KINETIC EQUIPMENT.—Any testing of non-kinetic equipment carried out under the authority of this subsection shall be done in consultation with the Federal Communications Commission and the National Telecommunications and Information Administration.

(b) NON-KINETIC EQUIPMENT.—

(1) IN GENERAL.—Before adopting any standard operating procedures within a tactical response plan for use of non-kinetic equipment to carry out a Counter-UAS activity under the authority of this section, the Secretary of Homeland Security and the heads of the State, local, or airport law enforcement agencies of the State in which a commercial service airport is located, shall do the following:

(A) Consult with the Federal Communications Commission and the National Telecommunications and Information Administration about the use of non-kinetic equipment to carry out a Counter-UAS activity consistent with the tactical response plan updates required under subsection (c).

(B) Jointly, with the Federal Communications Commission and the National Telecommunications and Information Administration, create a process for an authorized designee of the commercial service airport to, consistent with procedures outlined in the tactical response plan (as updated under subsection (c)), notify the Commission when non-kinetic equipment has been used to carry out a Counter-UAS activity.

(2) FCC AND NTIA DUTIES.—The Federal Communications Commission and the National Telecommunications and Information Administration shall—

(A) not later than 30 days after the date of enactment of this division, assign to an office of the Commission and to an office of the Administration, respectively, responsibility for carrying out the consultation regarding the use of non-kinetic equipment to carry out Counter-UAS activities required by paragraph (1)(A) and the consultation regarding the testing of non-kinetic equipment required by subsection (a)(4); and

(B) not later than 180 days after the responsibility described in subparagraph (A) is assigned to each such office—

(i) publicly designate an office of the Commission and an office of the Administration, respectively, to receive the notifications from commercial service airports required under paragraph (1)(B); and

(ii) make publicly available the process for the Commission and the Administration to carry out any follow up consultation, if necessary.

(3) NONDUPLICATION.—To the greatest extent practicable, the Federal Communications Commission and the National Telecommunications and Information Administration shall coordinate with respect to the consultations, process creation, follow up consultations, and other requirements of this subsection and subsection (a)(4) so as to minimize duplication of requirements, efforts, and expenditures.

(c) TACTICAL RESPONSE PLAN UPDATES.—

(1) TASK FORCE.—Not later than 2 years after the date of enactment of this division, the airport director of each commercial service airport shall convene a task force for purposes of establishing or modifying the emergency action preparedness plan for the airport to include a tactical response plan for the detection, identification, and mitigation of threats posed by an unmanned aircraft or unmanned aircraft system.

(2) REQUIRED COORDINATION.—Each task force convened under paragraph (1) shall coordinate the establishing or modifying of the airport's emergency action preparedness plan with representatives of the following:

(A) The Department of Transportation.

(B) The Federal Aviation Administration.

(C) The Department of Homeland Security.

(D) The State and local law enforcement agencies in the State in which the airport is located.

(E) The law enforcement agency of the airport.

(F) The covered air carriers operating at the airport.

(G) Representatives of general aviation operators at the airport.

(H) Representatives of providers of telecommunications and broadband service with a service area that covers the airport property or the navigable airspace necessary to ensure safety in the takeoff and landing of aircraft at such airport.

(3) DUTIES.—As part of the inclusion of a tactical response plan in the emergency action preparedness plan for a commercial service airport, each task force convened under paragraph (1) shall do the following:

(A) Create and define the various threat levels posed by an unmanned aircraft or unmanned aircraft system to the airport.

(B) Create the standard operating procedures for responding to each threat level defined under subparagraph (A) that include a requirement to minimize collateral damage.

(C) Define and assign to each entity specified in paragraph (2), the role and responsibilities of the entity in carrying out the standard operating procedures for responding to a specified threat posed by an unmanned aircraft or unmanned aircraft system to the airport.

(D) Designate the applicable State and local law enforcement agencies, or the law enforcement agency of the airport, in coordination with the Department of Homeland Security, as the first responders to any specified threat posed by an unmanned aircraft or unmanned aircraft system to the airport.

(E) Narrowly tailor the use of non-kinetic Counter-UAS equipment (if applicable under the standard operating procedures) to only temporary activities necessary to mitigate an immediate threat posed by an unmanned aircraft or unmanned aircraft system to the airport.

(F) Incorporate any existing Federal guidance for updating airport emergency plans for responding to unauthorized unmanned aircraft system operations into 1 tactical response plan for addressing threats posed by an unmanned aircraft or unmanned aircraft system.

(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to require multiple tactical response plans or emergency action preparedness plans for addressing the threats posed by an unmanned aircraft, an unmanned aircraft system, or unauthorized unmanned aircraft system operations.

(d) AIRPORT IMPROVEMENT PROGRAM ELIGIBILITY.—Notwithstanding section 47102 of title 49, United States Code, the definition of the term ''airport development'' under that section shall include the purchase of equipment necessary to carry out Counter-UAS activities at commercial service airports.

(e) BEST PRACTICES.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this division, the Administrator of the Federal Aviation Administration and the Administrator of the Transportation Security Administration acting jointly and in collaboration with airport directors of commercial service airports, shall—

(A) publish guidance regarding best practices for use of Counter-UAS Activities at commercial service airports; and

(B) make such guidance available to the airport director for each commercial service airport in the United States.

(2) ANNUAL UPDATES.—The guidance issued under this subsection shall be annually updated to incorporate the most recent results and conclusions regarding best practices for the use of Counter-UAS activities at commercial service airports.

SEC. 4. COUNTER-UAS ACTIVITIES OFF COMMERCIAL SERVICE AIRPORT PROPERTY.

(a) IN GENERAL.—Notwithstanding any other provision of law, with respect to a State, the State and local law enforcement agencies in the State may, in a manner consistent with the Fourth Amendment to the Constitution of the United States, carry out Counter-UAS activities for purposes of detecting, identifying, and mitigating the threats posed by an unmanned aircraft or unmanned aircraft system within the jurisdiction of the State or locality.

(b) TESTING AUTHORITY.—

(1) IN GENERAL.—

(A) STATES AND LOCALITIES.—Subject to paragraphs (2) and (3), any State or locality of a State may establish testing areas for purposes of researching, testing, providing training on, and evaluating of any equipment, including any electronic equipment, to determine the capability and utility of the equipment to carry out Counter-UAS activities to detect, identify, and mitigate the threats posed by an unmanned aircraft or unmanned aircraft system within the jurisdiction of the State or locality.

(B) PRIVATE SECTOR ENTITIES.—Subject to paragraphs (2) and (3), any private sector entity may establish testing areas for purposes of researching, testing, providing training on, and evaluating of any equipment, including any electronic equipment, to determine the capability and utility of the equipment to carry out Counter-UAS activities to detect, identify, and mitigate the threats posed by an unmanned aircraft or unmanned aircraft system, so long as such activities are carried out in accordance with applicable State and local laws.

(2) FAA COOPERATION.—The Federal Aviation Administration shall cooperate with any action by a State, a locality of a State, or a private sector entity to designate airspace to be used for testing under paragraph (1) unless the State, locality, or entity designates an area of airspace that would create a significant safety hazard to airport operations, air navigation facilities, air traffic control systems, or other components of the national airspace system that facilitate the safe and efficient operation of manned civil, commercial, or military aircraft within the United States.

(3) CONSULTATION REQUIREMENT FOR TESTING OF NON-KINETIC EQUIPMENT.—Any testing of non-kinetic equipment carried out under the authority of this subsection shall be done in consultation with the Federal Communications Commission and the National Telecommunications and Information Administration.

(c) NON-KINETIC EQUIPMENT.—

(1) IN GENERAL.—Before adopting any standard operating procedures for using any non-kinetic equipment to carry out a Counter-UAS activity under the authority of this section, a State or local law enforcement agency shall do the following:

(A) Consult with the Federal Communications Commission and the National Telecommunications and Information Administration about the use of non-kinetic equipment to carry out a Counter-UAS activity and the standard operating procedures that the State or local law enforcement agency will follow for use of such equipment.

(B) Jointly, with the Federal Communications Commission and the National Telecommunications and Information Administration create a process for an authorized designee of the State or local law enforcement agency to notify the Commission when non-kinetic equipment has been used to carry out a Counter-UAS activity.

(2) FCC AND NTIA DUTIES.—The Federal Communications Commission shall—

(A) not later than 30 days after the date of enactment of this division, assign to an office of the Commission and to an office of the Administration, respectively, responsibility for carrying out the consultation regarding the use of non-kinetic equipment to carry out Counter-UAS activities required under paragraph (1)(A) and the consultation regarding the testing of non-kinetic equipment required by subsection (b)(3); and

(B) not later than 180 days after the responsibility described in subparagraph (A) is assigned to each such office—

(i) publicly designate an office of the Commission and an office of the Administration, respectively, to receive the notifications from State or local law enforcement agencies required under paragraph (1)(B); and

(ii) make publicly available the process for the Commission and the Administration to carry out any follow up consultation, if necessary.

(3) NONDUPLICATION.—To the greatest extent practicable, the Federal Communications Commission and the National Telecommunications and Information Administration shall coordinate with respect to the consultations, process creation, follow up consultations, and other requirements of this subsection and subsection (a)(4) so as to minimize duplication of requirements, efforts, and expenditures.

(d) COORDINATION WITH THE FAA.—Section 376 of the FAA Reauthorization Act of 2018 (49 U.S.C. 44802 note) is amended—

(1) in subsection (b), by adding at the end the following:

''(4) Permit a process for an applicable State or local law enforcement agency to notify and coordinate with the Federal Aviation Administration on actions being taken by the State or local law enforcement agency to exercise the Counter-UAS activities authority established under section 4(a) of the SHIELD U Act.''; and

(2) in subsection (c)—

(A) in paragraph (3)(G), by striking ''and'' after the semicolon;

(B) in paragraph (4), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(5) establish a process that allows for collaboration and coordination between the Federal Aviation Administration and the law enforcement of a State or local government with respect to the use of the Counter-UAS activities authority established under section 4(a) of the SHIELD U Act.''.

(e) INTERIM NOTIFICATION PLAN.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this division, the Administrator of the Federal Aviation Administration shall establish a process under which—

(A) the law enforcement agency of a State or local government may notify the Administrator of an active threat posed by an unmanned aircraft or unmanned aircraft system within the jurisdiction of the State or local law enforcement agency and the intent of the agency to facilitate Counter-UAS activities;

(B) the Administrator, based on notice made pursuant to subparagraph (A), shall issue immediate warnings to operators of both manned and unmanned aircraft operating within the area of airspace where the law enforcement agency's Counter-UAS activities are taking place; and

(C) the Administrator and the State and local law enforcement agency notify UAS operators and manned operators in the area that an area of airspace is clear once the State and local law enforcement have concluded the Counter-UAS activities to mitigate the threat.

(2) SUNSET.—The process established under paragraph (1) shall terminate on the date on which the unmanned aircraft systems traffic management system required under section 376 of the FAA Reauthorization Act of 2018 (49 U.S.C. 44802 note) is fully implemented.

SEC. 5. AUTHORITY TO ENTER INTO CONTRACTS TO PROTECT FACILITIES FROM UNMANNED AIRCRAFT.

(a) AUTHORITY.—The following Federal departments are authorized to enter into contracts to carry out the following authorities:

(1) The Department of Defense for the purpose of carrying out activities under section 130i of title 10, United States Code.

(2) The Department of Homeland Security for the purpose of carrying out activities under section 210G of the Homeland Security Act of 2002 (6 U.S.C. 124n).

(3) The Department of Justice for the purpose of carrying out activities under section 210G of the Homeland Security Act of 2002 (6 U.S.C. 124n).

(4) The Department of Energy for the purpose of carrying out activities under section 4510 of the Atomic Energy Defense Act (50 U.S.C. 2661).

(b) FEDERAL ACQUISITION REGULATION.—Not later than 180 days after the date of the enactment of this division, the Federal Acquisition Regulatory Council shall amend the Federal Acquisition Regulation to implement the authority provided under subsection (a).

(c) ANNUAL PUBLICATION OF RECOMMENDED VENDORS AND EQUIPMENT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this division, and annually thereafter, the Director of the Office of Management and Budget, in consultation with the Secretary of Defense, the Secretary of Homeland Security, the Attorney General, the Secretary of Energy, the Secretary of Transportation, and the heads of such other Federal departments or agencies as determined appropriate by the Director of the Office of Management and Budget, shall publish and make available to State and local governments the following:

(A) A list of vendors that are eligible under the Federal Acquisition Regulation to enter into contracts with the Federal Government to carry out Counter-UAS activities.

(B) A list of Counter-UAS equipment that is recommended by the Federal Government to carry out Counter-UAS activities.

(2) ANNUAL RISK ASSESSMENT.—The Director of the Office of Management and Budget, in consultation with the heads of the applicable Federal departments and agencies, shall review and reassess the vendors and equipment specified on the lists required to be published and made available under paragraph (1) based on a risk assessment that is jointly considered by the applicable agencies as part of each annual update of such lists.

SEC. 6. FEDERAL LAW ENFORCEMENT TRAINING.

Section 884(c) of the Homeland Security Act of 2002 (6 U.S.C. 464(c)) is amended—

(1) in paragraph (9), by striking ''and'' at the end;

(2) by redesignating paragraph (10) as paragraph (11); and

(3) by inserting after paragraph (9) the following:

''(10) develop and implement homeland security and law enforcement training curricula related to the use of Counter-UAS activities (as defined in section 2 of the SHIELD U Act) to protect against a threat from an unmanned aircraft or unmanned aircraft system (as such terms are defined in section 210G), which shall—

''(A) include—

''(i) training on the use of both kinetic and non-kinetic equipment;

''(ii) training on the tactics used to detect, identify, and mitigate a threat from an unmanned aircraft or unmanned aircraft system; and

''(iii) such other curricula or training the Director believes necessary; and

''(B) be made available to Federal, State, local, Tribal, and territorial law enforcement and security agencies and private sector security agencies; and''.

SEC. 7. AUTHORIZED USE OF JAMMING TECHNOLOGY.

Title III of the Communications Act of 1934 (47 U.S.C. 301 et seq.) is amended—

(1) in section 301 (47 U.S.C. 301)—

(A) by striking ''It is'' and inserting the following:

''(a) IN GENERAL.—It is''; and

(B) by adding at the end the following:

''(b) EXCEPTION FOR AN UNMANNED AIRCRAFT AND UNMANNED AIRCRAFT SYSTEM.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'covered equipment' means equipment that is used to—

''(i) intercept or otherwise access a wire communication, an oral communication, an electronic communication, or a radio communication used to control an unmanned aircraft or unmanned aircraft system; and

''(ii) disrupt control of an unmanned aircraft or unmanned aircraft system, without prior consent, including by disabling the unmanned aircraft or unmanned aircraft system by intercepting, interfering, or causing interference with wire, oral, electronic, or radio communications that are used to control the unmanned aircraft or unmanned aircraft system; and

''(B) the terms 'unmanned aircraft' and 'unmanned aircraft system' have the meanings given those terms in section 44801 of title 49, United States Code.

''(2) EXCEPTION.—Subsection (a) shall not apply with respect to actions taken by State or local law enforcement or the law enforcement agency of a commercial service airport using covered equipment in consultation with the Commission to detect, identify, or mitigate a threat posed by an unmanned aircraft or unmanned aircraft system.'';

(2) in section 302 (47 U.S.C. 302a), by adding at the end the following:

''(g) EXCEPTION FOR AN UNMANNED AIRCRAFT AND UNMANNED AIRCRAFT SYSTEM.—

''(1) DEFINITIONS.—In this subsection, the terms 'covered equipment', 'unmanned aircraft', and 'unmanned aircraft system' have the meanings given those terms in section 301.

''(2) EXCEPTION.—The provisions of this section shall not apply with respect to actions taken by State or local law enforcement or the law enforcement agency of a commercial service airport using covered equipment in consultation with the Commission to detect, identify, or mitigate a threat posed by an unmanned aircraft or unmanned aircraft system.''; and

(3) in section 333 (47 U.S.C. 333)—

(A) by striking ''No person'' and inserting the following:

''(a) IN GENERAL.—No person''; and

(B) by adding at the end the following:

''(b) EXCEPTION FOR AN UNMANNED AIRCRAFT AND UNMANNED AIRCRAFT SYSTEM.—

''(1) DEFINITIONS.—In this subsection, the terms 'covered equipment', 'unmanned aircraft', and 'unmanned aircraft system' have the meanings given those terms in section 301(b).

''(2) EXCEPTION.—Subsection (a) shall not apply with respect to actions taken by State or local law enforcement or the law enforcement agency of a commercial service airport using covered equipment in consultation with the Commission to detect, identify, or mitigate a threat posed by an unmanned aircraft or unmanned aircraft system.''.

SEC. 8. NO ABROGATION OF TRADITIONAL POLICE POWERS.

Nothing in this division or the amendments made by this division shall be construed to abrogate the inherent authority of a State government or subdivision thereof from using their traditional police powers, including (but not limited to) the authority to counter an imminent threat to public health or safety.

SA 1884. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. MODIFYING DEFINITION OF "CONTROLLED BY A FOREIGN ADVERSARY".

Notwithstanding any other provision of any division of this Act, for purposes of section 2 of division H, the term ''controlled by a foreign adversary'' means, with respect to a covered company or other entity, that such company or other entity is—

(1) a foreign person that is domiciled in, is headquartered in, has its principal place of business in, or is organized under the laws of a foreign adversary country;

(2) an entity with respect to which a foreign person or combination of foreign persons described in paragraph (1) directly or indirectly own at least a 20 percent stake; or

(3) subject to the control (as defined in section 800.208 of title 31, Code of Federal Regulations, as in effect on the date of enactment of this Act) of a foreign person or entity described in paragraph (1) or (2).

SA 1885. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROHIBITION ON ACTIONS TO CARRY OUT THE DEPARTMENT OF COMMERCE'S PAUSE IN THE ISSUANCE OF NEW EXPORT LICENSES FOR CERTAIN EXPORTS UNDER THE COMMERCE CONTROL LIST.

Effective beginning on the date of the enactment of this Act, the Secretary of Commerce—

(1) may not take any action to carry out the Department of Commerce's assessment or any policy changes resulting from the assessment announced on October 27, 2023, relating to the Department's pause in the issuance of new export licenses for exports of all items controlled under Export Control Classification Numbers 0A501, 0A502, 0A504, and 0A505 of the Commerce Control List; and

(2) may not take any substantially similar action to pause or otherwise suspend or prohibit the issuance of new export licenses for exports of any or all items described in paragraph (1).

SA 1886. Mr. VAN HOLLEN submitted an amendment intended to be proposed by him to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. No funds or security assistance may be provided by the United States to the Government of Israel for offensive military operations (excluding any funds used for air defense or other strictly defensive purposes) unless the President submits written certification to Congress, not less frequently than every 30 days while Israel Defense Forces are engaged in such military operations in Gaza, that the Government of Israel—

(1) has fully cooperated in the delivery of humanitarian assistance into Gaza;

(2) has not launched an invasion of the City of Rafah; and

(3) has allowed an independent investigation into the deaths of all humanitarian aid workers killed in Gaza.

SA 1887. Mr. VAN HOLLEN submitted an amendment intended to be proposed by him to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 308 and insert the following:

SEC. 308. CONTRIBUTIONS TO UNITED NATIONS RELIEF AND WORKS AGENCY FOR PALESTINE REFUGEES IN THE NEAR EAST.

(a) IN GENERAL.—Notwithstanding any other provision of law, including section 301 of division G of the Further Consolidated Appropriations Act, 2024 (Public Law 118–47), except as provided in subsection (b), the United States Government may make contributions and grants to the United Nations Relief and Works Agency for Palestine Refugees in the Near East.

(b) EXCEPTION FOR CONTRIBUTIONS AND GRANTS IN GAZA.—

(1) IN GENERAL.—The authority under subsection (a) shall not apply to contributions and grants to the United Nations Relief and Works Agency for Palestine Refugees in the Near East in Gaza during the period beginning on the date of the enactment of this Act and ending on March 25, 2025.

(2) CERTIFICATION.—

(A) IN GENERAL.—Subject to subparagraph (B), the limitation under paragraph (1) shall not apply if the President certifies to Congress that—

(i) the United Nations Office of Internal Oversight Services has completed an investigation into allegations of wrongdoing by certain employees of the United Nations Relief and Works Agency; and

(ii) the United Nations has taken appropriate remedial action, including implementation of all recommendations from that investigation.

(B) NOTIFICATION.—Upon making a certification under subparagraph (A), the President shall promptly notify Congress in writing.

(3) REPORT.—Not later than 30 days after the date of the enactment of this Act, the Secretary of State shall certify and report to Congress that oversight policies, processes, and procedures have been established by the Department of State and the United States Agency for International Development, as appropriate, in coordination with other bilateral and multilateral donors and the Government of Israel, as appropriate, and are in use by such entities, to prevent the significant diversion, misuse, or destruction of humanitarian assistance, including by international organizations, Hamas, and any other terrorist entity in Gaza.

SA 1888. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 815, to amend title 38, United States Code, to make certain

improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. TREATMENT OF AN AGREEMENT TO ESTABLISH AN INTERNATIONAL FUND TO COMPENSATE UKRAINE AS A TREATY.

Notwithstanding any provision of division F of this Act, an agreement or arrangement to establish a common international mechanism pursuant to section 105(a) of that division shall be considered a treaty and submitted to the Senate for its advice and consent under clause 2 of section 2 of article II of the Constitution of the United States.

SA 1889. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. CONGRESSIONAL APPROVAL REQUIRED FOR TRANSFERS OF RUSSIAN SOVEREIGN ASSETS TO UKRAINE.

(a) NO FORCE OR EFFECT OF RESOLUTION OF DISAPPROVAL.—Subsection (h) of section 104 of division F of this Act shall have no force or effect.

(b) JOINT RESOLUTION OF APPROVAL REQUIRED.—Notwithstanding any provision of division F of this Act, no funds may be transferred pursuant to section 104(f) of that division unless, within 15 days of receipt of the notification required under paragraph (3) of that section, a joint resolution is enacted into law authorizing the transfer.

SA 1890. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROHIBITION USE OF AUTHORITIES UNDER REPO FOR UKRAINIANS ACT UNTIL EXHAUSTION OF ALL RUSSIAN SOVEREIGN ASSETS UNDER EUROPEAN JURISDICTION.

Notwithstanding any provision of division F of this Act, the President may not take any action under section 104 of that division until all Russian sovereign assets under the jurisdiction of any European country have been exhausted.

SA 1891. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

In division A, strike section 704 and insert the following:

SEC. 704. REPORT WITH UKRAINE STRATEGY.

(a) IN GENERAL.—Only 2 percent of the amounts appropriated or otherwise made available by this Act for assistance to Ukraine may be obligated or expended until the President, in coordination with the Secretary of Defense and the Secretary of State, develops and submits to Congress a comprehensive report that contains a strategy for United States involvement in Ukraine.

(b) ELEMENTS.—The report required by subsection (a) shall—

(1) define the United States national interests at stake with respect to the conflict between the Russian Federation and Ukraine;

(2) identify specific objectives the President believes must be achieved in Ukraine in order to protect the United States national interests defined in paragraph (1), and for each objective—

(A) an estimate of the amount of time required to achieve the objective, with an explanation;

(B) benchmarks to be used by the President to determine whether an objective has been met, is in the progress of being met, or cannot be met in the time estimated to be required in subparagraph (A); and

(C) estimates of the amount of resources, including United States personnel, materiel, and funding, required to achieve the objective;

(3) list the expected contribution for security assistance made by European member countries of the North Atlantic Treaty Organization within the next fiscal year; and

(4) provide an assessment of the impact of the Russian Federation's dominance of the natural gas market in Europe on the ability to resolve the ongoing conflict with Ukraine.

(c) REQUIREMENTS FOR STRATEGY.—The strategy included in the report required under subsection (a)—

(1) shall be designed to achieve a cease-fire in which the Russian Federation and Ukraine agree to abide by the terms and conditions of such cease-fire; and

(2) may not be contingent on United States involvement of funding of Ukrainian reconstruction.

(d) FORM.—The report required by subsection (a)—

(1) shall be submitted in an unclassified form; and

(2) shall include a classified annex if necessary to provide the most holistic picture of information to Congress as required under this section.

(e) CONGRESS DEFINED.—In this section, the term ''Congress'' means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate;

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(3) any Member of Congress upon request.

SA 1892. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. CONGRESSIONAL APPROVAL FOR PRESIDENTIAL DRAWDOWN AUTHORITY IN EXCESS OF FISCAL YEAR LIMITATION.

Section 506(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2318(a)) is amended—

(1) in paragraph (1), in the undesignated matter following subparagraph (B), by inserting '', except as provided in paragraph (6)'' after ''fiscal year''; and

(2) by adding at the end the following new paragraph:

''(6)(A) The President may use the authority provided by paragraph (1) when the aggregate value of the use of such authority would exceed $100,000,000 in a fiscal year if—

''(i) the President submits to Congress—

''(I) a request for authorization to use such authority resulting in an aggregate value that exceeds $100,000,000; and

''(II) a report that an unforeseen emergency exists, in accordance with paragraph (1); and

''(ii) after the submission of such request and report, there is enacted a joint resolution or other provision of law approving the authorization requested.

''(B)(i) Each request submitted under subparagraph (A)(i) may only request authorization for the use of the authority provided by paragraph (1) for one intended recipient country.

''(ii) A resolution described in subparagraph (A)(ii) may only approve a request for authorization for the use of the authority provided by paragraph (1) for one intended recipient country.

''(C)(i) Any resolution described in subparagraph (A)(ii) may be considered by Congress using the expedited procedures set forth in this subparagraph.

''(ii) For purposes of this subparagraph, the term 'resolution' means only a joint resolution of the two Houses of Congress—

''(I) the title of which is as follows: 'A joint resolution approving the use of the special authority provided by section 506(a)(1) of the Foreign Assistance Act of 1961 in excess of the fiscal year limitation.';

''(II) which does not have a preamble; and

''(III) the sole matter after the resolving clause of which is as follows: 'The proposed use of the special authority provided by section 506(a)(1) of the Foreign Assistance Act of 1961 in excess of the fiscal year limitation, to respond to the unforeseen emergency in _____, which was received by Congress on _____(Transmittal number), is authorized', with the name of the intended recipient country and transmittal number inserted.

''(iii) A resolution described in clause (ii) that is introduced in the Senate shall be referred to the Committee on Foreign Relations of the Senate. A resolution described in clause (ii) that is introduced in the House of Representatives shall be referred to the Committee on Foreign Affairs of the House of Representatives.

''(iv) If the committee to which a resolution described in clause (ii) is referred has not reported such resolution (or an identical resolution) by the end of 10 calendar days beginning on the date of introduction, such committee shall be, at the end of such period, discharged from further consideration of such resolution, and such resolution shall be placed on the appropriate calendar of the House involved.

''(v)(I) On or after the third calendar day after the date on which the committee to which such a resolution is referred has reported, or has been discharged (under clause (iv)) from further consideration of, such a resolution, it is in order for any Member of

the respective House to move to proceed to the consideration of the resolution. All points of order against the resolution (and against consideration of the resolution) are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the respective House shall immediately proceed to consideration of the joint resolution without intervening motion, order, or other business, and the resolution shall remain the unfinished business of the respective House until disposed of.

''(II) Debate on the resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the resolution. An amendment to the resolution is not in order. A motion further to limit debate is in order and not debatable. A motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order. A motion to reconsider the vote by which the resolution is agreed to or disagreed to is not in order.

''(III) Immediately following the conclusion of the debate on the resolution and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the resolution shall occur.

''(IV) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution shall be decided without debate.

''(vi)(I) If, before passage by one House of a resolution of that House described in clause (ii), that House receives from the other House a resolution described in clause (ii), then the following procedures shall apply:

''(aa) The resolution of the other House shall not be referred to a committee.

''(bb) The consideration as described in clause (v) in that House shall be the same as if no resolution had been received from the other House, but the vote on final passage shall be on the resolution of the other House.

''(II) Upon disposition of the resolution received from the other House, it shall no longer be in order to consider the resolution that originated in the receiving House.

''(III) This subparagraph is enacted by Congress—

''(aa) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in clause (ii), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

''(bb) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.''.

SA 1893. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROHIBITION ON USE OF PRESIDENTIAL DRAWDOWN AUTHORITY WHEN REMAINING VALUE EXCEEDS AMOUNTS AVAILABLE FOR STOCKPILE REPLENISHMENT.

Section 506(a)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2318(a)(1)) is amended by adding at the end the following new sentence: ''Whenever the remaining value of the authority provided by this paragraph exceeds the amounts available to the Secretary of Defense for the replenishment of stockpiles, the President may not use such authority.''.

SA 1894. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. None of the amounts appropriated or otherwise made available by this Act for assistance to Ukraine may be obligated or expended until 90 days after the President has initiated peace negotiations between the Governments of Ukraine and the Russian Federation.

SA 1895. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. None of the amounts appropriated or otherwise made available for Ukraine under this Act may be made available for reconstruction activities, including multi-year reconstruction projects.

SA 1896. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. None of the amounts appropriated or otherwise made available by this Act for assistance to Ukraine may be obligated or expended after September 30, 2024.

SA 1897. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ___—EMERGENCY WAR FUNDING REFORM

SEC. ___1. SHORT TITLE.

This title may be cited as the ''Restraining Emergency War Spending Act''.

SEC. ___2. DEFINITION OF EMERGENCY WAR FUNDING.

For purposes of determining eligible costs for emergency war funding, the term ''emergency war funding'' means—

(1) a contingency operation (as defined in section 101(a) of title 10, United States Code) conducted by the Department of Defense that—

(A) is conducted in a foreign country;

(B) has geographical limits;

(C) is not longer than 60 days; and

(D) provides only—

(i) replacement of ground equipment lost or damaged in conflict;

(ii) equipment modifications;

(iii) munitions;

(iv) replacement of aircraft lost or damaged in conflict;

(v) military construction for short-term temporary facilities;

(vi) direct war operations; and

(vii) fuel;

(2) the training, equipment, and sustainment activities for foreign military forces by the United States;

(3) the provision of defense articles over $100,000,000 to a single recipient nation or allied group of nations; or

(4) assistance provided for the reconstruction of a nation or group of nations in or immediately post-active conflict.

SEC. ___3. POINT OF ORDER AGAINST FUNDING FOR CONTINGENCY OPERATIONS THAT DOES NOT MEET THE REQUIREMENTS FOR EMERGENCY WAR FUNDING.

(a) IN GENERAL.—Title IV of the Congressional Budget Act of 1974 (2 U.S.C. 651 et seq.) is amended by adding at the end the following:

''PART C—ADDITIONAL LIMITATIONS ON BUDGETARY AND APPROPRIATIONS LEGISLATION

''SEC. 441. POINT OF ORDER AGAINST FUNDING FOR CONTINGENCY OPERATIONS THAT DOES NOT MEET THE REQUIREMENTS FOR EMERGENCY WAR FUNDING.

''(a) DEFINITIONS.—In this section—

''(1) the term 'contingency operation' has the meaning given that term in section 101 of title 10, United States Code; and

''(2) the term 'emergency war funding' has the meaning given that term in section ___2 of the Restraining Emergency War Spending Act.

''(b) POINT OF ORDER.—

''(1) IN GENERAL.—In the Senate, it shall not be in order to consider a provision in a bill, joint resolution, motion, amendment, amendment between the Houses, or conference report that provides new budget authority for a contingency operation, unless the provision of new budget authority meets the requirements to constitute emergency war funding.

''(2) POINT OF ORDER SUSTAINED.—If a point of order is made by a Senator against a provision described in paragraph (1), and the point of order is sustained by the Chair, that

provision shall be stricken from the measure and may not be offered as an amendment from the floor.

''(c) FORM OF THE POINT OF ORDER.—A point of order under subsection (b)(1) may be raised by a Senator as provided in section 313(e).

''(d) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill or joint resolution, upon a point of order being made by any Senator pursuant to subsection (b)(1), and such point of order being sustained, such material contained in such conference report or House amendment shall be stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

''(e) SUPERMAJORITY WAIVER AND APPEAL.—

''(1) WAIVER.—Subsection (b)(1) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

''(2) APPEALS.—Debate on appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (b)(1).''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Congressional Budget Act of 1974 is amended by inserting after the item relating to section 428 the following:

''PART C—ADDITIONAL LIMITATIONS ON BUDGETARY AND APPROPRIATIONS LEGISLATION

''Sec. 441. Point of order against funding for contingency operations that does not meet the requirements for emergency war funding.''.

SA 1898. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

Amend section 614 to read as follows:

SEC. 614. None of the funds appropriated or otherwise made available by this division and division B of this Act, and prior Acts making appropriations for the Department of State, foreign operations, and related programs, may be made available for assessed or voluntary contributions, grants, or other payments to the United Nations Relief and Works Agency or to any other organ, specialized agency, commission, or other formally affiliated body of the United Nations that provides funding or otherwise operates in Gaza, notwithstanding any other provision of law.

SA 1899. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. None of the amounts appropriated or otherwise made available by this Act may be made available to facilitate the use of military force against Iran, including any deployments to forward operating bases in Iraq and Syria, absent express authorization from Congress.

SA 1900. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Effective January 1, 2026, the following laws are hereby repealed:

(1) The Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107–243; 116 Stat. 1498; 50 U.S.C. 1541 note).

(2) The Authorization for Use of Military Force (Public Law 107–40; 50 U.S.C. 1541 note).

SA 1901. Mrs. BLACKBURN submitted an amendment intended to be proposed by her to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. SUSPENSION ON RELEASING FUNDS TO IRAN.

Notwithstanding any other provision of this Act, no Executive Branch official may unfreeze, issue a waiver, or otherwise release any funds to the Islamic Republic of Iran until all hostages (or the remains of any deceased hostages), who were taken in connection with the October 7, 2023, terrorist attack on Israel have been released.

SA 1902. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

Strike p. 59, line 6 and all that follows through p. 69 and insert the following:

(c) LIMITATION ON ARRANGEMENT TERMS.—

(1) IN GENERAL.—The arrangement required under subsection (a) may not provide for the cancellation of any or all amounts of indebtedness.

(2) USE OF PAYMENTS.—All payments received by the Government of the United States from the Government of Ukraine resulting from any loan authorized by this Act shall be exclusively and indefinitely reserved for—

(A) the construction of a wall along the southern land border of the United States; and

(B) other measures to improve the security of the borders of the United States.

SA 1903. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

DIVISION ____—NO FORCE OR EFFECT OF PROTECTING AMERICANS FROM FOREIGN ADVERSARY CONTROLLED APPLICATIONS ACT

SEC. 1. NO FORCE OR EFFECT OF PROTECTING AMERICANS FROM FOREIGN ADVERSARY CONTROLLED APPLICATIONS ACT.

Division H of this Act shall have no force or effect.

DIVISION ____—PROTECTING AMERICANS' DATA FROM FOREIGN SURVEILLANCE ACT OF 2023

SEC. 1. SHORT TITLE.

This division may be cited as the ''Protecting Americans' Data From Foreign Surveillance Act of 2023''.

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) accelerating technological trends have made sensitive personal data an especially valuable input to activities that foreign adversaries of the United States undertake to threaten both the national security of the United States and the privacy that the people of the United States cherish;

(2) it is therefore essential to the safety of the United States and the people of the United States to ensure that the United States Government makes every effort to prevent sensitive personal data from falling into the hands of malign foreign actors; and

(3) because allies of the United States face similar challenges, in implementing this division, the United States Government should explore the establishment of a shared zone of mutual trust with respect to sensitive personal data.

SEC. 3. REQUIREMENT TO CONTROL THE EXPORT OF CERTAIN PERSONAL DATA OF UNITED STATES NATIONALS AND INDIVIDUALS IN THE UNITED STATES.

(a) IN GENERAL.—Part I of the Export Control Reform Act of 2018 (50 U.S.C. 4811 et seq.) is amended by inserting after section 1758 the following:

''SEC. 1758A. REQUIREMENT TO CONTROL THE EXPORT OF CERTAIN PERSONAL DATA OF UNITED STATES NATIONALS AND INDIVIDUALS IN THE UNITED STATES.

''(a) IDENTIFICATION OF CATEGORIES OF PERSONAL DATA.—

''(1) IN GENERAL.—The Secretary shall, in coordination with the heads of the appropriate Federal agencies, identify categories of personal data of covered individuals that could—

''(A) be exploited by foreign governments or foreign adversaries; and

''(B) if exported, reexported, or in-country transferred in a quantity that exceeds the threshold established under paragraph (3), harm the national security of the United States.

''(2) LIST REQUIRED.—In identifying categories of personal data of covered individuals under paragraph (1), the Secretary, in coordination with the heads of the appropriate Federal agencies, shall—

''(A) identify an initial list of such categories not later than one year after the date of the enactment of the Protecting Americans' Data From Foreign Surveillance Act of 2023; and

''(B) as appropriate thereafter and not less frequently than every 5 years, add categories to, remove categories from, or modify categories on, that list.

''(3) ESTABLISHMENT OF THRESHOLD.—

''(A) ESTABLISHMENT.—Not later than one year after the date of the enactment of the Protecting Americans' Data From Foreign Surveillance Act of 2023, the Secretary, in coordination with the heads of the appropriate Federal agencies, shall establish a threshold for determining when the export, reexport, or in-country transfer (in the aggregate) of the personal data of covered individuals by one person to or in a restricted country could harm the national security of the United States.

''(B) NUMBER OF COVERED INDIVIDUALS AFFECTED.—

''(i) IN GENERAL.—Except as provided by clause (ii), the Secretary shall establish the threshold under subparagraph (A) so that the threshold is—

''(I) not lower than the export, reexport, or in-country transfer (in the aggregate) by one person to or in a restricted country during a calendar year of the personal data of 10,000 covered individuals; and

''(II) not higher than the export, reexport, or in-country transfer (in the aggregate) by one person to or in a restricted country during a calendar year of the personal data of 1,000,000 covered individuals.

''(ii) EXPORTS BY CERTAIN FOREIGN PERSONS.—In the case of a person that possesses the data of more than 1,000,000 covered individuals, the threshold established under subparagraph (A) shall be one export, reexport, or in-country transfer of personal data to or in a restricted country by that person during a calendar year if the export, reexport, or in-country transfer is to—

''(I) the government of a restricted country;

''(II) a foreign person that owns or controls the person conducting the export, reexport, or in-country transfer and that person knows, or should know, that the export, reexport, or in-country transfer of the personal data was requested by the foreign person to comply with a request from the government of a restricted country; or

''(III) an entity on the Entity List maintained by the Bureau of Industry and Security of the Department of Commerce and set forth in Supplement No. 4 to part 744 of the Export Administration Regulations.

''(C) CATEGORY THRESHOLDS.—The Secretary, in coordination with the heads of the appropriate Federal agencies, may establish a threshold under subparagraph (A) for each category (or combination of categories) of personal data identified under paragraph (1).

''(D) UPDATES.—The Secretary, in coordination with the heads of the appropriate Federal agencies—

''(i) may update a threshold established under subparagraph (A) as appropriate; and

''(ii) shall reevaluate the threshold not less frequently than every 5 years.

''(E) TREATMENT OF PERSONS UNDER COMMON OWNERSHIP AS ONE PERSON.—For purposes of determining whether a threshold established under subparagraph (A) has been met—

''(i) all exports, reexports, or in-country transfers involving personal data conducted by persons under the ownership or control of the same person shall be aggregated to that person; and

''(ii) that person shall be liable for any export, reexport, or in-country transfer in violation of this section.

''(F) CONSIDERATIONS.—In establishing a threshold under subparagraph (A), the Secretary, in coordination with the heads of the appropriate Federal agencies, shall seek to balance the need to protect personal data from exploitation by foreign governments and foreign adversaries against the likelihood of—

''(i) impacting legitimate business activities, research activities, and other activities that do not harm the national security of the United States; or

''(ii) chilling speech protected by the First Amendment to the Constitution of the United States.

''(4) DETERMINATION OF PERIOD FOR PROTECTION.—The Secretary, in coordination with the heads of the appropriate Federal agencies, shall determine, for each category (or combination of categories) of personal data identified under paragraph (1), the period of time for which encryption technology described in subsection (b)(4)(A)(iii) is required to be able to protect that category (or combination of categories) of data from decryption to prevent the exploitation of the data by a foreign government or foreign adversary from harming the national security of the United States.

''(5) USE OF INFORMATION; CONSIDERATIONS.—In carrying out this subsection (including with respect to the list required under paragraph (2)), the Secretary, in coordination with the heads of the appropriate Federal agencies, shall—

''(A) use multiple sources of information, including—

''(i) publicly available information;

''(ii) classified information, including relevant information provided by the Director of National Intelligence;

''(iii) information relating to reviews and investigations of transactions by the Committee on Foreign Investment in the United States under section 721 of the Defense Production Act of 1950 (50 U.S.C. 4565);

''(iv) the categories of sensitive personal data described in paragraphs (1)(ii) and (2) of section 800.241(a) of title 31, Code of Federal Regulations, as in effect on the day before the date of the enactment of the Protecting Americans' Data From Foreign Surveillance Act of 2023, and any categories of sensitive personal data added to such section after such date of enactment;

''(v) information provided by the advisory committee established pursuant to paragraph (7); and

''(vi) the recommendations (which the Secretary shall request) of—

''(I) experts in privacy, civil rights, and civil liberties, identified by the National Academy of Sciences; and

''(II) experts on the First Amendment to the Constitution of the United States identified by the American Bar Association; and

''(B) take into account—

''(i) the significant quantity of personal data of covered individuals that is publicly available by law or has already been stolen or acquired by foreign governments or foreign adversaries;

''(ii) the harm to United States national security caused by the theft or acquisition of that personal data;

''(iii) the potential for further harm to United States national security if that personal data were combined with additional sources of personal data;

''(iv) the fact that non-sensitive personal data, when analyzed in the aggregate, can reveal sensitive personal data;

''(v) the commercial availability of inferred and derived data; and

''(vi) the potential for especially significant harm from data and inferences related to sensitive domains, such as health, work, education, criminal justice, and finance.

''(6) NOTICE AND COMMENT PERIOD.—The Secretary shall provide for a public notice and comment period after the publication in the Federal Register of a proposed rule, and before the publication of a final rule—

''(A) identifying the initial list of categories of personal data under subparagraph (A) of paragraph (2);

''(B) adding categories to, removing categories from, or modifying categories on, that list under subparagraph (B) of that paragraph;

''(C) establishing or updating the threshold under paragraph (3); or

''(D) setting forth the period of time for which encryption technology described in subsection (b)(4)(A)(iii) is required under paragraph (4) to be able to protect such a category of data from decryption.

''(7) ADVISORY COMMITTEE.—

''(A) IN GENERAL.—The Secretary shall establish an advisory committee to advise the Secretary with respect to privacy and sensitive personal data.

''(B) MEMBERSHIP.—The committee established pursuant to subparagraph (A) shall include the following members selected by the Secretary:

''(i) Experts on privacy and cybersecurity.

''(ii) Representatives of United States private sector companies, industry associations, and scholarly societies.

''(iii) Representatives of civil society groups, including such groups focused on protecting civil rights and civil liberties.

''(C) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—Subsections (a)(1), (a)(3), and (b) of section 10 and sections 11, 13, and 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory committee established pursuant to subparagraph (A).

''(8) TREATMENT OF ANONYMIZED PERSONAL DATA.—

''(A) IN GENERAL.—In carrying out this subsection, the Secretary may not treat anonymized personal data differently than identifiable personal data unless the Secretary is confident, based on the method of anonymization used and the period of time determined under paragraph (4) for protection of the category of personal data involved, it will not be possible for well-resourced adversaries, including foreign governments, to re-identify the individuals to which the anonymized personal data relates, such as by using other sources of data, including non-public data obtained through hacking and espionage, and reasonably anticipated advances in technology.

''(B) GUIDANCE.—The Under Secretary of Commerce for Standards and Technology shall issue guidance to the public with respect to methods for anonymizing data and how to determine if individuals to which the anonymized personal data relates can be, or are likely in the future to be, reasonably identified, such as by using other sources of data.

''(9) SENSE OF CONGRESS ON IDENTIFICATION OF CATEGORIES OF PERSONAL DATA.—It is the

sense of Congress that, in identifying categories of personal data of covered individuals under paragraph (1), the Secretary should, to the extent reasonably possible and in coordination with the Secretary of the Treasury and the Director of the Office of Management and Budget, harmonize those categories with the categories of sensitive personal data described in paragraph (5)(A)(iv).

''(b) COMMERCE CONTROLS.—

''(1) CONTROLS REQUIRED.—Beginning 18 months after the date of the enactment of the Protecting Americans' Data From Foreign Surveillance Act of 2023, the Secretary shall impose appropriate controls under the Export Administration Regulations on the export or reexport to, or in-country transfer in, all countries (other than countries on the list required by paragraph (2)(D)) of covered personal data in a manner that exceeds the applicable threshold established under subsection (a)(3), including through interim controls (such as by informing a person that a license is required for export, reexport, or in-country transfer of covered personal data), as appropriate, or by publishing additional regulations.

''(2) LEVELS OF CONTROL.—

''(A) IN GENERAL.—Except as provided in subparagraph (C) or (D), the Secretary shall—

''(i) require a license or other authorization for the export, reexport, or in-country transfer of covered personal data in a manner that exceeds the applicable threshold established under subsection (a)(3);

''(ii) determine whether that export, reexport, or in-country transfer is likely to harm the national security of the United States—

''(I) after consideration of the matters described in subparagraph (B); and

''(II) in coordination with the heads of the appropriate Federal agencies; and

''(iii) if the Secretary determines under clause (ii) that the export, reexport, or in-country transfer is likely to harm the national security of the United States, deny the application for the license or other authorization for the export, reexport, or in-country transfer.

''(B) CONSIDERATIONS.—In determining under clause (ii) of subparagraph (A) whether an export, reexport, or in-country transfer of covered personal data described in clause (i) of that subparagraph is likely to harm the national security of the United States, the Secretary, in coordination with the heads of the appropriate Federal agencies, shall take into account—

''(i) the adequacy and enforcement of data protection, surveillance, and export control laws in the foreign country to which the covered personal data would be exported or reexported, or in which the covered personal data would be transferred, in order to determine whether such laws, and the enforcement of such laws, are sufficient to—

''(I) protect the covered personal data from accidental loss, theft, and unauthorized or unlawful processing;

''(II) ensure that the covered personal data is not exploited for intelligence purposes by foreign governments to the detriment of the national security of the United States; and

''(III) prevent the reexport of the covered personal data to a third country for which a license would be required for such data to be exported directly from the United States;

''(ii) the circumstances under which the government of the foreign country can compel, coerce, or pay a person in or national of that country to disclose the covered personal data; and

''(iii) whether that government has conducted hostile foreign intelligence operations, including information operations, against the United States.

''(C) LICENSE REQUIREMENT AND PRESUMPTION OF DENIAL FOR CERTAIN COUNTRIES.—

''(i) IN GENERAL.—The Secretary shall—

''(I) require a license or other authorization for the export or reexport to, or in-country transfer in, a country on the list required by clause (ii) of covered personal data in a manner that exceeds the threshold established under subsection (a)(3); and

''(II) deny an application for such a license or other authorization unless the person seeking the license or authorization demonstrates to the satisfaction of the Secretary that the export, reexport, or in-country transfer will not harm the national security of the United States.

''(ii) LIST REQUIRED.—

''(I) IN GENERAL.—Not later than one year after the date of the enactment of the Protecting Americans' Data From Foreign Surveillance Act of 2023, the Secretary shall (subject to subclause (III)) establish a list of each country with respect to which the Secretary determines that the export or reexport to, or in-country transfer in, the country of covered personal data in a manner that exceeds the applicable threshold established under subsection (a)(3) will be likely to harm the national security of the United States.

''(II) MODIFICATIONS TO LIST.—The Secretary (subject to subclause (III))—

''(aa) may add a country to or remove a country from the list required by subclause (I) at any time; and

''(bb) shall review that list not less frequently than every 5 years.

''(III) CONCURRENCE; CONSULTATIONS; CONSIDERATIONS.—The Secretary shall establish the list required by subclause (I) and add a country to or remove a country from that list under subclause (II)—

''(aa) with the concurrence of the Secretary of State;

''(bb) in consultation with the heads of the appropriate Federal agencies; and

''(cc) based on the considerations described in subparagraph (B).

''(D) NO LICENSE REQUIREMENT FOR CERTAIN COUNTRIES.—

''(i) IN GENERAL.—The Secretary may not require a license or other authorization for the export or reexport to, or in-country transfer in, a country on the list required by clause (ii) of covered personal data, without regard to the applicable threshold established under subsection (a)(3).

''(ii) LIST REQUIRED.—

''(I) IN GENERAL.—Not later than one year after the date of the enactment of the Protecting Americans' Data From Foreign Surveillance Act of 2023, the Secretary shall (subject to clause (iii) and subclause (III)), establish a list of each country with respect to which the Secretary determines that the export or reexport to, or in-country transfer in, the country of covered personal data (without regard to any threshold established under subsection (a)(3)) will not harm the national security of the United States.

''(II) MODIFICATIONS TO LIST.—The Secretary (subject to clause (iii) and subclause (III))—

''(aa) may add a country to or remove a country from the list required by subclause (I) at any time; and

''(bb) shall review that list not less frequently than every 5 years.

''(III) CONCURRENCE; CONSULTATIONS; CONSIDERATIONS.—The Secretary shall establish the list required by subclause (I) and add a country to or remove a country from that list under subclause (II)—

''(aa) with the concurrence of the Secretary of State;

''(bb) in consultation with the heads of the appropriate Federal agencies; and

''(cc) based on the considerations described in subparagraph (B).

''(iii) CONGRESSIONAL REVIEW.—

''(I) IN GENERAL.—The list required by clause (ii) and any updates to that list adding or removing countries shall take effect, for purposes of clause (i), on the date that is 180 days after the Secretary submits to the appropriate congressional committees a proposal for the list or update unless there is enacted into law, before that date, a joint resolution of disapproval pursuant to subclause (II).

''(II) JOINT RESOLUTION OF DISAPPROVAL.—

''(aa) JOINT RESOLUTION OF DISAPPROVAL DEFINED.—In this clause, the term 'joint resolution of disapproval' means a joint resolution the matter after the resolving clause of which is as follows: 'That Congress does not approve of the proposal of the Secretary with respect to the list required by section 1758A(b)(2)(D)(ii) submitted to Congress on _____.', with the blank space being filled with the appropriate date.

''(bb) PROCEDURES.—The procedures set forth in paragraphs (4)(C), (5), (6), and (7) of section 2523(d) of title 18, United States Code, apply with respect to a joint resolution of disapproval under this clause to the same extent and in the same manner as such procedures apply to a joint resolution of disapproval under such section 2523(d), except that paragraph (6) of such section shall be applied and administered by substituting 'the Committee on Banking, Housing, and Urban Affairs' for 'the Committee on the Judiciary' each place it appears.

''(III) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This clause is enacted by Congress—

''(aa) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such is deemed a part of the rules of each House, respectively, and supersedes other rules only to the extent that it is inconsistent with such rules; and

''(bb) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

''(3) REVIEW OF LICENSE APPLICATIONS.—

''(A) IN GENERAL.—The Secretary shall, consistent with the provisions of section 1756 and in coordination with the heads of the appropriate Federal agencies—

''(i) review applications for a license or other authorization for the export or reexport to, or in-country transfer in, a restricted country of covered personal data in a manner that exceeds the applicable threshold established under subsection (a)(3); and

''(ii) establish procedures for conducting the review of such applications.

''(B) DISCLOSURES RELATING TO COLLABORATIVE ARRANGEMENTS.—In the case of an application for a license or other authorization for an export, reexport, or in-country transfer described in subparagraph (A)(i) submitted by or on behalf of a joint venture, joint development agreement, or similar collaborative arrangement, the Secretary may require the applicant to identify, in addition to any foreign person participating in the arrangement, any foreign person with significant ownership interest in a foreign person participating in the arrangement.

''(4) EXCEPTIONS.—

''(A) IN GENERAL.—The Secretary shall not impose under paragraph (1) a requirement for a license or other authorization with respect to the export, reexport, or in-country transfer of covered personal data pursuant to any of the following transactions:

''(i) The export, reexport, or in-country transfer by an individual of covered personal

data that specifically pertains to that individual.

''(ii) The export, reexport, or in-country transfer of the personal data of one or more individuals by a person performing a service for those individuals if the service could not possibly be performed (as defined by the Secretary in regulations) without the export, reexport, or in-country transfer of that personal data.

''(iii) The export, reexport, or in-country transfer of personal data that is encrypted if—

''(I) the encryption key or other information necessary to decrypt the data is not, at the time of the export, reexport, or in-country transfer of the personal data or any other time, exported, reexported, or transferred to a restricted country or (except as provided in subparagraph (B)) a national of a restricted country; and

''(II) the encryption technology used to protect the data against decryption is certified by the National Institute of Standards and Technology as capable of protecting data for the period of time determined under subsection (a)(4) to be sufficient to prevent the exploitation of the data by a foreign government or foreign adversary from harming the national security of the United States.

''(iv) The export, reexport, or in-country transfer of personal data that is ordered by an appropriate court of the United States.

''(B) EXCEPTION FOR CERTAIN NATIONALS OF RESTRICTED COUNTRIES.—Subparagraph (A)(iii)(I) does not apply with respect to an individual who is a national of a restricted country if the individual is also a citizen of the United States or a noncitizen described in subsection (l)(5)(C).

''(c) REQUIREMENTS FOR IDENTIFICATION OF CATEGORIES AND DETERMINATION OF APPROPRIATE CONTROLS.—In identifying categories of personal data under subsection (a)(1) and imposing appropriate controls under subsection (b), the Secretary, in coordination with the heads of the appropriate Federal agencies, as appropriate—

''(1) may not regulate or restrict the publication or sharing of—

''(A) personal data that is a matter of public record, such as a court record or other government record that is generally available to the public, including information about an individual made public by that individual or by the news media;

''(B) information about a matter of public interest; or

''(C) any other information the publication or sharing of which is protected by the First Amendment to the Constitution of the United States; and

''(2) shall consult with the appropriate congressional committees.

''(d) PENALTIES.—

''(1) LIABLE PERSONS.—

''(A) IN GENERAL.—In addition to any person that commits an unlawful act described in subsection (a) of section 1760, an officer or employee of an organization has committed an unlawful act subject to penalties under that section if the officer or employee knew or should have known that another employee of the organization who reports, directly or indirectly, to the officer or employee was directed to export, reexport, or in-country transfer covered personal data in violation of this section and subsequently did export, reexport, or in-country transfer such data.

''(B) EXCEPTIONS AND CLARIFICATIONS.—

''(i) INTERMEDIARIES NOT LIABLE.—An intermediate consignee (as defined in section 772.1 of the Export Administration Regulations (or any successor regulation)) or other intermediary is not liable for the export, reexport, or in-country transfer of covered personal data in violation of this section when acting as an intermediate consignee or other intermediary for another person.

''(ii) SPECIAL RULE FOR CERTAIN APPLICATIONS.—In a case in which an application installed on an electronic device transmits or causes the transmission of covered personal data without being directed to do so by the owner or user of the device who installed the application, the developer of the application, and not the owner or user of the device, is liable for any violation of this section.

''(2) CRIMINAL PENALTIES.—In determining an appropriate term of imprisonment under section 1760(b)(2) with respect to a person for a violation of this section, the court shall consider—

''(A) how many covered individuals had their covered personal data exported, reexported, or in-country transferred in violation of this section;

''(B) any harm that resulted from the violation; and

''(C) the intent of the person in committing the violation.

''(e) REPORT TO CONGRESS.—

''(1) IN GENERAL.—Not less frequently than annually, the Secretary, in coordination with the heads of the appropriate Federal agencies, shall submit to the appropriate congressional committees a report on the results of actions taken pursuant to this section.

''(2) INCLUSIONS.—Each report required by paragraph (1) shall include a description of the determinations made under subsection (b)(2)(A)(ii) during the preceding year.

''(3) FORM.—Each report required by paragraph (1) shall be submitted in unclassified form but may include a classified annex.

''(f) DISCLOSURE OF CERTAIN LICENSE INFORMATION.—

''(1) IN GENERAL.—Not less frequently than every 90 days, the Secretary shall publish on a publicly accessible website of the Department of Commerce, including in a machine-readable format, the information specified in paragraph (2), with respect to each application—

''(A) for a license for the export or reexport to, or in-country transfer in, a restricted country of covered personal data in a manner that exceeds the applicable threshold established under subsection (a)(3); and

''(B) with respect to which the Secretary made a decision in the preceding 90-day period.

''(2) INFORMATION SPECIFIED.—The information specified in this paragraph with respect to an application described in paragraph (1) is the following:

''(A) The name of the applicant.

''(B) The date of the application.

''(C) The name of the foreign party to which the applicant sought to export, reexport, or transfer the data.

''(D) The categories of covered personal data the applicant sought to export, reexport, or transfer.

''(E) The number of covered individuals whose information the applicant sought to export, reexport, or transfer.

''(F) Whether the application was approved or denied.

''(g) NEWS MEDIA PROTECTIONS.—A person that is engaged in journalism is not subject to restrictions imposed under this section to the extent that those restrictions directly infringe on the journalism practices of that person.

''(h) CITIZENSHIP DETERMINATIONS BY PERSONS PROVIDING SERVICES TO END-USERS NOT REQUIRED.—This section does not require a person that provides products or services to an individual to determine the citizenship or immigration status of the individual, but once the person becomes aware that the individual is a covered individual, the person shall treat covered personal data of that individual as is required by this section.

''(i) FEES.—

''(1) IN GENERAL.—Notwithstanding section 1756(c), the Secretary may, to the extent provided in advance in appropriations Acts, assess and collect a fee, in an amount determined by the Secretary in regulations, with respect to each application for a license submitted under subsection (b).

''(2) DEPOSIT AND AVAILABILITY OF FEES.—Notwithstanding section 3302 of title 31, United States Code, fees collected under paragraph (1) shall—

''(A) be credited as offsetting collections to the account providing appropriations for activities carried out under this section;

''(B) be available, to the extent and in the amounts provided in advance in appropriations Acts, to the Secretary solely for use in carrying out activities under this section; and

''(C) remain available until expended.

''(j) REGULATIONS.—The Secretary may prescribe such regulations as are necessary to carry out this section.

''(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary and to the head of each of the appropriate Federal agencies participating in carrying out this section such sums as may be necessary to carry out this section, including to hire additional employees with expertise in privacy.

''(l) DEFINITIONS.—In this section:

''(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means—

''(A) the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, the Committee on Finance, and the Select Committee on Intelligence of the Senate; and

''(B) the Committee on Foreign Affairs, the Committee on Ways and Means, and the Permanent Select Committee on Intelligence of the House of Representatives.

''(2) APPROPRIATE FEDERAL AGENCIES.—The term 'appropriate Federal agencies' means the following:

''(A) The Department of Defense.

''(B) The Department of State.

''(C) The Department of Justice.

''(D) The Department of the Treasury.

''(E) The Office of the Director of National Intelligence.

''(F) The Office of Science and Technology Policy.

''(G) The Department of Homeland Security.

''(H) The Consumer Financial Protection Bureau.

''(I) The Federal Trade Commission.

''(J) The Federal Communications Commission.

''(K) The Department of Health and Human Services.

''(L) Such other Federal agencies as the Secretary considers appropriate.

''(3) COVERED INDIVIDUAL.—The term 'covered individual', with respect to personal data, means an individual who, at the time the data is acquired—

''(A) is located in the United States; or

''(B) is—

''(i) located outside the United States or whose location cannot be determined; and

''(ii) a citizen of the United States or a noncitizen lawfully admitted for permanent residence.

''(4) COVERED PERSONAL DATA.—The term 'covered personal data' means the categories of personal data of covered individuals identified pursuant to subsection (a).

''(5) EXPORT.—

''(A) IN GENERAL.—The term 'export', with respect to covered personal data, includes—

''(i) subject to subparagraph (D), the shipment or transmission of the data out of the United States, including the sending or taking of the data out of the United States, in any manner, if the shipment or transmission is intentional, without regard to whether the shipment or transmission was intended to go out of the United States; or

''(ii) the release or transfer of the data to any noncitizen (other than a noncitizen described in subparagraph (C)), if the release or transfer is intentional, without regard to whether the release or transfer was intended to be to a noncitizen.

''(B) EXCEPTIONS.—The term 'export' does not include—

''(i) the publication of covered personal data on the internet in a manner that makes the data discoverable by and accessible to any member of the general public; or

''(ii) any activity protected by the speech or debate clause of the Constitution of the United States.

''(C) NONCITIZENS DESCRIBED.—A noncitizen described in this subparagraph is a noncitizen who is authorized to be employed in the United States.

''(D) TRANSMISSIONS THROUGH RESTRICTED COUNTRIES.—

''(i) IN GENERAL.—On and after the date that is 5 years after the date of the enactment of the Protecting Americans' Data From Foreign Surveillance Act of 2023, and except as provided in clause (iii), the term 'export' includes the transmission of data through a restricted country, without regard to whether the person originating the transmission had knowledge of or control over the path of the transmission.

''(ii) EXCEPTIONS.—Clause (i) does not apply with respect to a transmission of data through a restricted country if—

''(I) the data is encrypted as described in subsection (b)(4)(A)(iii); or

''(II) the person that originated the transmission received a representation from the party delivering the data for the person stating that the data will not transit through a restricted country.

''(iii) FALSE REPRESENTATIONS.—If a party delivering covered personal data as described in clause (ii)(II) transmits the data directly or indirectly through a restricted country despite making the representation described in clause (ii)(II), that party shall be liable for violating this section.

''(6) FOREIGN ADVERSARY.—The term 'foreign adversary' has the meaning given that term in section 8(c)(2) of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1607(c)(2)).

''(7) IN-COUNTRY TRANSFER; REEXPORT.—The terms 'in-country transfer' and 'reexport', with respect to personal data, shall have the meanings given those terms in regulations prescribed by the Secretary.

''(8) LAWFULLY ADMITTED FOR PERMANENT RESIDENCE; NATIONAL.—The terms 'lawfully admitted for permanent residence' and 'national' have the meanings given those terms in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)).

''(9) NONCITIZEN.—The term 'noncitizen' means an individual who is not a citizen or national of the United States.

''(10) RESTRICTED COUNTRY.—The term 'restricted country' means a country for which a license or other authorization is required under subsection (b) for the export or reexport to, or in-country transfer in, that country of covered personal data in a manner that exceeds the applicable threshold established under subsection (a)(3).''.

(b) STATEMENT OF POLICY.—Section 1752 of the Export Control Reform Act of 2018 (50 U.S.C. 4811) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking ''; and'' and inserting a semicolon;

(B) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(C) to restrict, notwithstanding section 203(b) of the International Emergency Economic Powers Act (50 U.S.C. 1702(b)), the export of personal data of United States citizens and other covered individuals (as defined in section 1758A(l)) in a quantity and a manner that could harm the national security of the United States.''; and

(2) in paragraph (2), by adding at the end the following:

''(H) To prevent the exploitation of personal data of United States citizens and other covered individuals (as defined in section 1758A(l)) in a quantity and a manner that could harm the national security of the United States.''.

(c) LIMITATION ON AUTHORITY TO MAKE EXCEPTIONS TO LICENSING REQUIREMENTS.—Section 1754 of the Export Control Reform Act of 2018 (50 U.S.C. 4813) is amended—

(1) in subsection (a)(14), by inserting ''and subject to subsection (g)'' after ''as warranted''; and

(2) by adding at the end the following:

''(g) LIMITATION ON AUTHORITY TO MAKE EXCEPTIONS TO LICENSING REQUIREMENTS.—The Secretary may create under subsection (a)(14) exceptions to licensing requirements under section 1758A only for the export, reexport, or in-country transfer of covered personal data (as defined in subsection (l) of that section) by or for a Federal department or agency.''.

(d) RELATIONSHIP TO INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT.—Section 1754(b) of the Export Control Reform Act of 2018 (50 U.S.C. 4813(b)) is amended by inserting ''(other than section 1758A)'' after ''this part''.

SEC. 4. SEVERABILITY.

If any provision of or any amendment made by this division, or the application of any such provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of the provisions of and amendments made by this division, and the application of such provisions and amendments to any other person or circumstance, shall not be affected.

SA 1904. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

DIVISION ___—SECURING THE BORDER

SEC. 1001. SHORT TITLE.

This division may be cited as the ''Secure the Border Act of 2024''.

TITLE I—BORDER SECURITY

SEC. 1101. DEFINITIONS.

In this division:

(1) CBP.—The term ''CBP'' means U.S. Customs and Border Protection.

(2) COMMISSIONER.—The term ''Commissioner'' means the Commissioner of U.S. Customs and Border Protection.

(3) DEPARTMENT.—The term ''Department'' means the Department of Homeland Security.

(4) OPERATIONAL CONTROL.—The term ''operational control'' has the meaning given such term in section 2(b) of the Secure Fence Act of 2006 (Public Law 109–367; 8 U.S.C. 1701 note).

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

(6) SITUATIONAL AWARENESS.—The term ''situational awareness'' has the meaning given such term in section 1092(a)(7) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 6 U.S.C. 223(a)(7)).

(7) UNMANNED AIRCRAFT SYSTEM.—The term ''unmanned aircraft system'' has the meaning given such term in section 44801 of title 49, United States Code.

SEC. 1102. BORDER WALL CONSTRUCTION.

(a) IN GENERAL.—

(1) IMMEDIATE RESUMPTION OF BORDER WALL CONSTRUCTION.—Not later than seven days after the date of the enactment of this Act, the Secretary shall resume all activities related to the construction of the border wall along the border between the United States and Mexico that were underway or being planned for prior to January 20, 2021.

(2) USE OF FUNDS.—To carry out this section, the Secretary shall expend all unexpired funds appropriated or explicitly obligated for the construction of the border wall that were appropriated or obligated, as the case may be, for use beginning on October 1, 2019.

(3) USE OF MATERIALS.—Any unused materials purchased before the date of the enactment of this Act for construction of the border wall may be used for activities related to the construction of the border wall in accordance with paragraph (1).

(b) PLAN TO COMPLETE TACTICAL INFRASTRUCTURE AND TECHNOLOGY.—Not later than 90 days after the date of the enactment of this Act and annually thereafter until construction of the border wall has been completed, the Secretary shall submit to the appropriate congressional committees an implementation plan, including annual benchmarks for the construction of 200 miles of such wall and associated cost estimates for satisfying all requirements of the construction of the border wall, including installation and deployment of tactical infrastructure, technology, and other elements as identified by the Department prior to January 20, 2021, through the expenditure of funds appropriated or explicitly obligated, as the case may be, for use, as well as any future funds appropriated or otherwise made available by Congress.

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Homeland Security and the Committee on Appropriations of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate.

(2) TACTICAL INFRASTRUCTURE.—The term ''tactical infrastructure'' includes boat ramps, access gates, checkpoints, lighting, and roads associated with a border wall.

(3) TECHNOLOGY.—The term ''technology'' includes border surveillance and detection technology, including linear ground detection systems, associated with a border wall.

SEC. 1103. STRENGTHENING THE REQUIREMENTS FOR BARRIERS ALONG THE SOUTHERN BORDER.

Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Division C of Public Law 104–208; 8 U.S.C. 1103 note) is amended—

(1) by amending subsection (a) to read as follows:

''(a) IN GENERAL.—The Secretary of Homeland Security shall take such actions as may

be necessary (including the removal of obstacles to detection of illegal entrants) to design, test, construct, install, deploy, integrate, and operate physical barriers, tactical infrastructure, and technology in the vicinity of the southwest border to achieve situational awareness and operational control of the southwest border and deter, impede, and detect unlawful activity.'';

(2) in subsection (b)—

(A) in the subsection heading, by striking ''FENCING AND ROAD IMPROVEMENTS'' and inserting ''PHYSICAL BARRIERS'';

(B) in paragraph (1)—

(i) in the heading, by striking ''FENCING'' and inserting ''BARRIERS'';

(ii) by amending subparagraph (A) to read as follows:

''(A) REINFORCED BARRIERS.—In carrying out this section, the Secretary of Homeland Security shall construct a border wall, including physical barriers, tactical infrastructure, and technology, along not fewer than 900 miles of the southwest border until situational awareness and operational control of the southwest border is achieved.'';

(iii) by amending subparagraph (B) to read as follows:

''(B) PHYSICAL BARRIERS AND TACTICAL INFRASTRUCTURE.—In carrying out this section, the Secretary of Homeland Security shall deploy along the southwest border the most practical and effective physical barriers, tactical infrastructure, and technology available for achieving situational awareness and operational control of the southwest border.'';

(iv) in subparagraph (C)—

(I) by amending clause (i) to read as follows:

''(i) IN GENERAL.—In carrying out this section, the Secretary of Homeland Security shall consult with the Secretary of the Interior, the Secretary of Agriculture, appropriate representatives of State, Tribal, and local governments, and appropriate private property owners in the United States to minimize the impact on natural resources, commerce, and sites of historical or cultural significance for the communities and residents located near the sites at which physical barriers, tactical infrastructure, and technology are to be constructed. Such consultation may not delay such construction for longer than seven days.''; and

(II) in clause (ii)—

(aa) in subclause (I), by striking ''or'' after the semicolon at the end;

(bb) by amending subclause (II) to read as follows:

''(II) delay the transfer to the United States of the possession of property or affect the validity of any property acquisition by the United States by purchase or eminent domain, or to otherwise affect the eminent domain laws of the United States or of any State; or''; and

(cc) by adding at the end the following new subclause:

''(III) create any right or liability for any party.''; and

(v) by striking subparagraph (D);

(C) in paragraph (2)—

(i) by striking ''Attorney General'' and inserting ''Secretary of Homeland Security'';

(ii) by striking ''this subsection'' and inserting ''this section''; and

(iii) by striking ''construction of fences'' and inserting ''the construction of physical barriers, tactical infrastructure, and technology'';

(D) by amending paragraph (3) to read as follows:

''(3) AGENT SAFETY.—In carrying out this section, the Secretary of Homeland Security, when designing, testing, constructing, installing, deploying, integrating, and operating physical barriers, tactical infrastructure, or technology, shall incorporate such safety features into such design, test, construction, installation, deployment, integration, or operation of such physical barriers, tactical infrastructure, or technology, as the case may be, that the Secretary determines are necessary to maximize the safety and effectiveness of officers and agents of the Department of Homeland Security or of any other Federal agency deployed in the vicinity of such physical barriers, tactical infrastructure, or technology.''; and

(E) in paragraph (4), by striking ''this subsection'' and inserting ''this section'';

(3) in subsection (c)—

(A) by amending paragraph (1) to read as follows:

''(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Homeland Security shall waive all legal requirements necessary to ensure the expeditious design, testing, construction, installation, deployment, integration, operation, and maintenance of the physical barriers, tactical infrastructure, and technology under this section. The Secretary shall ensure the maintenance and effectiveness of such physical barriers, tactical infrastructure, or technology. Any such action by the Secretary shall be effective upon publication in the Federal Register.'';

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following new paragraph:

''(2) NOTIFICATION.—Not later than seven days after the date on which the Secretary of Homeland Security exercises a waiver pursuant to paragraph (1), the Secretary shall notify the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate of such waiver.''; and

(4) by adding at the end the following new subsections:

''(e) TECHNOLOGY.—In carrying out this section, the Secretary of Homeland Security shall deploy along the southwest border the most practical and effective technology available for achieving situational awareness and operational control.

''(f) DEFINITIONS.—In this section:

''(1) ADVANCED UNATTENDED SURVEILLANCE SENSORS.—The term 'advanced unattended surveillance sensors' means sensors that utilize an onboard computer to analyze detections in an effort to discern between vehicles, humans, and animals, and ultimately filter false positives prior to transmission.

''(2) OPERATIONAL CONTROL.—The term 'operational control' has the meaning given such term in section 2(b) of the Secure Fence Act of 2006 (Public Law 109–367; 8 U.S.C. 1701 note).

''(3) PHYSICAL BARRIERS.—The term 'physical barriers' includes reinforced fencing, the border wall, and levee walls.

''(4) SITUATIONAL AWARENESS.—The term 'situational awareness' has the meaning given such term in section 1092(a)(7) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 6 U.S.C. 223(a)(7)).

''(5) TACTICAL INFRASTRUCTURE.—The term 'tactical infrastructure' includes boat ramps, access gates, checkpoints, lighting, and roads.

''(6) TECHNOLOGY.—The term 'technology' includes border surveillance and detection technology, including the following:

''(A) Tower-based surveillance technology.

''(B) Deployable, lighter-than-air ground surveillance equipment.

''(C) Vehicle and Dismount Exploitation Radars (VADER).

''(D) 3-dimensional, seismic acoustic detection and ranging border tunneling detection technology.

''(E) Advanced unattended surveillance sensors.

''(F) Mobile vehicle-mounted and manportable surveillance capabilities.

''(G) Unmanned aircraft systems.

''(H) Tunnel detection systems and other seismic technology.

''(I) Fiber-optic cable.

''(J) Other border detection, communication, and surveillance technology.

''(7) UNMANNED AIRCRAFT SYSTEM.—The term 'unmanned aircraft system' has the meaning given such term in section 44801 of title 49, United States Code.''.

SEC. 1104. BORDER AND PORT SECURITY TECHNOLOGY INVESTMENT PLAN.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Commissioner, in consultation with covered officials and border and port security technology stakeholders, shall submit to the appropriate congressional committees a strategic 5-year technology investment plan (in this section referred to as the ''plan''). The plan may include a classified annex, if appropriate.

(b) CONTENTS OF PLAN.—The plan shall include the following:

(1) An analysis of security risks at and between ports of entry along the northern and southern borders of the United States.

(2) An identification of capability gaps with respect to security at and between such ports of entry to be mitigated in order to—

(A) prevent terrorists and instruments of terror from entering the United States;

(B) combat and reduce cross-border criminal activity, including—

(i) the transport of illegal goods, such as illicit drugs; and

(ii) human smuggling and human trafficking; and

(C) facilitate the flow of legal trade across the southwest border.

(3) An analysis of current and forecast trends relating to the number of aliens who—

(A) unlawfully entered the United States by crossing the northern or southern border of the United States; or

(B) are unlawfully present in the United States.

(4) A description of security-related technology acquisitions, to be listed in order of priority, to address the security risks and capability gaps analyzed and identified pursuant to paragraphs (1) and (2), respectively.

(5) A description of each planned security-related technology program, including objectives, goals, and timelines for each such program.

(6) An identification of each deployed security-related technology that is at or near the end of the life cycle of such technology.

(7) A description of the test, evaluation, modeling, and simulation capabilities, including target methodologies, rationales, and timelines, necessary to support the acquisition of security-related technologies pursuant to paragraph (4).

(8) An identification and assessment of ways to increase opportunities for communication and collaboration with the private sector, small and disadvantaged businesses, intragovernment entities, university centers of excellence, and Federal laboratories to ensure CBP is able to engage with the market for security-related technologies that are available to satisfy its mission needs before engaging in an acquisition of a security-related technology.

(9) An assessment of the management of planned security-related technology programs by the acquisition workforce of CBP.

(10) An identification of ways to leverage already-existing acquisition expertise within the Federal Government.

(11) A description of the security resources, including information security resources, required to protect security-related technology from physical or cyber theft, diversion, sabotage, or attack.

(12) A description of initiatives to—

(A) streamline the acquisition process of CBP; and

(B) provide to the private sector greater predictability and transparency with respect to such process, including information relating to the timeline for testing and evaluation of security-related technology.

(13) An assessment of the privacy and security impact on border communities of security-related technology.

(14) In the case of a new acquisition leading to the removal of equipment from a port of entry along the northern or southern border of the United States, a strategy to consult with the private sector and community stakeholders affected by such removal.

(15) A strategy to consult with the private sector and community stakeholders with respect to security impacts at a port of entry described in paragraph (14).

(16) An identification of recent technological advancements in the following:

(A) Manned aircraft sensor, communication, and common operating picture technology.

(B) Unmanned aerial systems and related technology, including counter-unmanned aerial system technology.

(C) Surveillance technology, including the following:

(i) Mobile surveillance vehicles.

(ii) Associated electronics, including cameras, sensor technology, and radar.

(iii) Tower-based surveillance technology.

(iv) Advanced unattended surveillance sensors.

(v) Deployable, lighter-than-air, ground surveillance equipment.

(D) Nonintrusive inspection technology, including non-x-ray devices utilizing muon tomography and other advanced detection technology.

(E) Tunnel detection technology.

(F) Communications equipment, including the following:

(i) Radios.

(ii) Long-term evolution broadband.

(iii) Miniature satellites.

(c) LEVERAGING THE PRIVATE SECTOR.—To the extent practicable, the plan shall—

(1) leverage emerging technological capabilities, and research and development trends, within the public and private sectors;

(2) incorporate input from the private sector, including from border and port security stakeholders, through requests for information, industry day events, and other innovative means consistent with the Federal Acquisition Regulation; and

(3) identify security-related technologies that are in development or deployed, with or without adaptation, that may satisfy the mission needs of CBP.

(d) FORM.—To the extent practicable, the plan shall be published in unclassified form on the website of the Department.

(e) DISCLOSURE.—The plan shall include an identification of individuals not employed by the Federal Government, and their professional affiliations, who contributed to the development of the plan.

(f) UPDATE AND REPORT.—Not later than the date that is two years after the date on which the plan is submitted to the appropriate congressional committees pursuant to subsection (a) and biennially thereafter for ten years, the Commissioner shall submit to the appropriate congressional committees—

(1) an update of the plan, if appropriate; and

(2) a report that includes—

(A) the extent to which each security-related technology acquired by CBP since the initial submission of the plan or most recent update of the plan, as the case may be, is consistent with the planned technology programs and projects described pursuant to subsection (b)(5); and

(B) the type of contract and the reason for acquiring each such security-related technology.

(g) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

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

(B) the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate.

(2) COVERED OFFICIALS.—The term ''covered officials'' means—

(A) the Under Secretary for Management of the Department;

(B) the Under Secretary for Science and Technology of the Department; and

(C) the Chief Information Officer of the Department.

(3) UNLAWFULLY PRESENT.—The term ''unlawfully present'' has the meaning provided such term in section 212(a)(9)(B)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(9)(B)(ii)).

SEC. 1105. BORDER SECURITY TECHNOLOGY PROGRAM MANAGEMENT.

(a) IN GENERAL.—Subtitle C of title IV of the Homeland Security Act of 2002 (6 U.S.C. 231 et seq.) is amended by adding at the end the following new section:

''SEC. 437. BORDER SECURITY TECHNOLOGY PROGRAM MANAGEMENT.

''(a) MAJOR ACQUISITION PROGRAM DEFINED.—In this section, the term 'major acquisition program' means an acquisition program of the Department that is estimated by the Secretary to require an eventual total expenditure of at least $100,000,000 (based on fiscal year 2023 constant dollars) over its lifecycle cost.

''(b) PLANNING DOCUMENTATION.—For each border security technology acquisition program of the Department that is determined to be a major acquisition program, the Secretary shall—

''(1) ensure that each such program has a written acquisition program baseline approved by the relevant acquisition decision authority;

''(2) document that each such program is satisfying cost, schedule, and performance thresholds as specified in such baseline, in compliance with relevant departmental acquisition policies and the Federal Acquisition Regulation; and

''(3) have a plan for satisfying program implementation objectives by managing contractor performance.

''(c) ADHERENCE TO STANDARDS.—The Secretary, acting through the Under Secretary for Management and the Commissioner of U.S. Customs and Border Protection, shall ensure border security technology acquisition program managers who are responsible for carrying out this section adhere to relevant internal control standards identified by the Comptroller General of the United States. The Commissioner shall provide information, as needed, to assist the Under Secretary in monitoring management of border security technology acquisition programs under this section.

''(d) PLAN.—The Secretary, acting through the Under Secretary for Management, in coordination with the Under Secretary for Science and Technology and the Commissioner of U.S. Customs and Border Protection, shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a plan for testing, evaluating, and using independent verification and validation of resources relating to the proposed acquisition of border security technology. Under such plan, the proposed acquisition of new border security technologies shall be evaluated through a series of assessments, processes, and audits to ensure—

''(1) compliance with relevant departmental acquisition policies and the Federal Acquisition Regulation; and

''(2) the effective use of taxpayer dollars.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 436 the following new item:

''Sec. 437. Border security technology program management.''.

(c) PROHIBITION ON ADDITIONAL AUTHORIZATION OF APPROPRIATIONS.—No additional funds are authorized to be appropriated to carry out section 437 of the Homeland Security Act of 2002, as added by subsection (a).

SEC. 1106. U.S. CUSTOMS AND BORDER PROTECTION TECHNOLOGY UPGRADES.

(a) SECURE COMMUNICATIONS.—The Commissioner shall ensure that each CBP officer or agent, as appropriate, is equipped with a secure radio or other two-way communication device that allows each such officer or agent to communicate—

(1) between ports of entry and inspection stations; and

(2) with other Federal, State, Tribal, and local law enforcement entities.

(b) BORDER SECURITY DEPLOYMENT PROGRAM.—

(1) EXPANSION.—Not later than September 30, 2025, the Commissioner shall—

(A) fully implement the Border Security Deployment Program of CBP; and

(B) expand the integrated surveillance and intrusion detection system at land ports of entry along the northern and southern borders of the United States.

(2) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts otherwise authorized to be appropriated for such purpose, there is authorized to be appropriated $33,000,000 for fiscal years 2024 and 2025 to carry out paragraph (1).

(c) UPGRADE OF LICENSE PLATE READERS AT PORTS OF ENTRY.—

(1) UPGRADE.—Not later than two years after the date of the enactment of this Act, the Commissioner shall upgrade all existing license plate readers in need of upgrade, as determined by the Commissioner, on the northern and southern borders of the United States.

(2) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts otherwise authorized to be appropriated for such purpose, there is authorized to be appropriated $125,000,000 for fiscal years 2023 and 2024 to carry out paragraph (1).

SEC. 1107. U.S. CUSTOMS AND BORDER PROTECTION PERSONNEL.

(a) RETENTION BONUS.—To carry out this section, there is authorized to be appropriated up to $100,000,000 to the Commissioner to provide a retention bonus to any front-line U.S. Border Patrol law enforcement agent—

(1) whose position is equal to or below level GS-12 of the General Schedule;

(2) who has five years or more of service with the U.S. Border Patrol; and

(3) who commits to two years of additional service with the U.S. Border Patrol upon acceptance of such bonus.

(b) BORDER PATROL AGENTS.—Not later than September 30, 2025, the Commissioner shall hire, train, and assign a sufficient number of Border Patrol agents to maintain an active duty presence of not fewer than 22,000 full-time equivalent Border Patrol agents, who may not perform the duties of processing coordinators.

(c) PROHIBITION AGAINST ALIEN TRAVEL.—No personnel or equipment of Air and Marine Operations may be used for the transportation of non-detained aliens, or detained aliens expected to be administratively released upon arrival, from the southwest border to destinations within the United States.

(d) GAO REPORT.—If the staffing level required under this section is not achieved by the date associated with such level, the Comptroller General of the United States shall—

(1) conduct a review of the reasons why such level was not so achieved; and

(2) not later than September 30, 2027, publish on a publicly available website of the Government Accountability Office a report relating thereto.

SEC. 1108. ANTI-BORDER CORRUPTION ACT REAUTHORIZATION.

(a) HIRING FLEXIBILITY.—Section 3 of the Anti-Border Corruption Act of 2010 (6 U.S.C. 221; Public Law 111–376) is amended by striking subsection (b) and inserting the following new subsections:

''(b) WAIVER REQUIREMENT.—Subject to subsection (c), the Commissioner of U.S. Customs and Border Protection shall waive the application of subsection (a)(1)—

''(1) to a current, full-time law enforcement officer employed by a State or local law enforcement agency who—

''(A) has continuously served as a law enforcement officer for not fewer than three years;

''(B) is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and has statutory powers for arrest or apprehension; and

''(C) is not currently under investigation, has not been found to have engaged in criminal activity or serious misconduct, has not resigned from a law enforcement officer position under investigation or in lieu of termination, and has not been dismissed from a law enforcement officer position;

''(2) to a current, full-time Federal law enforcement officer who—

''(A) has continuously served as a law enforcement officer for not fewer than three years;

''(B) is authorized to make arrests, conduct investigations, conduct searches, make seizures, carry firearms, and serve orders, warrants, and other processes;

''(C) is not currently under investigation, has not been found to have engaged in criminal activity or serious misconduct, has not resigned from a law enforcement officer position under investigation or in lieu of termination, and has not been dismissed from a law enforcement officer position; and

''(D) holds a current Tier 4 background investigation or current Tier 5 background investigation; or

''(3) to a member of the Armed Forces (or a reserve component thereof) or a veteran, if such individual—

''(A) has served in the Armed Forces for not fewer than three years;

''(B) holds, or has held within the past five years, a Secret, Top Secret, or Top Secret/Sensitive Compartmented Information clearance;

''(C) holds, or has undergone within the past five years, a current Tier 4 background investigation or current Tier 5 background investigation;

''(D) received, or is eligible to receive, an honorable discharge from service in the Armed Forces and has not engaged in criminal activity or committed a serious military or civil offense under the Uniform Code of Military Justice; and

''(E) was not granted any waivers to obtain the clearance referred to in subparagraph (B).

''(c) TERMINATION OF WAIVER REQUIREMENT; SNAP-BACK.—The requirement to issue a waiver under subsection (b) shall terminate if the Commissioner of U.S. Customs and Border Protection (CBP) certifies to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate that CBP has met all requirements pursuant to section 1107 of the Secure the Border Act of 2024 relating to personnel levels. If at any time after such certification personnel levels fall below such requirements, the Commissioner shall waive the application of subsection (a)(1) until such time as the Commissioner re-certifies to such Committees that CBP has so met all such requirements.''.

(b) SUPPLEMENTAL COMMISSIONER AUTHORITY; REPORTING; DEFINITIONS.—The Anti-Border Corruption Act of 2010 is amended by adding at the end the following new sections:

''SEC. 5. SUPPLEMENTAL COMMISSIONER AUTHORITY.

''(a) NONEXEMPTION.—An individual who receives a waiver under section 3(b) is not exempt from any other hiring requirements relating to suitability for employment and eligibility to hold a national security designated position, as determined by the Commissioner of U.S. Customs and Border Protection.

''(b) BACKGROUND INVESTIGATIONS.—An individual who receives a waiver under section 3(b) who holds a current Tier 4 background investigation shall be subject to a Tier 5 background investigation.

''(c) ADMINISTRATION OF POLYGRAPH EXAMINATION.—The Commissioner of U.S. Customs and Border Protection is authorized to administer a polygraph examination to an applicant or employee who is eligible for or receives a waiver under section 3(b) if information is discovered before the completion of a background investigation that results in a determination that a polygraph examination is necessary to make a final determination regarding suitability for employment or continued employment, as the case may be.

''SEC. 6. REPORTING.

''(a) ANNUAL REPORT.—Not later than one year after the date of the enactment of this section and annually thereafter while the waiver authority under section 3(b) is in effect, the Commissioner of U.S. Customs and Border Protection shall submit to Congress a report that includes, with respect to each such reporting period, the following:

''(1) Information relating to the number of waivers granted under such section 3(b).

''(2) Information relating to the percentage of applicants who were hired after receiving such a waiver.

''(3) Information relating to the number of instances that a polygraph was administered to an applicant who initially received such a waiver and the results of such polygraph.

''(4) An assessment of the current impact of such waiver authority on filling law enforcement positions at U.S. Customs and Border Protection.

''(5) An identification of additional authorities needed by U.S. Customs and Border Protection to better utilize such waiver authority for its intended goals.

''(b) ADDITIONAL INFORMATION.—The first report submitted under subsection (a) shall include the following:

''(1) An analysis of other methods of employment suitability tests that detect deception and could be used in conjunction with traditional background investigations to evaluate potential applicants or employees for suitability for employment or continued employment, as the case may be.

''(2) A recommendation regarding whether a test referred to in paragraph (1) should be adopted by U.S. Customs and Border Protection when the polygraph examination requirement is waived pursuant to section 3(b).

''SEC. 7. DEFINITIONS.

''In this Act:

''(1) FEDERAL LAW ENFORCEMENT OFFICER.—The term 'Federal law enforcement officer' means a 'law enforcement officer', as such term is defined in section 8331(20) or 8401(17) of title 5, United States Code.

''(2) SERIOUS MILITARY OR CIVIL OFFENSE.—The term 'serious military or civil offense' means an offense for which—

''(A) a member of the Armed Forces may be discharged or separated from service in the Armed Forces; and

''(B) a punitive discharge is, or would be, authorized for the same or a closely related offense under the Manual for Court-Martial, as pursuant to Army Regulation 635–200, chapter 14–12.

''(3) TIER 4; TIER 5.—The terms 'Tier 4' and 'Tier 5', with respect to background investigations, have the meaning given such terms under the 2012 Federal Investigative Standards.

''(4) VETERAN.—The term 'veteran' has the meaning given such term in section 101(2) of title 38, United States Code.''.

(c) POLYGRAPH EXAMINERS.—Not later than September 30, 2025, the Secretary shall increase to not fewer than 150 the number of trained full-time equivalent polygraph examiners for administering polygraphs under the Anti-Border Corruption Act of 2010, as amended by this section.

SEC. 1109. ESTABLISHMENT OF WORKLOAD STAFFING MODELS FOR U.S. BORDER PATROL AND AIR AND MARINE OPERATIONS OF CBP.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Commissioner, in coordination with the Under Secretary for Management, the Chief Human Capital Officer, and the Chief Financial Officer of the Department, shall implement a workload staffing model for each of the following:

(1) The U.S. Border Patrol.

(2) Air and Marine Operations of CBP.

(b) RESPONSIBILITIES OF THE COMMISSIONER.—Subsection (c) of section 411 of the Homeland Security Act of 2002 (6 U.S.C. 211), is amended—

(1) by redesignating paragraphs (18) and (19) as paragraphs (20) and (21), respectively; and

(2) by inserting after paragraph (17) the following new paragraphs:

''(18) implement a staffing model for the U.S. Border Patrol, Air and Marine Operations, and the Office of Field Operations that includes consideration for essential frontline operator activities and functions, variations in operating environments, present and planned infrastructure, present and planned technology, and required operations support levels to enable such entities to manage and assign personnel of such entities to ensure field and support posts possess adequate resources to carry out duties specified in this section;

''(19) develop standard operating procedures for a workforce tracking system within the U.S. Border Patrol, Air and Marine Operations, and the Office of Field Operations, train the workforce of each of such entities on the use, capabilities, and purpose

of such system, and implement internal controls to ensure timely and accurate scheduling and reporting of actual completed work hours and activities;''.

(c) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act with respect to subsection (a) and paragraphs (18) and (19) of section 411(c) of the Homeland Security Act of 2002 (as amended by subsection (b)), and annually thereafter with respect to such paragraphs (18) and (19), the Secretary shall submit to the appropriate congressional committees a report that includes a status update on the following:

(A) The implementation of such subsection (a) and such paragraphs (18) and (19).

(B) Each relevant workload staffing model.

(2) DATA SOURCES AND METHODOLOGY REQUIRED.—Each report required under paragraph (1) shall include information relating to the data sources and methodology used to generate each relevant staffing model.

(d) INSPECTOR GENERAL REVIEW.—Not later than 90 days after the Commissioner develops the workload staffing models pursuant to subsection (a), the Inspector General of the Department shall review such models and provide feedback to the Secretary and the appropriate congressional committees with respect to the degree to which such models are responsive to the recommendations of the Inspector General, including the following:

(1) Recommendations from the Inspector General's February 2019 audit.

(2) Any further recommendations to improve such models.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

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

(2) the Committee on Homeland Security and Governmental Affairs of the Senate.

SEC. 1110. OPERATION STONEGARDEN.

(a) IN GENERAL.—Subtitle A of title XX of the Homeland Security Act of 2002 (6 U.S.C. 601 et seq.) is amended by adding at the end the following new section:

''SEC. 2010. OPERATION STONEGARDEN.

''(a) ESTABLISHMENT.—There is established in the Department a program to be known as 'Operation Stonegarden', under which the Secretary, acting through the Administrator, shall make grants to eligible law enforcement agencies, through State administrative agencies, to enhance border security in accordance with this section.

''(b) ELIGIBLE RECIPIENTS.—To be eligible to receive a grant under this section, a law enforcement agency shall—

''(1) be located in—

''(A) a State bordering Canada or Mexico; or

''(B) a State or territory with a maritime border;

''(2) be involved in an active, ongoing, U.S. Customs and Border Protection operation coordinated through a U.S. Border Patrol sector office; and

''(3) have an agreement in place with U.S. Immigration and Customs Enforcement to support enforcement operations.

''(c) PERMITTED USES.—A recipient of a grant under this section may use such grant for costs associated with the following:

''(1) Equipment, including maintenance and sustainment.

''(2) Personnel, including overtime and backfill, in support of enhanced border law enforcement activities.

''(3) Any activity permitted for Operation Stonegarden under the most recent fiscal year Department of Homeland Security's Homeland Security Grant Program Notice of Funding Opportunity.

''(d) PERIOD OF PERFORMANCE.—The Secretary shall award grants under this section to grant recipients for a period of not fewer than 36 months.

''(e) NOTIFICATION.—Upon denial of a grant to a law enforcement agency, the Administrator shall provide written notice to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate, including the reasoning for such denial.

''(f) REPORT.—For each of fiscal years 2024 through 2028 the Administrator shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report that contains—

''(1) information on the expenditure of grants made under this section by each grant recipient; and

''(2) recommendations for other uses of such grants to further support eligible law enforcement agencies.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $110,000,000 for each of fiscal years 2024 through 2028 for grants under this section.''.

(b) CONFORMING AMENDMENT.—Subsection (a) of section 2002 of the Homeland Security Act of 2002 (6 U.S.C. 603) is amended to read as follows:

''(a) GRANTS AUTHORIZED.—The Secretary, through the Administrator, may award grants under sections 2003, 2004, 2009, and 2010 to State, local, and Tribal governments, as appropriate.''.

(c) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 2009 the following new item:

''Sec. 2010. Operation Stonegarden.''.

SEC. 1111. AIR AND MARINE OPERATIONS FLIGHT HOURS.

(a) AIR AND MARINE OPERATIONS FLIGHT HOURS.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall ensure that not fewer than 110,000 annual flight hours are carried out by Air and Marine Operations of CBP.

(b) UNMANNED AIRCRAFT SYSTEMS.—The Secretary, after coordination with the Administrator of the Federal Aviation Administration, shall ensure that Air and Marine Operations operate unmanned aircraft systems on the southern border of the United States for not less than 24 hours per day.

(c) PRIMARY MISSIONS.—The Commissioner shall ensure the following:

(1) The primary missions for Air and Marine Operations are to directly support the following:

(A) U.S. Border Patrol activities along the borders of the United States.

(B) Joint Interagency Task Force South and Joint Task Force East operations in the transit zone.

(2) The Executive Assistant Commissioner of Air and Marine Operations assigns the greatest priority to support missions specified in paragraph (1).

(d) HIGH DEMAND FLIGHT HOUR REQUIREMENTS.—The Commissioner shall—

(1) ensure that U.S. Border Patrol Sector Chiefs identify air support mission-critical hours; and

(2) direct Air and Marine Operations to support requests from such Sector Chiefs as a component of the primary mission of Air and Marine Operations in accordance with subsection (c)(1)(A).

(e) CONTRACT AIR SUPPORT AUTHORIZATIONS.—The Commissioner shall contract for air support mission-critical hours to meet the requests for such hours, as identified pursuant to subsection (d).

(f) SMALL UNMANNED AIRCRAFT SYSTEMS.—

(1) IN GENERAL.—The Chief of the U.S. Border Patrol shall be the executive agent with respect to the use of small unmanned aircraft by CBP for the purposes of the following:

(A) Meeting the unmet flight hour operational requirements of the U.S. Border Patrol.

(B) Achieving situational awareness and operational control of the borders of the United States.

(2) COORDINATION.—In carrying out paragraph (1), the Chief of the U.S. Border Patrol shall coordinate—

(A) flight operations with the Administrator of the Federal Aviation Administration to ensure the safe and efficient operation of the national airspace system; and

(B) with the Executive Assistant Commissioner for Air and Marine Operations of CBP to—

(i) ensure the safety of other CBP aircraft flying in the vicinity of small unmanned aircraft operated by the U.S. Border Patrol; and

(ii) establish a process to include data from flight hours in the calculation of got away statistics.

(3) CONFORMING AMENDMENT.—Paragraph (3) of section 411(e) of the Homeland Security Act of 2002 (6 U.S.C. 211(e)) is amended—

(A) in subparagraph (B), by striking ''and'' after the semicolon at the end;

(B) by redesignating subparagraph (C) as subparagraph (D); and

(C) by inserting after subparagraph (B) the following new subparagraph:

''(C) carry out the small unmanned aircraft (as such term is defined in section 44801 of title 49, United States Code) requirements pursuant to subsection (f) of section 1111 of the Secure the Border Act of 2024; and''.

(g) SAVINGS CLAUSE.—Nothing in this section may be construed as conferring, transferring, or delegating to the Secretary, the Commissioner, the Executive Assistant Commissioner for Air and Marine Operations of CBP, or the Chief of the U.S. Border Patrol any authority of the Secretary of Transportation or the Administrator of the Federal Aviation Administration relating to the use of airspace or aviation safety.

(h) DEFINITIONS.—In this section:

(1) GOT AWAY.—The term ''got away'' has the meaning given such term in section 1092(a)(3) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 6 U.S.C. 223(a)(3)).

(2) TRANSIT ZONE.—The term ''transit zone'' has the meaning given such term in section 1092(a)(8) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 6 U.S.C. 223(a)(8)).

SEC. 1112. ERADICATION OF CARRIZO CANE AND SALT CEDAR.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary, in coordination with the heads of relevant Federal, State, and local agencies, shall hire contractors to begin eradicating the carrizo cane plant and any salt cedar along the Rio Grande River that impedes border security operations. Such eradication shall be completed—

(1) by not later than September 30, 2027, except for required maintenance; and

(2) in the most expeditious and cost-effective manner possible to maintain clear fields of view.

(b) APPLICATION.—The waiver authority under subsection (c) of section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note), as amended by section 1103, shall apply to activities carried out pursuant to subsection (a).

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a strategic plan to eradicate all carrizo cane plant and salt cedar along the Rio Grande River that impedes border security operations by not later than September 30, 2027.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $7,000,000 for each of fiscal years 2024 through 2028 to the Secretary to carry out this subsection.

SEC. 1113. BORDER PATROL STRATEGIC PLAN.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act and biennially thereafter, the Commissioner, acting through the Chief of the U.S. Border Patrol, shall issue a Border Patrol Strategic Plan (referred to in this section as the ''plan'') to enhance the security of the borders of the United States.

(b) ELEMENTS.—The plan shall include the following:

(1) A consideration of Border Patrol Capability Gap Analysis reporting, Border Security Improvement Plans, and any other strategic document authored by the U.S. Border Patrol to address security gaps between ports of entry, including efforts to mitigate threats identified in such analyses, plans, and documents.

(2) Information relating to the dissemination of information relating to border security or border threats with respect to the efforts of the Department and other appropriate Federal agencies.

(3) Information relating to efforts by U.S. Border Patrol to—

(A) increase situational awareness, including—

(i) surveillance capabilities, such as capabilities developed or utilized by the Department of Defense, and any appropriate technology determined to be excess by the Department of Defense; and

(ii) the use of manned aircraft and unmanned aircraft;

(B) detect and prevent terrorists and instruments of terrorism from entering the United States;

(C) detect, interdict, and disrupt between ports of entry aliens unlawfully present in the United States;

(D) detect, interdict, and disrupt human smuggling, human trafficking, drug trafficking, and other illicit cross-border activity;

(E) focus intelligence collection to disrupt transnational criminal organizations outside of the international and maritime borders of the United States; and

(F) ensure that any new border security technology can be operationally integrated with existing technologies in use by the Department.

(4) Information relating to initiatives of the Department with respect to operational coordination, including any relevant task forces of the Department.

(5) Information gathered from the lessons learned by the deployments of the National Guard to the southern border of the United States.

(6) A description of cooperative agreements relating to information sharing with State, local, Tribal, territorial, and other Federal law enforcement agencies that have jurisdiction on the borders of the United States.

(7) Information relating to border security information received from the following:

(A) State, local, Tribal, territorial, and other Federal law enforcement agencies that have jurisdiction on the borders of the United States or in the maritime environment.

(B) Border community stakeholders, including representatives from the following:

(i) Border agricultural and ranching organizations.

(ii) Business and civic organizations.

(iii) Hospitals and rural clinics within 150 miles of the borders of the United States.

(iv) Victims of crime committed by aliens unlawfully present in the United States.

(v) Victims impacted by drugs, transnational criminal organizations, cartels, gangs, or other criminal activity.

(vi) Farmers, ranchers, and property owners along the border.

(vii) Other individuals negatively impacted by illegal immigration.

(8) Information relating to the staffing requirements with respect to border security for the Department.

(9) A prioritized list of Department research and development objectives to enhance the security of the borders of the United States.

(10) An assessment of training programs, including such programs relating to the following:

(A) Identifying and detecting fraudulent documents.

(B) Understanding the scope of CBP enforcement authorities and appropriate use of force policies.

(C) Screening, identifying, and addressing vulnerable populations, such as children and victims of human trafficking.

SEC. 1114. U.S. CUSTOMS AND BORDER PROTECTION SPIRITUAL READINESS.

Not later than one year after the enactment of this Act and annually thereafter for five years, the Commissioner shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the availability and usage of the assistance of chaplains, prayer groups, houses of worship, and other spiritual resources for members of CBP who identify as religiously affiliated and have attempted suicide, have suicidal ideation, or are at risk of suicide, and metrics on the impact such resources have in assisting religiously affiliated members who have access to and utilize such resources compared to religiously affiliated members who do not.

SEC. 1115. RESTRICTIONS ON FUNDING.

(a) ARRIVING ALIENS.—No funds are authorized to be appropriated to the Department to process the entry into the United States of aliens arriving in between ports of entry.

(b) RESTRICTION ON NONGOVERNMENTAL ORGANIZATION SUPPORT FOR UNLAWFUL ACTIVITY.—No funds are authorized to be appropriated to the Department for disbursement to any nongovernmental organization that facilitates or encourages unlawful activity, including unlawful entry, human trafficking, human smuggling, drug trafficking, and drug smuggling.

(c) RESTRICTION ON NONGOVERNMENTAL ORGANIZATION FACILITATION OF ILLEGAL IMMIGRATION.—No funds are authorized to be appropriated to the Department for disbursement to any nongovernmental organization to provide, or facilitate the provision of, transportation, lodging, or immigration legal services to inadmissible aliens who enter the United States after the date of the enactment of this Act.

SEC. 1116. COLLECTION OF DNA AND BIOMETRIC INFORMATION AT THE BORDER.

Not later than 14 days after the date of the enactment of this Act, the Secretary shall ensure and certify to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate that CBP is fully compliant with Federal DNA and biometric collection requirements at United States land borders.

SEC. 1117. ERADICATION OF NARCOTIC DRUGS AND FORMULATING EFFECTIVE NEW TOOLS TO ADDRESS YEARLY LOSSES OF LIFE; ENSURING TIMELY UPDATES TO U.S. CUSTOMS AND BORDER PROTECTION FIELD MANUALS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and not less frequently than triennially thereafter, the Commissioner of U.S. Customs and Border Protection shall review and update, as necessary, the current policies and manuals of the Office of Field Operations related to inspections at ports of entry, and the U.S. Border Patrol related to inspections between ports of entry, to ensure the uniform implementation of inspection practices that will effectively respond to technological and methodological changes designed to disguise unlawful activity, such as the smuggling of drugs and humans, along the border.

(b) REPORTING REQUIREMENT.—Not later than 90 days after each update required under subsection (a), the Commissioner of U.S. Customs and Border Protection shall submit to the Committee on Homeland Security and the Committee on the Judiciary of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary of the Senate a report that summarizes any policy and manual changes pursuant to subsection (a).

SEC. 1118. PUBLICATION BY U.S. CUSTOMS AND BORDER PROTECTION OF OPERATIONAL STATISTICS.

(a) IN GENERAL.—Not later than the seventh day of each month beginning with the second full month after the date of the enactment of this Act, the Commissioner of U.S. Customs and Border Protection shall publish on a publicly available website of the Department of Homeland Security information relating to the total number of alien encounters and nationalities, unique alien encounters and nationalities, gang-affiliated apprehensions and nationalities, drug seizures, alien encounters included in the terrorist screening database and nationalities, arrests of criminal aliens or individuals wanted by law enforcement and nationalities, known got aways, encounters with deceased aliens, and all other related or associated statistics recorded by U.S. Customs and Border Protection during the immediately preceding month. Each such publication shall include the following:

(1) The aggregate such number, and such number disaggregated by geographic regions, of such recordings and encounters, including specifications relating to whether such recordings and encounters were at the southwest, northern, or maritime border.

(2) An identification of the Office of Field Operations field office, U.S. Border Patrol sector, or Air and Marine Operations branch making each recording or encounter.

(3) Information relating to whether each recording or encounter of an alien was of a single adult, an unaccompanied alien child, or an individual in a family unit.

(4) Information relating to the processing disposition of each alien recording or encounter.

(5) Information relating to the nationality of each alien who is the subject of each recording or encounter.

(6) The total number of individuals included in the terrorist screening database (as such term is defined in section 2101 of the Homeland Security Act of 2002 (6 U.S.C. 621)) who have repeatedly attempted to cross unlawfully into the United States.

(7) The total number of individuals included in the terrorist screening database

who have been apprehended, including information relating to whether such individuals were released into the United States or removed.

(b) EXCEPTIONS.—If the Commissioner of U.S. Customs and Border Protection in any month does not publish the information required under subsection (a), or does not publish such information by the date specified in such subsection, the Commissioner shall brief the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate regarding the reason relating thereto, as the case may be, by not later than the date that is two business days after the tenth day of such month.

(c) DEFINITIONS.—In this section:

(1) ALIEN ENCOUNTERS.—The term ''alien encounters'' means aliens apprehended, determined inadmissible, or processed for removal by U.S. Customs and Border Protection.

(2) GOT AWAY.—The term ''got away'' has the meaning given such term in section 1092(a) of the National Defense Authorization Act for Fiscal Year 2017 (6 U.S.C. 223(a)).

(3) TERRORIST SCREENING DATABASE.—The term ''terrorist screening database'' has the meaning given such term in section 2101 of the Homeland Security Act of 2002 (6 U.S.C. 621).

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

SEC. 1119. ALIEN CRIMINAL BACKGROUND CHECKS.

(a) IN GENERAL.—Not later than seven days after the date of the enactment of this Act, the Commissioner shall certify to the Committee on Homeland Security and the Committee on the Judiciary of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary of the Senate that CBP has real-time access to the criminal history databases of all countries of origin and transit for aliens encountered by CBP to perform criminal history background checks for such aliens.

(b) STANDARDS.—The certification required under subsection (a) shall also include a determination whether the criminal history databases of a country are accurate, up to date, digitized, searchable, and otherwise meet the standards of the Federal Bureau of Investigation for criminal history databases maintained by State and local governments.

(c) CERTIFICATION.—The Secretary shall annually submit to the Committee on Homeland Security and the Committee on the Judiciary of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary of the Senate a certification that each database referred to in subsection (b) which the Secretary accessed or sought to access pursuant to this section met the standards described in subsection (b).

SEC. 1120. PROHIBITED IDENTIFICATION DOCUMENTS AT AIRPORT SECURITY CHECKPOINTS; NOTIFICATION TO IMMIGRATION AGENCIES.

(a) IN GENERAL.—The Administrator may not accept as valid proof of identification a prohibited identification document at an airport security checkpoint.

(b) NOTIFICATION TO IMMIGRATION AGENCIES.—If an individual presents a prohibited identification document to an officer of the Transportation Security Administration at an airport security checkpoint, the Administrator shall promptly notify the Director of U.S. Immigration and Customs Enforcement, the Director of U.S. Customs and Border Protection, and the head of the appropriate local law enforcement agency to determine whether the individual is in violation of any term of release from the custody of any such agency.

(c) ENTRY INTO STERILE AREAS.—

(1) IN GENERAL.—Except as provided in paragraph (2), if an individual is found to be in violation of any term of release under subsection (b), the Administrator may not permit such individual to enter a sterile area.

(2) EXCEPTION.—An individual presenting a prohibited identification document under this section may enter a sterile area if the individual—

(A) is leaving the United States for the purposes of removal or deportation; or

(B) presents a covered identification document.

(d) COLLECTION OF BIOMETRIC INFORMATION FROM CERTAIN INDIVIDUALS SEEKING ENTRY INTO THE STERILE AREA OF AN AIRPORT.—Beginning not later than 120 days after the date of the enactment of this Act, the Administrator shall collect biometric information from an individual described in subsection (e) prior to authorizing such individual to enter into a sterile area.

(e) INDIVIDUAL DESCRIBED.—An individual described in this subsection is an individual who—

(1) is seeking entry into the sterile area of an airport;

(2) does not present a covered identification document; and

(3) the Administrator cannot verify is a national of the United States.

(f) PARTICIPATION IN IDENT.—Beginning not later than 120 days after the date of the enactment of this Act, the Administrator, in coordination with the Secretary, shall submit biometric data collected under this section to the Automated Biometric Identification System (IDENT).

(g) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Transportation Security Administration.

(2) BIOMETRIC INFORMATION.—The term ''biometric information'' means any of the following:

(A) A fingerprint.

(B) A palm print.

(C) A photograph, including—

(i) a photograph of an individual's face for use with facial recognition technology; and

(ii) a photograph of any physical or anatomical feature, such as a scar, skin mark, or tattoo.

(D) A signature.

(E) A voice print.

(F) An iris image.

(3) COVERED IDENTIFICATION DOCUMENT.—The term ''covered identification document'' means any of the following, if the document is valid and unexpired:

(A) A United States passport or passport card.

(B) A biometrically secure card issued by a trusted traveler program of the Department of Homeland Security, including—

(i) Global Entry;

(ii) Nexus;

(iii) Secure Electronic Network for Travelers Rapid Inspection (SENTRI); and

(iv) Free and Secure Trade (FAST).

(C) An identification card issued by the Department of Defense, including such a card issued to a dependent.

(D) Any document required for admission to the United States under section 211(a) of the Immigration and Nationality Act (8 U.S.C. 1181(a)).

(E) An enhanced driver's license issued by a State.

(F) A photo identification card issued by a federally recognized Indian Tribe.

(G) A personal identity verification credential issued in accordance with Homeland Security Presidential Directive 12.

(H) A driver's license issued by a province of Canada.

(I) A Secure Certificate of Indian Status issued by the Government of Canada.

(J) A Transportation Worker Identification Credential.

(K) A Merchant Mariner Credential issued by the Coast Guard.

(L) A Veteran Health Identification Card issued by the Department of Veterans Affairs.

(M) Any other document the Administrator determines, pursuant to a rulemaking in accordance with section 553 of title 5, United States Code, will satisfy the identity verification procedures of the Transportation Security Administration.

(4) IMMIGRATION LAWS.—The term ''immigration laws'' has the meaning given that term in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

(5) PROHIBITED IDENTIFICATION DOCUMENT.—The term ''prohibited identification document'' means any of the following (or any applicable successor form):

(A) U.S. Immigration and Customs Enforcement Form I–200, Warrant for Arrest of Alien.

(B) U.S. Immigration and Customs Enforcement Form I–205, Warrant of Removal/Deportation.

(C) U.S. Immigration and Customs Enforcement Form I–220A, Order of Release on Recognizance.

(D) U.S. Immigration and Customs Enforcement Form I–220B, Order of Supervision.

(E) Department of Homeland Security Form I–862, Notice to Appear.

(F) U.S. Customs and Border Protection Form I–94, Arrival/Departure Record (including a print-out of an electronic record).

(G) Department of Homeland Security Form I–385, Notice to Report.

(H) Any document that directs an individual to report to the Department of Homeland Security.

(I) Any Department of Homeland Security work authorization or employment verification document.

(6) STERILE AREA.—The term ''sterile area'' has the meaning given that term in section 1540.5 of title 49, Code of Federal Regulations, or any successor regulation.

SEC. 1121. PROHIBITION AGAINST ANY COVID–19 VACCINE MANDATE OR ADVERSE ACTION AGAINST DHS EMPLOYEES.

(a) LIMITATION ON IMPOSITION OF NEW MANDATE.—The Secretary may not issue any COVID–19 vaccine mandate unless Congress expressly authorizes such a mandate.

(b) PROHIBITION ON ADVERSE ACTION.—The Secretary may not take any adverse action against a Department employee based solely on the refusal of such employee to receive a vaccine for COVID–19.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall report to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate on the following:

(1) The number of Department employees who were terminated or resigned due to the COVID–19 vaccine mandate.

(2) An estimate of the cost to reinstate such employees.

(3) How the Department would effectuate reinstatement of such employees.

(d) RETENTION AND DEVELOPMENT OF UNVACCINATED EMPLOYEES.—The Secretary shall make every effort to retain Department employees who are not vaccinated

against COVID–19 and provide such employees with professional development, promotion and leadership opportunities, and consideration equal to that of their peers.

SEC. 1122. CBP ONE APP LIMITATION.

(a) LIMITATION.—The Department may use the CBP One Mobile Application or any other similar program, application, internet-based portal, website, device, or initiative only for inspection of perishable cargo.

(b) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Commissioner shall report to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate the date on which CBP began using CBP One to allow aliens to schedule interviews at land ports of entry, how many aliens have scheduled interviews at land ports of entry using CBP One, the nationalities of such aliens, and the stated final destinations of such aliens within the United States, if any.

SEC. 1123. REPORT ON MEXICAN DRUG CARTELS.

Not later than 60 days after the date of the enactment of this Act, Congress shall commission a report that contains the following:

(1) A national strategy to address Mexican drug cartels, and a determination regarding whether there should be a designation established to address such cartels.

(2) Information relating to actions by such cartels that causes harm to the United States.

SEC. 1124. GAO STUDY ON COSTS INCURRED BY STATES TO SECURE THE SOUTHWEST BORDER.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study to examine the costs incurred by individual States as a result of actions taken by such States in support of the Federal mission to secure the southwest border, and the feasibility of a program to reimburse such States for such costs.

(b) CONTENTS.—The study required under subsection (a) shall include consideration of the following:

(1) Actions taken by the Department of Homeland Security that have contributed to costs described in such subsection incurred by States to secure the border in the absence of Federal action, including the termination of the Migrant Protection Protocols and cancellation of border wall construction.

(2) Actions taken by individual States along the southwest border to secure their borders, and the costs associated with such actions.

(3) The feasibility of a program within the Department of Homeland Security to reimburse States for the costs incurred in support of the Federal mission to secure the southwest border.

SEC. 1125. REPORT BY INSPECTOR GENERAL OF THE DEPARTMENT OF HOMELAND SECURITY.

(a) REPORT.—Not later than one year after the date of the enactment of this Act and annually thereafter for five years, the Inspector General of the Department of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report examining the economic and security impact of mass migration to municipalities and States along the southwest border. Such report shall include information regarding costs incurred by the following:

(1) State and local law enforcement to secure the southwest border.

(2) Public school districts to educate students who are aliens unlawfully present in the United States.

(3) Healthcare providers to provide care to aliens unlawfully present in the United States who have not paid for such care.

(4) Farmers and ranchers due to migration impacts to their properties.

(b) CONSULTATION.—To produce the report required under subsection (a), the Inspector General of the Department of Homeland Security shall consult with the individuals and representatives of the entities described in paragraphs (1) through (4) of such subsection.

SEC. 1126. OFFSETTING AUTHORIZATIONS OF APPROPRIATIONS.

(a) OFFICE OF THE SECRETARY AND EMERGENCY MANAGEMENT.—No funds are authorized to be appropriated for the Alternatives to Detention Case Management Pilot Program or the Office of the Immigration Detention Ombudsman for the Office of the Secretary and Emergency Management of the Department of Homeland Security.

(b) MANAGEMENT DIRECTORATE.—No funds are authorized to be appropriated for electric vehicles or St. Elizabeths campus construction for the Management Directorate of the Department of Homeland Security.

(c) INTELLIGENCE, ANALYSIS, AND SITUATIONAL AWARENESS.—There is authorized to be appropriated $216,000,000 for Intelligence, Analysis, and Situational Awareness of the Department of Homeland Security.

(d) U.S. CUSTOMS AND BORDER PROTECTION.—No funds are authorized to be appropriated for the Shelter Services Program for U.S. Customs and Border Protection.

SEC. 1127. REPORT TO CONGRESS ON FOREIGN TERRORIST ORGANIZATIONS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act and annually thereafter for five years, the Secretary of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate an assessment of foreign terrorist organizations attempting to move their members or affiliates into the United States through the southern, northern, or maritime border.

(b) DEFINITION.—In this section, the term ''foreign terrorist organization'' means an organization described in section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

SEC. 1128. ASSESSMENT BY INSPECTOR GENERAL OF THE DEPARTMENT OF HOMELAND SECURITY ON THE MITIGATION OF UNMANNED AIRCRAFT SYSTEMS AT THE SOUTHWEST BORDER.

Not later than 90 days after the date of the enactment of this Act, the Inspector General of the Department of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate an assessment of U.S. Customs and Border Protection's ability to mitigate unmanned aircraft systems at the southwest border. Such assessment shall include information regarding any intervention between January 1, 2021, and the date of the enactment of this Act, by any Federal agency affecting in any manner U.S. Customs and Border Protection's authority to so mitigate such systems.

TITLE II—ASYLUM REFORM AND BORDER PROTECTION

SEC. 1201. SAFE THIRD COUNTRY.

Section 208(a)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1158(a)(2)(A)) is amended—

(1) by striking ''if the Attorney General determines'' and inserting ''if the Attorney General or the Secretary of Homeland Security determines—'';

(2) by striking ''that the alien may be removed'' and inserting the following:

''(i) that the alien may be removed'';

(3) by striking '', pursuant to a bilateral or multilateral agreement, to'' and inserting ''to'';

(4) by inserting ''or the Secretary, on a case by case basis,'' before ''finds that'';

(5) by striking the period at the end and inserting ''; or''; and

(6) by adding at the end the following:

''(ii) that the alien entered, attempted to enter, or arrived in the United States after transiting through at least one country outside the alien's country of citizenship, nationality, or last lawful habitual residence en route to the United States, unless—

''(I) the alien demonstrates that he or she applied for protection from persecution or torture in at least one country outside the alien's country of citizenship, nationality, or last lawful habitual residence through which the alien transited en route to the United States, and the alien received a final judgment denying the alien protection in each country;

''(II) the alien demonstrates that he or she was a victim of a severe form of trafficking in which a commercial sex act was induced by force, fraud, or coercion, or in which the person induced to perform such act was under the age of 18 years; or in which the trafficking included the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery, and was unable to apply for protection from persecution in each country through which the alien transited en route to the United States as a result of such severe form of trafficking; or

''(III) the only countries through which the alien transited en route to the United States were, at the time of the transit, not parties to the 1951 United Nations Convention relating to the Status of Refugees, the 1967 Protocol Relating to the Status of Refugees, or the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.''.

SEC. 1202. CREDIBLE FEAR INTERVIEWS.

Section 235(b)(1)(B)(v) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(B)(v)) is amended by striking ''there is a significant possibility'' and all that follows, and inserting '', taking into account the credibility of the statements made by the alien in support of the alien's claim, as determined pursuant to section 208(b)(1)(B)(iii), and such other facts as are known to the officer, the alien more likely than not could establish eligibility for asylum under section 208, and it is more likely than not that the statements made by, and on behalf of, the alien in support of the alien's claim are true.''.

SEC. 1203. CLARIFICATION OF ASYLUM ELIGIBILITY.

(a) IN GENERAL.—Section 208(b)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1158(b)(1)(A)) is amended by inserting after ''section 101(a)(42)(A)'' the following: ''(in accordance with the rules set forth in this section), and is eligible to apply for asylum under subsection (a)''.

(b) PLACE OF ARRIVAL.—Section 208(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1158(a)(1)) is amended—

(1) by striking ''or who arrives in the United States (whether or not at a designated port of arrival and including an alien who is brought to the United States after having been interdicted in international or United States waters),''; and

(2) by inserting after ''United States'' the following: ''and has arrived in the United States at a port of entry (including an alien who is brought to the United States after

having been interdicted in international or United States waters),''.

SEC. 1204. EXCEPTIONS.

Paragraph (2) of section 208(b) of the Immigration and Nationality Act (8 U.S.C. 1158(b)(2)) is amended to read as follows:

''(2) EXCEPTIONS.—

''(A) IN GENERAL.—Paragraph (1) shall not apply to an alien if the Secretary of Homeland Security or the Attorney General determines that—

''(i) the alien ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion;

''(ii) the alien has been convicted of any felony under Federal, State, tribal, or local law;

''(iii) the alien has been convicted of any misdemeanor offense under Federal, State, tribal, or local law involving—

''(I) the unlawful possession or use of an identification document, authentication feature, or false identification document (as those terms and phrases are defined in the jurisdiction where the conviction occurred), unless the alien can establish that the conviction resulted from circumstances showing that—

''(aa) the document or feature was presented before boarding a common carrier;

''(bb) the document or feature related to the alien's eligibility to enter the United States;

''(cc) the alien used the document or feature to depart a country wherein the alien has claimed a fear of persecution; and

''(dd) the alien claimed a fear of persecution without delay upon presenting himself or herself to an immigration officer upon arrival at a United States port of entry;

''(II) the unlawful receipt of a Federal public benefit (as defined in section 401(c) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1611(c))), from a Federal entity, or the unlawful receipt of similar public benefits from a State, tribal, or local entity; or

''(III) possession or trafficking of a controlled substance or controlled substance paraphernalia, as those phrases are defined under the law of the jurisdiction where the conviction occurred, other than a single offense involving possession for one's own use of 30 grams or less of marijuana (as marijuana is defined under the law of the jurisdiction where the conviction occurred);

''(iv) the alien has been convicted of an offense arising under paragraph (1)(A) or (2) of section 274(a), or under section 276;

''(v) the alien has been convicted of a Federal, State, tribal, or local crime that the Attorney General or Secretary of Homeland Security knows, or has reason to believe, was committed in support, promotion, or furtherance of the activity of a criminal street gang (as defined under the law of the jurisdiction where the conviction occurred or in section 521(a) of title 18, United States Code);

''(vi) the alien has been convicted of an offense for driving while intoxicated or impaired, as those terms are defined under the law of the jurisdiction where the conviction occurred (including a conviction for driving while under the influence of or impaired by alcohol or drugs), without regard to whether the conviction is classified as a misdemeanor or felony under Federal, State, tribal, or local law, in which such intoxicated or impaired driving was a cause of serious bodily injury or death of another person;

''(vii) the alien has been convicted of more than one offense for driving while intoxicated or impaired, as those terms are defined under the law of the jurisdiction where the conviction occurred (including a conviction for driving while under the influence of or impaired by alcohol or drugs), without regard to whether the conviction is classified as a misdemeanor or felony under Federal, State, tribal, or local law;

''(viii) the alien has been convicted of a crime—

''(I) that involves conduct amounting to a crime of stalking;

''(II) of child abuse, child neglect, or child abandonment; or

''(III) that involves conduct amounting to a domestic assault or battery offense, including—

''(aa) a misdemeanor crime of domestic violence, as described in section 921(a)(33) of title 18, United States Code;

''(bb) a crime of domestic violence, as described in section 40002(a)(12) of the Violence Against Women Act of 1994 (34 U.S.C. 12291(a)(12)); or

''(cc) any crime based on conduct in which the alien harassed, coerced, intimidated, voluntarily or recklessly used (or threatened to use) force or violence against, or inflicted physical injury or physical pain, however slight, upon a person—

''(AA) who is a current or former spouse of the alien;

''(BB) with whom the alien shares a child;

''(CC) who is cohabitating with, or who has cohabitated with, the alien as a spouse;

''(DD) who is similarly situated to a spouse of the alien under the domestic or family violence laws of the jurisdiction where the offense occurred; or

''(EE) who is protected from that alien's acts under the domestic or family violence laws of the United States or of any State, tribal government, or unit of local government;

''(ix) the alien has engaged in acts of battery or extreme cruelty upon a person and the person—

''(I) is a current or former spouse of the alien;

''(II) shares a child with the alien;

''(III) cohabitates or has cohabitated with the alien as a spouse;

''(IV) is similarly situated to a spouse of the alien under the domestic or family violence laws of the jurisdiction where the offense occurred; or

''(V) is protected from that alien's acts under the domestic or family violence laws of the United States or of any State, tribal government, or unit of local government;

''(x) the alien, having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community of the United States;

''(xi) there are serious reasons for believing that the alien has committed a serious nonpolitical crime outside the United States prior to the arrival of the alien in the United States;

''(xii) there are reasonable grounds for regarding the alien as a danger to the security of the United States;

''(xiii) the alien is described in subclause (I), (II), (III), (IV), or (VI) of section 212(a)(3)(B)(i) or section 237(a)(4)(B) (relating to terrorist activity), unless, in the case only of an alien inadmissible under subclause (IV) of section 212(a)(3)(B)(i), the Secretary of Homeland Security or the Attorney General determines, in the Secretary's or the Attorney General's discretion, that there are not reasonable grounds for regarding the alien as a danger to the security of the United States;

''(xiv) the alien was firmly resettled in another country prior to arriving in the United States; or

''(xv) there are reasonable grounds for concluding the alien could avoid persecution by relocating to another part of the alien's country of nationality or, in the case of an alien having no nationality, another part of the alien's country of last habitual residence.

''(B) SPECIAL RULES.—

''(i) PARTICULARLY SERIOUS CRIME; SERIOUS NONPOLITICAL CRIME OUTSIDE THE UNITED STATES.—

''(I) IN GENERAL.—For purposes of subparagraph (A)(x), the Attorney General or Secretary of Homeland Security, in their discretion, may determine that a conviction constitutes a particularly serious crime based on—

''(aa) the nature of the conviction;

''(bb) the type of sentence imposed; or

''(cc) the circumstances and underlying facts of the conviction.

''(II) DETERMINATION.—In making a determination under subclause (I), the Attorney General or Secretary of Homeland Security may consider all reliable information and is not limited to facts found by the criminal court or provided in the underlying record of conviction.

''(III) TREATMENT OF FELONIES.—In making a determination under subclause (I), an alien who has been convicted of a felony (as defined under this section) or an aggravated felony (as defined under section 101(a)(43)), shall be considered to have been convicted of a particularly serious crime.

''(IV) INTERPOL RED NOTICE.—In making a determination under subparagraph (A)(xi), an Interpol Red Notice may constitute reliable evidence that the alien has committed a serious nonpolitical crime outside the United States.

''(ii) CRIMES AND EXCEPTIONS.—

''(I) DRIVING WHILE INTOXICATED OR IMPAIRED.—A finding under subparagraph (A)(vi) does not require the Attorney General or Secretary of Homeland Security to find the first conviction for driving while intoxicated or impaired (including a conviction for driving while under the influence of or impaired by alcohol or drugs) as a predicate offense. The Attorney General or Secretary of Homeland Security need only make a factual determination that the alien previously was convicted for driving while intoxicated or impaired as those terms are defined under the jurisdiction where the conviction occurred (including a conviction for driving while under the influence of or impaired by alcohol or drugs).

''(II) STALKING AND OTHER CRIMES.—In making a determination under subparagraph (A)(viii), including determining the existence of a domestic relationship between the alien and the victim, the underlying conduct of the crime may be considered, and the Attorney General or Secretary of Homeland Security is not limited to facts found by the criminal court or provided in the underlying record of conviction.

''(III) BATTERY OR EXTREME CRUELTY.—In making a determination under subparagraph (A)(ix), the phrase 'battery or extreme cruelty' includes—

''(aa) any act or threatened act of violence, including any forceful detention, which results or threatens to result in physical or mental injury;

''(bb) psychological or sexual abuse or exploitation, including rape, molestation, incest, or forced prostitution, shall be considered acts of violence; and

''(cc) other abusive acts, including acts that, in and of themselves, may not initially appear violent, but that are a part of an overall pattern of violence.

''(IV) EXCEPTION FOR VICTIMS OF DOMESTIC VIOLENCE.—An alien who was convicted of an offense described in clause (viii) or (ix) of subparagraph (A) is not ineligible for asylum on that basis if the alien satisfies the criteria under section 237(a)(7)(A).

''(C) SPECIFIC CIRCUMSTANCES.—Paragraph (1) shall not apply to an alien whose claim is based on—

''(i) personal animus or retribution, including personal animus in which the alleged persecutor has not targeted, or manifested an animus against, other members of an alleged particular social group in addition to the member who has raised the claim at issue;

''(ii) the applicant's generalized disapproval of, disagreement with, or opposition to criminal, terrorist, gang, guerilla, or other non-state organizations absent expressive behavior in furtherance of a discrete cause against such organizations related to control of a State or expressive behavior that is antithetical to the State or a legal unit of the State;

''(iii) the applicant's resistance to recruitment or coercion by guerrilla, criminal, gang, terrorist, or other non-state organizations;

''(iv) the targeting of the applicant for criminal activity for financial gain based on wealth or affluence or perceptions of wealth or affluence;

''(v) the applicant's criminal activity; or

''(vi) the applicant's perceived, past or present, gang affiliation.

''(D) DEFINITIONS AND CLARIFICATIONS.—

''(i) DEFINITIONS.—For purposes of this paragraph:

''(I) FELONY.—The term 'felony' means—

''(aa) any crime defined as a felony by the relevant jurisdiction (Federal, State, tribal, or local) of conviction; or

''(bb) any crime punishable by more than one year of imprisonment.

''(II) MISDEMEANOR.—The term 'misdemeanor' means—

''(aa) any crime defined as a misdemeanor by the relevant jurisdiction (Federal, State, tribal, or local) of conviction; or

''(bb) any crime not punishable by more than one year of imprisonment.

''(ii) CLARIFICATIONS.—

''(I) CONSTRUCTION.—For purposes of this paragraph, whether any activity or conviction also may constitute a basis for removal is immaterial to a determination of asylum eligibility.

''(II) ATTEMPT, CONSPIRACY, OR SOLICITATION.—For purposes of this paragraph, all references to a criminal offense or criminal conviction shall be deemed to include any attempt, conspiracy, or solicitation to commit the offense or any other inchoate form of the offense.

''(III) EFFECT OF CERTAIN ORDERS.—

''(aa) IN GENERAL.—No order vacating a conviction, modifying a sentence, clarifying a sentence, or otherwise altering a conviction or sentence shall have any effect under this paragraph unless the Attorney General or Secretary of Homeland Security determines that—

''(AA) the court issuing the order had jurisdiction and authority to do so; and

''(BB) the order was not entered for rehabilitative purposes or for purposes of ameliorating the immigration consequences of the conviction or sentence.

''(bb) AMELIORATING IMMIGRATION CONSEQUENCES.—For purposes of item (aa)(BB), the order shall be presumed to be for the purpose of ameliorating immigration consequences if—

''(AA) the order was entered after the initiation of any proceeding to remove the alien from the United States; or

''(BB) the alien moved for the order more than one year after the date of the original order of conviction or sentencing, whichever is later.

''(cc) AUTHORITY OF IMMIGRATION JUDGE.—An immigration judge is not limited to consideration only of material included in any order vacating a conviction, modifying a sentence, or clarifying a sentence to determine whether such order should be given any effect under this paragraph, but may consider such additional information as the immigration judge determines appropriate.

''(E) ADDITIONAL LIMITATIONS.—The Secretary of Homeland Security or the Attorney General may by regulation establish additional limitations and conditions, consistent with this section, under which an alien shall be ineligible for asylum under paragraph (1).

''(F) NO JUDICIAL REVIEW.—There shall be no judicial review of a determination of the Secretary of Homeland Security or the Attorney General under subparagraph (A)(xiii).''.

SEC. 1205. EMPLOYMENT AUTHORIZATION.

Paragraph (2) of section 208(d) of the Immigration and Nationality Act (8 U.S.C. 1158(d)) is amended to read as follows:

''(2) EMPLOYMENT AUTHORIZATION.—

''(A) AUTHORIZATION PERMITTED.—An applicant for asylum is not entitled to employment authorization, but such authorization may be provided under regulation by the Secretary of Homeland Security. An applicant who is not otherwise eligible for employment authorization shall not be granted such authorization prior to the date that is 180 days after the date of filing of the application for asylum.

''(B) TERMINATION.—Each grant of employment authorization under subparagraph (A), and any renewal or extension thereof, shall be valid for a period of 6 months, except that such authorization, renewal, or extension shall terminate prior to the end of such 6 month period as follows:

''(i) Immediately following the denial of an asylum application by an asylum officer, unless the case is referred to an immigration judge.

''(ii) 30 days after the date on which an immigration judge denies an asylum application, unless the alien timely appeals to the Board of Immigration Appeals.

''(iii) Immediately following the denial by the Board of Immigration Appeals of an appeal of a denial of an asylum application.

''(C) RENEWAL.—The Secretary of Homeland Security may not grant, renew, or extend employment authorization to an alien if the alien was previously granted employment authorization under subparagraph (A), and the employment authorization was terminated pursuant to a circumstance described in subparagraph (B)(i), (ii), or (iii), unless a Federal court of appeals remands the alien's case to the Board of Immigration Appeals.

''(D) INELIGIBILITY.—The Secretary of Homeland Security may not grant employment authorization to an alien under this paragraph if the alien—

''(i) is ineligible for asylum under subsection (b)(2)(A); or

''(ii) entered or attempted to enter the United States at a place and time other than lawfully through a United States port of entry.''.

SEC. 1206. ASYLUM FEES.

Paragraph (3) of section 208(d) of the Immigration and Nationality Act (8 U.S.C. 1158(d)) is amended to read as follows:

''(3) FEES.—

''(A) APPLICATION FEE.—A fee of not less than $50 for each application for asylum shall be imposed. Such fee shall not exceed the cost of adjudicating the application. Such fee shall not apply to an unaccompanied alien child who files an asylum application in proceedings under section 240.

''(B) EMPLOYMENT AUTHORIZATION.—A fee may also be imposed for the consideration of an application for employment authorization under this section and for adjustment of status under section 209(b). Such a fee shall not exceed the cost of adjudicating the application.

''(C) PAYMENT.—Fees under this paragraph may be assessed and paid over a period of time or by installments.

''(D) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to limit the authority of the Attorney General or Secretary of Homeland Security to set adjudication and naturalization fees in accordance with section 286(m).''.

SEC. 1207. RULES FOR DETERMINING ASYLUM ELIGIBILITY.

Section 208 of the Immigration and Nationality Act (8 U.S.C. 1158) is amended by adding at the end the following:

''(f) RULES FOR DETERMINING ASYLUM ELIGIBILITY.—In making a determination under subsection (b)(1)(A) with respect to whether an alien is a refugee within the meaning of section 101(a)(42)(A), the following shall apply:

''(1) PARTICULAR SOCIAL GROUP.—The Secretary of Homeland Security or the Attorney General shall not determine that an alien is a member of a particular social group unless the alien articulates on the record, or provides a basis on the record for determining, the definition and boundaries of the alleged particular social group, establishes that the particular social group exists independently from the alleged persecution, and establishes that the alien's claim of membership in a particular social group does not involve—

''(A) past or present criminal activity or association (including gang membership);

''(B) presence in a country with generalized violence or a high crime rate;

''(C) being the subject of a recruitment effort by criminal, terrorist, or persecutory groups;

''(D) the targeting of the applicant for criminal activity for financial gain based on perceptions of wealth or affluence;

''(E) interpersonal disputes of which governmental authorities in the relevant society or region were unaware or uninvolved;

''(F) private criminal acts of which governmental authorities in the relevant society or region were unaware or uninvolved;

''(G) past or present terrorist activity or association;

''(H) past or present persecutory activity or association; or

''(I) status as an alien returning from the United States.

''(2) POLITICAL OPINION.—The Secretary of Homeland Security or the Attorney General may not determine that an alien holds a political opinion with respect to which the alien is subject to persecution if the political opinion is constituted solely by generalized disapproval of, disagreement with, or opposition to criminal, terrorist, gang, guerilla, or other non-state organizations and does not include expressive behavior in furtherance of a cause against such organizations related to efforts by the State to control such organizations or behavior that is antithetical to or otherwise opposes the ruling legal entity of the State or a unit thereof.

''(3) PERSECUTION.—The Secretary of Homeland Security or the Attorney General may not determine that an alien has been subject to persecution or has a well-founded fear of persecution based only on—

''(A) the existence of laws or government policies that are unenforced or infrequently enforced, unless there is credible evidence that such a law or policy has been or would be applied to the applicant personally; or

''(B) the conduct of rogue foreign government officials acting outside the scope of their official capacity.

''(4) DISCRETIONARY DETERMINATION.—

''(A) ADVERSE DISCRETIONARY FACTORS.—The Secretary of Homeland Security or the

Attorney General may only grant asylum to an alien if the alien establishes that he or she warrants a favorable exercise of discretion. In making such a determination, the Attorney General or Secretary of Homeland Security shall consider, if applicable, an alien's use of fraudulent documents to enter the United States, unless the alien arrived in the United States by air, sea, or land directly from the applicant's home country without transiting through any other country.

''(B) FAVORABLE EXERCISE OF DISCRETION NOT PERMITTED.—Except as provided in subparagraph (C), the Attorney General or Secretary of Homeland Security shall not favorably exercise discretion under this section for any alien who—

''(i) has accrued more than one year of unlawful presence in the United States, as defined in sections 212(a)(9)(B)(ii) and (iii), prior to filing an application for asylum;

''(ii) at the time the asylum application is filed with the immigration court or is referred from the Department of Homeland Security, has—

''(I) failed to timely file (or timely file a request for an extension of time to file) any required Federal, State, or local income tax returns;

''(II) failed to satisfy any outstanding Federal, State, or local tax obligations; or

''(III) income that would result in tax liability under section 1 of the Internal Revenue Code of 1986 and that was not reported to the Internal Revenue Service;

''(iii) has had two or more prior asylum applications denied for any reason;

''(iv) has withdrawn a prior asylum application with prejudice or been found to have abandoned a prior asylum application;

''(v) failed to attend an interview regarding his or her asylum application with the Department of Homeland Security, unless the alien shows by a preponderance of the evidence that—

''(I) exceptional circumstances prevented the alien from attending the interview; or

''(II) the interview notice was not mailed to the last address provided by the alien or the alien's representative and neither the alien nor the alien's representative received notice of the interview; or

''(vi) was subject to a final order of removal, deportation, or exclusion and did not file a motion to reopen to seek asylum based on changed country conditions within one year of the change in country conditions.

''(C) EXCEPTIONS.—If one or more of the adverse discretionary factors set forth in subparagraph (B) are present, the Attorney General or the Secretary, may, notwithstanding such subparagraph (B), favorably exercise discretion under section 208—

''(i) in extraordinary circumstances, such as those involving national security or foreign policy considerations; or

''(ii) if the alien, by clear and convincing evidence, demonstrates that the denial of the application for asylum would result in exceptional and extremely unusual hardship to the alien.

''(5) LIMITATION.—If the Secretary or the Attorney General determines that an alien fails to satisfy the requirement under paragraph (1), the alien may not be granted asylum based on membership in a particular social group, and may not appeal the determination of the Secretary or Attorney General, as applicable. A determination under this paragraph shall not serve as the basis for any motion to reopen or reconsider an application for asylum or withholding of removal for any reason, including a claim of ineffective assistance of counsel, unless the alien complies with the procedural requirements for such a motion and demonstrates that counsel's failure to define, or provide a basis for defining, a formulation of a particular social group was both not a strategic choice and constituted egregious conduct.

''(6) STEREOTYPES.—Evidence offered in support of an application for asylum that promotes cultural stereotypes about a country, its inhabitants, or an alleged persecutor, including stereotypes based on race, religion, nationality, or gender, shall not be admissible in adjudicating that application, except that evidence that an alleged persecutor holds stereotypical views of the applicant shall be admissible.

''(7) DEFINITIONS.—In this section:

''(A) The term 'membership in a particular social group' means membership in a group that is—

''(i) composed of members who share a common immutable characteristic;

''(ii) defined with particularity; and

''(iii) socially distinct within the society in question.

''(B) The term 'political opinion' means an ideal or conviction in support of the furtherance of a discrete cause related to political control of a state or a unit thereof.

''(C) The term 'persecution' means the infliction of a severe level of harm constituting an exigent threat by the government of a country or by persons or an organization that the government was unable or unwilling to control. Such term does not include—

''(i) generalized harm or violence that arises out of civil, criminal, or military strife in a country;

''(ii) all treatment that the United States regards as unfair, offensive, unjust, unlawful, or unconstitutional;

''(iii) intermittent harassment, including brief detentions;

''(iv) threats with no actual effort to carry out the threats, except that particularized threats of severe harm of an immediate and menacing nature made by an identified entity may constitute persecution; or

''(v) non-severe economic harm or property damage.''.

SEC. 1208. FIRM RESETTLEMENT.

Section 208 of the Immigration and Nationality Act (8 U.S.C. 1158), as amended by this title, is further amended by adding at the end the following:

''(g) FIRM RESETTLEMENT.—In determining whether an alien was firmly resettled in another country prior to arriving in the United States under subsection (b)(2)(A)(xiv), the following shall apply:

''(1) IN GENERAL.—An alien shall be considered to have firmly resettled in another country if, after the events giving rise to the alien's asylum claim—

''(A) the alien resided in a country through which the alien transited prior to arriving in or entering the United States and—

''(i) received or was eligible for any permanent legal immigration status in that country;

''(ii) resided in such a country with any non-permanent but indefinitely renewable legal immigration status (including asylee, refugee, or similar status, but excluding status of a tourist); or

''(iii) resided in such a country and could have applied for and obtained an immigration status described in clause (ii);

''(B) the alien physically resided voluntarily, and without continuing to suffer persecution or torture, in any one country for one year or more after departing his country of nationality or last habitual residence and prior to arrival in or entry into the United States, except for any time spent in Mexico by an alien who is not a native or citizen of Mexico solely as a direct result of being returned to Mexico pursuant to section 235(b)(3) or of being subject to metering; or

''(C) the alien is a citizen of a country other than the country in which the alien alleges a fear of persecution, or was a citizen of such a country in the case of an alien who renounces such citizenship, and the alien was present in that country after departing his country of nationality or last habitual residence and prior to arrival in or entry into the United States.

''(2) BURDEN OF PROOF.—If an immigration judge determines that an alien has firmly resettled in another country under paragraph (1), the alien shall bear the burden of proving the bar does not apply.

''(3) FIRM RESETTLEMENT OF PARENT.—An alien shall be presumed to have been firmly resettled in another country if the alien's parent was firmly resettled in another country, the parent's resettlement occurred before the alien turned 18 years of age, and the alien resided with such parent at the time of the firm resettlement, unless the alien establishes that he or she could not have derived any permanent legal immigration status or any non-permanent but indefinitely renewable legal immigration status (including asylum, refugee, or similar status, but excluding status of a tourist) from the alien's parent.''.

SEC. 1209. NOTICE CONCERNING FRIVOLOUS ASYLUM APPLICATIONS.

(a) IN GENERAL.—Section 208(d)(4) of the Immigration and Nationality Act (8 U.S.C. 1158(d)(4)) is amended—

(1) in the matter preceding subparagraph (A), by inserting ''the Secretary of Homeland Security or'' before ''the Attorney General'';

(2) in subparagraph (A), by striking ''and of the consequences, under paragraph (6), of knowingly filing a frivolous application for asylum; and'' and inserting a semicolon;

(3) in subparagraph (B), by striking the period and inserting ''; and''; and

(4) by adding at the end the following:

''(C) ensure that a written warning appears on the asylum application advising the alien of the consequences of filing a frivolous application and serving as notice to the alien of the consequence of filing a frivolous application.''.

(b) CONFORMING AMENDMENT.—Section 208(d)(6) of the Immigration and Nationality Act (8 U.S.C. 1158(d)(6)) is amended by striking ''If the'' and all that follows and inserting:

''(A) IN GENERAL.—If the Secretary of Homeland Security or the Attorney General determines that an alien has knowingly made a frivolous application for asylum and the alien has received the notice under paragraph (4)(C), the alien shall be permanently ineligible for any benefits under this chapter, effective as the date of the final determination of such an application.

''(B) CRITERIA.—An application is frivolous if the Secretary of Homeland Security or the Attorney General determines, consistent with subparagraph (C), that—

''(i) it is so insufficient in substance that it is clear that the applicant knowingly filed the application solely or in part to delay removal from the United States, to seek employment authorization as an applicant for asylum pursuant to regulations issued pursuant to paragraph (2), or to seek issuance of a Notice to Appear in order to pursue Cancellation of Removal under section 240A(b); or

''(ii) any of the material elements are knowingly fabricated.

''(C) SUFFICIENT OPPORTUNITY TO CLARIFY.—In determining that an application is frivolous, the Secretary or the Attorney General, must be satisfied that the applicant, during the course of the proceedings, has had sufficient opportunity to clarify any discrepancies or implausible aspects of the claim.

''(D) WITHHOLDING OF REMOVAL NOT PRECLUDED.—For purposes of this section, a finding that an alien filed a frivolous asylum application shall not preclude the alien from

seeking withholding of removal under section 241(b)(3) or protection pursuant to the Convention Against Torture.''.

SEC. 1210. TECHNICAL AMENDMENTS.

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

(1) in subsection (a)—

(A) in paragraph (2)(D), by inserting ''Secretary of Homeland Security or the'' before ''Attorney General''; and

(B) in paragraph (3), by inserting ''Secretary of Homeland Security or the'' before ''Attorney General'';

(2) in subsection (c)—

(A) in paragraph (1), by striking ''Attorney General'' each place such term appears and inserting ''Secretary of Homeland Security'';

(B) in paragraph (2), in the matter preceding subparagraph (A), by inserting ''Secretary of Homeland Security or the'' before ''Attorney General''; and

(C) in paragraph (3), by inserting ''Secretary of Homeland Security or the'' before ''Attorney General''; and

(3) in subsection (d)—

(A) in paragraph (1), by inserting ''Secretary of Homeland Security or the'' before ''Attorney General'' each place such term appears; and

(B) in paragraph (5)—

(i) in subparagraph (A), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security''; and

(ii) in subparagraph (B), by inserting ''Secretary of Homeland Security or the'' before ''Attorney General''.

SEC. 1211. REQUIREMENT FOR PROCEDURES RELATING TO CERTAIN ASYLUM APPLICATIONS.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Attorney General shall establish procedures to expedite the adjudication of asylum applications for aliens—

(1) who are subject to removal proceedings under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a); and

(2) who are nationals of a Western Hemisphere country sanctioned by the United States, as described in subsection (b), as of January 1, 2023.

(b) WESTERN HEMISPHERE COUNTRY SANCTIONED BY THE UNITED STATES DESCRIBED.—Subsection (a) shall apply only to an asylum application filed by an alien who is a national of a Western Hemisphere country subject to sanctions pursuant to—

(1) the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6021 note);

(2) the Reinforcing Nicaragua's Adherence to Conditions for Electoral Reform Act of 2021 or the RENACER Act (50 U.S.C. 1701 note); or

(3) Executive Order 13692 (80 Fed. Reg. 12747; declaring a national emergency with respect to the situation in Venezuela).

(c) APPLICABILITY.—This section shall only apply to an alien who files an application for asylum after the date of the enactment of this Act.

TITLE III—BORDER SAFETY AND MIGRANT PROTECTION

SEC. 1301. INSPECTION OF APPLICANTS FOR ADMISSION.

Section 235 of the Immigration and Nationality Act (8 U.S.C. 1225) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) in clauses (i) and (ii), by striking ''section 212(a)(6)(C)'' and inserting ''subparagraph (A) or (C) of section 212(a)(6)''; and

(II) by adding at the end the following:

''(iv) INELIGIBILITY FOR PAROLE.—An alien described in clause (i) or (ii) shall not be eligible for parole except as expressly authorized pursuant to section 212(d)(5), or for parole or release pursuant to section 236(a).''; and

(ii) in subparagraph (B)—

(I) in clause (ii), by striking ''asylum.'' and inserting ''asylum and shall not be released (including pursuant to parole or release pursuant to section 236(a) but excluding as expressly authorized pursuant to section 212(d)(5)) other than to be removed or returned to a country as described in paragraph (3).''; and

(II) in clause (iii)(IV)—

(aa) in the header by striking ''DETENTION'' and inserting ''DETENTION, RETURN, OR REMOVAL''; and

(bb) by adding at the end the following: ''The alien shall not be released (including pursuant to parole or release pursuant to section 236(a) but excluding as expressly authorized pursuant to section 212(d)(5)) other than to be removed or returned to a country as described in paragraph (3).'';

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking ''Subject to subparagraphs (B) and (C),'' and inserting ''Subject to subparagraph (B) and paragraph (3),''; and

(II) by adding at the end the following: ''The alien shall not be released (including pursuant to parole or release pursuant to section 236(a) but excluding as expressly authorized pursuant to section 212(d)(5)) other than to be removed or returned to a country as described in paragraph (3).''; and

(ii) by striking subparagraph (C);

(C) by redesignating paragraph (3) as paragraph (5); and

(D) by inserting after paragraph (2) the following:

''(3) RETURN TO FOREIGN TERRITORY CONTIGUOUS TO THE UNITED STATES.—

''(A) IN GENERAL.—The Secretary of Homeland Security may return to a foreign territory contiguous to the United States any alien arriving on land from that territory (whether or not at a designated port of entry) pending a proceeding under section 240 or review of a determination under subsection (b)(1)(B)(iii)(III).

''(B) MANDATORY RETURN.—If at any time the Secretary of Homeland Security cannot—

''(i) comply with its obligations to detain an alien as required under clauses (ii) and (iii)(IV) of subsection (b)(1)(B) and subsection (b)(2)(A); or

''(ii) remove an alien to a country described in section 208(a)(2)(A),

the Secretary of Homeland Security shall, without exception, including pursuant to parole or release pursuant to section 236(a) but excluding as expressly authorized pursuant to section 212(d)(5), return to a foreign territory contiguous to the United States any alien arriving on land from that territory (whether or not at a designated port of entry) pending a proceeding under section 240 or review of a determination under subsection (b)(1)(B)(iii)(III).

''(4) ENFORCEMENT BY STATE ATTORNEYS GENERAL.—The attorney general of a State, or other authorized State officer, alleging a violation of the detention, return, or removal requirements under paragraph (1), (2), or (3) that affects such State or its residents, may bring an action against the Secretary of Homeland Security on behalf of the residents of the State in an appropriate United States district court to obtain appropriate injunctive relief.''; and

(2) by adding at the end the following:

''(e) AUTHORITY TO PROHIBIT INTRODUCTION OF CERTAIN ALIENS.—If the Secretary of Homeland Security determines, in his discretion, that the prohibition of the introduction of aliens who are inadmissible under subparagraph (A) or (C) of section 212(a)(6) or under section 212(a)(7) at an international land or maritime border of the United States is necessary to achieve operational control (as defined in section 2 of the Secure Fence Act of 2006 (8 U.S.C. 1701 note)) of such border, the Secretary may prohibit, in whole or in part, the introduction of such aliens at such border for such period of time as the Secretary determines is necessary for such purpose.''.

SEC. 1302. OPERATIONAL DETENTION FACILITIES.

(a) IN GENERAL.—Not later than September 30, 2023, the Secretary of Homeland Security shall take all necessary actions to reopen or restore all U.S. Immigration and Customs Enforcement detention facilities that were in operation on January 20, 2021, that subsequently closed or with respect to which the use was altered, reduced, or discontinued after January 20, 2021. In carrying out the requirement under this subsection, the Secretary may use the authority under section 103(a)(11) of the Immigration and Nationality Act (8 U.S.C. 1103(a)(11)).

(b) SPECIFIC FACILITIES.—The requirement under subsection (a) shall include at a minimum, reopening, or restoring, the following facilities:

(1) Irwin County Detention Center in Georgia.

(2) C. Carlos Carreiro Immigration Detention Center in Bristol County, Massachusetts.

(3) Etowah County Detention Center in Gadsden, Alabama.

(4) Glades County Detention Center in Moore Haven, Florida.

(5) South Texas Family Residential Center.

(c) EXCEPTION.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the Secretary of Homeland Security is authorized to obtain equivalent capacity for detention facilities at locations other than those listed in subsection (b).

(2) LIMITATION.—The Secretary may not take action under paragraph (1) unless the capacity obtained would result in a reduction of time and cost relative to the cost and time otherwise required to obtain such capacity.

(3) SOUTH TEXAS FAMILY RESIDENTIAL CENTER.—The exception under paragraph (1) shall not apply to the South Texas Family Residential Center. The Secretary shall take all necessary steps to modify and operate the South Texas Family Residential Center in the same manner and capability it was operating on January 20, 2021.

(d) PERIODIC REPORT.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter until September 30, 2027, the Secretary of Homeland Security shall submit to the appropriate congressional committees a detailed plan for and a status report on—

(1) compliance with the deadline under subsection (a);

(2) the increase in detention capabilities required by this section—

(A) for the 90-day period immediately preceding the date such report is submitted; and

(B) for the period beginning on the first day of the fiscal year during which the report is submitted, and ending on the date such report is submitted;

(3) the number of detention beds that were used and the number of available detention beds that were not used during—

(A) the 90-day period immediately preceding the date such report is submitted; and

(B) the period beginning on the first day of the fiscal year during which the report is submitted, and ending on the date such report is submitted;

(4) the number of aliens released due to a lack of available detention beds; and

(5) the resources the Department of Homeland Security needs in order to comply with the requirements under this section.

(e) NOTIFICATION.—The Secretary of Homeland Security shall notify Congress, and include with such notification a detailed description of the resources the Department of Homeland Security needs in order to detain all aliens whose detention is mandatory or nondiscretionary under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.)—

(1) not later than 5 days after all U.S. Immigration and Customs Enforcement detention facilities reach 90 percent of capacity;

(2) not later than 5 days after all U.S. Immigration and Customs Enforcement detention facilities reach 95 percent of capacity; and

(3) not later than 5 days after all U.S. Immigration and Customs Enforcement detention facilities reach full capacity.

(f) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on the Judiciary of the House of Representatives;

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

(3) the Committee on the Judiciary of the Senate; and

(4) the Committee on Appropriations of the Senate.

TITLE IV—PREVENTING UNCONTROLLED MIGRATION FLOWS IN THE WESTERN HEMISPHERE

SEC. 1401. UNITED STATES POLICY REGARDING WESTERN HEMISPHERE COOPERATION ON IMMIGRATION AND ASYLUM.

It is the policy of the United States to enter into agreements, accords, and memoranda of understanding with countries in the Western Hemisphere, the purposes of which are to advance the interests of the United States by reducing costs associated with illegal immigration and to protect the human capital, societal traditions, and economic growth of other countries in the Western Hemisphere. It is further the policy of the United States to ensure that humanitarian and development assistance funding aimed at reducing illegal immigration is not expended on programs that have not proven to reduce illegal immigrant flows in the aggregate.

SEC. 1402. NEGOTIATIONS BY SECRETARY OF STATE.

(a) AUTHORIZATION TO NEGOTIATE.—The Secretary of State shall seek to negotiate agreements, accords, and memoranda of understanding between the United States, Mexico, Honduras, El Salvador, Guatemala, and other countries in the Western Hemisphere with respect to cooperation and burden sharing required for effective regional immigration enforcement, expediting legal claims by aliens for asylum, and the processing, detention, and repatriation of foreign nationals seeking to enter the United States unlawfully. Such agreements shall be designed to facilitate a regional approach to immigration enforcement and shall, at a minimum, provide that—

(1) the Government of Mexico authorize and accept the rapid entrance into Mexico of nationals of countries other than Mexico who seek asylum in Mexico, and process the asylum claims of such nationals inside Mexico, in accordance with both domestic law and international treaties and conventions governing the processing of asylum claims;

(2) the Government of Mexico authorize and accept both the rapid entrance into Mexico of all nationals of countries other than Mexico who are ineligible for asylum in Mexico and wish to apply for asylum in the United States, whether or not at a port of entry, and the continued presence of such nationals in Mexico while they wait for the adjudication of their asylum claims to conclude in the United States;

(3) the Government of Mexico commit to provide the individuals described in paragraphs (1) and (2) with appropriate humanitarian protections;

(4) the Government of Honduras, the Government of El Salvador, and the Government of Guatemala each authorize and accept the entrance into the respective countries of nationals of other countries seeking asylum in the applicable such country and process such claims in accordance with applicable domestic law and international treaties and conventions governing the processing of asylum claims;

(5) the Government of the United States commit to work to accelerate the adjudication of asylum claims and to conclude removal proceedings in the wake of asylum adjudications as expeditiously as possible;

(6) the Government of the United States commit to continue to assist the governments of countries in the Western Hemisphere, such as the Government of Honduras, the Government of El Salvador, and the Government of Guatemala, by supporting the enhancement of asylum capacity in those countries; and

(7) the Government of the United States commit to monitoring developments in hemispheric immigration trends and regional asylum capabilities to determine whether additional asylum cooperation agreements are warranted.

(b) NOTIFICATION IN ACCORDANCE WITH CASE-ZABLOCKI ACT.—The Secretary of State shall, in accordance with section 112b of title 1, United States Code, promptly inform the relevant congressional committees of each agreement entered into pursuant to subsection (a). Such notifications shall be submitted not later than 48 hours after such agreements are signed.

(c) ALIEN DEFINED.—In this section, the term ''alien'' has the meaning given such term in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

SEC. 1403. MANDATORY BRIEFINGS ON UNITED STATES EFFORTS TO ADDRESS THE BORDER CRISIS.

(a) BRIEFING REQUIRED.—Not later than 90 days after the date of the enactment of this Act, and not less frequently than once every 90 days thereafter until the date described in subsection (b), the Secretary of State, or the designee of the Secretary of State, shall provide to the appropriate congressional committees an in-person briefing on efforts undertaken pursuant to the negotiation authority provided by section 1402 to monitor, deter, and prevent illegal immigration to the United States, including by entering into agreements, accords, and memoranda of understanding with foreign countries and by using United States foreign assistance to stem the root causes of migration in the Western Hemisphere.

(b) TERMINATION OF MANDATORY BRIEFING.—The date described in this subsection is the date on which the Secretary of State, in consultation with the heads of other relevant Federal departments and agencies, determines and certifies to the appropriate congressional committees that illegal immigration flows have subsided to a manageable rate.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

TITLE V—ENSURING UNITED FAMILIES AT THE BORDER

SEC. 1501. CLARIFICATION OF STANDARDS FOR FAMILY DETENTION.

(a) IN GENERAL.—Section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232) is amended by adding at the end the following:

''(j) CONSTRUCTION.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, judicial determination, consent decree, or settlement agreement, the detention of any alien child who is not an unaccompanied alien child shall be governed by sections 217, 235, 236, and 241 of the Immigration and Nationality Act (8 U.S.C. 1187, 1225, 1226, and 1231). There is no presumption that an alien child who is not an unaccompanied alien child should not be detained.

''(2) FAMILY DETENTION.—The Secretary of Homeland Security shall—

''(A) maintain the care and custody of an alien, during the period during which the charges described in clause (i) are pending, who—

''(i) is charged only with a misdemeanor offense under section 275(a) of the Immigration and Nationality Act (8 U.S.C. 1325(a)); and

''(ii) entered the United States with the alien's child who has not attained 18 years of age; and

''(B) detain the alien with the alien's child.''.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the amendments in this section to section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232) are intended to satisfy the requirements of the Settlement Agreement in Flores v. Meese, No. 85–4544 (C.D. Cal), as approved by the court on January 28, 1997, with respect to its interpretation in Flores v. Johnson, 212 F. Supp. 3d 864 (C.D. Cal. 2015), that the agreement applies to accompanied minors.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to all actions that occur before, on, or after such date.

(d) PREEMPTION OF STATE LICENSING REQUIREMENTS.—Notwithstanding any other provision of law, judicial determination, consent decree, or settlement agreement, no State may require that an immigration detention facility used to detain children who have not attained 18 years of age, or families consisting of one or more of such children and the parents or legal guardians of such children, that is located in that State, be licensed by the State or any political subdivision thereof.

TITLE VI—PROTECTION OF CHILDREN

SEC. 1601. FINDINGS.

Congress makes the following findings:

(1) Implementation of the provisions of the Trafficking Victims Protection Reauthorization Act of 2008 that govern unaccompanied alien children has incentivized multiple surges of unaccompanied alien children arriving at the southwest border in the years since the bill's enactment.

(2) The provisions of the Trafficking Victims Protection Reauthorization Act of 2008 that govern unaccompanied alien children treat unaccompanied alien children from countries that are contiguous to the United States disparately by swiftly returning them to their home country absent indications of trafficking or a credible fear of return, but allowing for the release of unaccompanied alien children from noncontiguous countries into the interior of the United States, often to those individuals who paid to smuggle them into the country in the first place.

(3) The provisions of the Trafficking Victims Protection Reauthorization Act of 2008 governing unaccompanied alien children have enriched the cartels, who profit hundreds of millions of dollars each year by smuggling unaccompanied alien children to the southwest border, exploiting and sexually abusing many such unaccompanied alien children on the perilous journey.

(4) Prior to 2008, the number of unaccompanied alien children encountered at the southwest border never exceeded 1,000 in a single year.

(5) The United States is currently in the midst of the worst crisis of unaccompanied alien children in our Nation's history, with over 350,000 such unaccompanied alien children encountered at the southwest border since Joe Biden became President.

(6) In 2022, during the Biden Administration, 152,057 unaccompanied alien children were encountered, the most ever in a single year and an over 400 percent increase compared to the last full fiscal year of the Trump Administration in which 33,239 unaccompanied alien children were encountered.

(7) The Biden Administration has lost contact with at least 85,000 unaccompanied alien children who entered the United States since Joe Biden took office.

(8) The Biden Administration dismantled effective safeguards put in place by the Trump Administration that protected unaccompanied alien children from being abused by criminals or exploited for illegal and dangerous child labor.

(9) A recent New York Times investigation found that unaccompanied alien children are being exploited in the labor market and ''are ending up in some of the most punishing jobs in the country.''.

(10) The Times investigation found unaccompanied alien children, ''under intense pressure to earn money'' in order to ''send cash back to their families while often being in debt to their sponsors for smuggling fees, rent, and living expenses,'' feared ''that they had become trapped in circumstances they never could have imagined.''.

(11) The Biden Administration's Department of Health and Human Services Secretary Xavier Becerra compared placing unaccompanied alien children with sponsors, to widgets in an assembly line, stating that, ''If Henry Ford had seen this in his plant, he would have never become famous and rich. This is not the way you do an assembly line.''.

(12) Department of Health and Human Services employees working under Secretary Xavier Becerra's leadership penned a July 2021 memorandum expressing serious concern that ''labor trafficking was increasing'' and that the agency had become ''one that rewards individuals for making quick releases, and not one that rewards individuals for preventing unsafe releases.''.

(13) Despite this, Secretary Xavier Becerra pressured then-Director of the Office of Refugee Resettlement Cindy Huang to prioritize releases of unaccompanied alien children over ensuring their safety, telling her ''if she could not increase the number of discharges he would find someone who could'' and then-Director Huang resigned one month later.

(14) In June 2014, the Obama-Biden Administration requested legal authority to exercise discretion in returning and removing unaccompanied alien children from non-contiguous countries back to their home countries.

(15) In August 2014, the House of Representatives passed H.R. 5320, which included the Protection of Children Act.

(16) This title ends the disparate policies of the Trafficking Victims Protection Reauthorization Act of 2008 by ensuring the swift return of all unaccompanied alien children to their country of origin if they are not victims of trafficking and do not have a fear of return.

SEC. 1602. REPATRIATION OF UNACCOMPANIED ALIEN CHILDREN.

(a) IN GENERAL.—Section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) by amending the heading to read as follows: ''RULES FOR UNACCOMPANIED ALIEN CHILDREN.—'';

(ii) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking ''who is a national or habitual resident of a country that is contiguous with the United States'';

(II) in clause (i), by inserting ''and'' at the end;

(III) in clause (ii), by striking ''; and'' and inserting a period; and

(IV) by striking clause (iii); and

(iii) in subparagraph (B)—

(I) in the matter preceding clause (i), by striking ''(8 U.S.C. 1101 et seq.) may—'' and inserting ''(8 U.S.C. 1101 et seq.)—'';

(II) in clause (i), by inserting before ''permit such child to withdraw'' the following: ''may''; and

(III) in clause (ii), by inserting before ''return such child'' the following: ''shall''; and

(B) in paragraph (5)(D)—

(i) in the matter preceding clause (i), by striking '', except for an unaccompanied alien child from a contiguous country subject to exceptions under subsection (a)(2),'' and inserting ''who does not meet the criteria listed in paragraph (2)(A)''; and

(ii) in clause (i), by inserting before the semicolon at the end the following: '', which shall include a hearing before an immigration judge not later than 14 days after being screened under paragraph (4)'';

(2) in subsection (b)—

(A) in paragraph (2)—

(i) in subparagraph (A), by inserting before the semicolon the following: ''believed not to meet the criteria listed in subsection (a)(2)(A)''; and

(ii) in subparagraph (B), by inserting before the period the following: ''and does not meet the criteria listed in subsection (a)(2)(A)''; and

(B) in paragraph (3), by striking ''an unaccompanied alien child in custody shall'' and all that follows, and inserting the following: ''an unaccompanied alien child in custody—

''(A) in the case of a child who does not meet the criteria listed in subsection (a)(2)(A), shall transfer the custody of such child to the Secretary of Health and Human Services not later than 30 days after determining that such child is an unaccompanied alien child who does not meet such criteria; or

''(B) in the case of a child who meets the criteria listed in subsection (a)(2)(A), may transfer the custody of such child to the Secretary of Health and Human Services after determining that such child is an unaccompanied alien child who meets such criteria.''; and

(3) in subsection (c)—

(A) in paragraph (3), by inserting at the end the following:

''(D) INFORMATION ABOUT INDIVIDUALS WITH WHOM CHILDREN ARE PLACED.—

''(i) INFORMATION TO BE PROVIDED TO HOMELAND SECURITY.—Before placing a child with an individual, the Secretary of Health and Human Services shall provide to the Secretary of Homeland Security, regarding the individual with whom the child will be placed, information on—

''(I) the name of the individual;

''(II) the social security number of the individual;

''(III) the date of birth of the individual;

''(IV) the location of the individual's residence where the child will be placed;

''(V) the immigration status of the individual, if known; and

''(VI) contact information for the individual.

''(ii) ACTIVITIES OF THE SECRETARY OF HOMELAND SECURITY.—Not later than 30 days after receiving the information listed in clause (i), the Secretary of Homeland Security, upon determining that an individual with whom a child is placed is unlawfully present in the United States and not in removal proceedings pursuant to chapter 4 of title II of the Immigration and Nationality Act (8 U.S.C. 1221 et seq.), shall initiate such removal proceedings.''; and

(B) in paragraph (5)—

(i) by inserting after ''to the greatest extent practicable'' the following: ''(at no expense to the Government)''; and

(ii) by striking ''have counsel to represent them'' and inserting ''have access to counsel to represent them''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to any unaccompanied alien child (as such term is defined in section 462(g) of the Homeland Security Act of 2002 (6 U.S.C. 279(g))) apprehended on or after the date that is 30 days after the date of the enactment of this Act.

SEC. 1603. SPECIAL IMMIGRANT JUVENILE STATUS FOR IMMIGRANTS UNABLE TO REUNITE WITH EITHER PARENT.

Section 101(a)(27)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(J)) is amended—

(1) in clause (i), by striking '', and whose reunification with 1 or both of the immigrant's parents is not viable due to abuse, neglect, abandonment, or a similar basis found under State law''; and

(2) in clause (iii)—

(A) in subclause (I), by striking ''and'' at the end;

(B) in subclause (II), by inserting ''and'' after the semicolon; and

(C) by adding at the end the following:

''(III) an alien may not be granted special immigrant status under this subparagraph if the alien's reunification with any one parent or legal guardian is not precluded by abuse, neglect, abandonment, or any similar cause under State law;''.

SEC. 1604. RULE OF CONSTRUCTION.

Nothing in this title shall be construed to limit the following procedures or practices relating to an unaccompanied alien child (as defined in section 462(g)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)(2))):

(1) Screening of such a child for a credible fear of return to his or her country of origin.

(2) Screening of such a child to determine whether he or she was a victim of trafficking.

(3) Department of Health and Human Services policy in effect on the date of the enactment of this Act requiring a home study for such a child if he or she is under 12 years of age.

TITLE VII—VISA OVERSTAYS PENALTIES

SEC. 1701. EXPANDED PENALTIES FOR ILLEGAL ENTRY OR PRESENCE.

Section 275 of the Immigration and Nationality Act (8 U.S.C. 1325) is amended—

(1) in subsection (a) by inserting after ''for a subsequent commission of any such offense'' the following: ''or if the alien was previously convicted of an offense under subsection (e)(2)(A)'';

(2) in subsection (b)—

(A) in paragraph (1), by striking ''at least $50 and not more than $250'' and inserting ''not less than $500 and not more than $1,000''; and

(B) in paragraph (2), by inserting after ''in the case of an alien who has been previously subject to a civil penalty under this subsection'' the following: ''or subsection (e)(2)(B)''; and

(3) by adding at the end the following:

''(e) VISA OVERSTAYS.—

''(1) IN GENERAL.—An alien who was admitted as a nonimmigrant has violated this paragraph if the alien, for an aggregate of 10 days or more, has failed—

''(A) to maintain the nonimmigrant status in which the alien was admitted, or to which it was changed under section 248, including complying with the period of stay authorized by the Secretary of Homeland Security in connection with such status; or

''(B) to comply otherwise with the conditions of such nonimmigrant status.

''(2) PENALTIES.—An alien who has violated paragraph (1)—

''(A) shall—

''(i) for the first commission of such a violation, be fined under title 18, United States Code, or imprisoned not more than 6 months, or both; and

''(ii) for a subsequent commission of such a violation, or if the alien was previously convicted of an offense under subsection (a), be fined under such title 18, or imprisoned not more than 2 years, or both; and

''(B) in addition to, and not in lieu of, any penalty under subparagraph (A) and any other criminal or civil penalties that may be imposed, shall be subject to a civil penalty of—

''(i) not less than $500 and not more than $1,000 for each violation; or

''(ii) twice the amount specified in clause (i), in the case of an alien who has been previously subject to a civil penalty under this subparagraph or subsection (b).''.

TITLE VIII—IMMIGRATION PAROLE REFORM

SEC. 1801. IMMIGRATION PAROLE REFORM.

Section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)) is amended to read as follows:

''(5)(A) Except as provided in subparagraphs (B) and (C) and section 214(f), the Secretary of Homeland Security, in the discretion of the Secretary, may temporarily parole into the United States any alien applying for admission to the United States who is not present in the United States, under such conditions as the Secretary may prescribe, on a case-by-case basis, and not according to eligibility criteria describing an entire class of potential parole recipients, for urgent humanitarian reasons or significant public benefit. Parole granted under this subparagraph may not be regarded as an admission of the alien. When the purposes of such parole have been served in the opinion of the Secretary, the alien shall immediately return or be returned to the custody from which the alien was paroled. After such return, the case of the alien shall be dealt with in the same manner as the case of any other applicant for admission to the United States.

''(B) The Secretary of Homeland Security may grant parole to any alien who—

''(i) is present in the United States without lawful immigration status;

''(ii) is the beneficiary of an approved petition under section 203(a);

''(iii) is not otherwise inadmissible or removable; and

''(iv) is the spouse or child of a member of the Armed Forces serving on active duty.

''(C) The Secretary of Homeland Security may grant parole to any alien—

''(i) who is a national of the Republic of Cuba and is living in the Republic of Cuba;

''(ii) who is the beneficiary of an approved petition under section 203(a);

''(iii) for whom an immigrant visa is not immediately available;

''(iv) who meets all eligibility requirements for an immigrant visa;

''(v) who is not otherwise inadmissible; and

''(vi) who is receiving a grant of parole in furtherance of the commitment of the United States to the minimum level of annual legal migration of Cuban nationals to the United States specified in the U.S.-Cuba Joint Communiqué on Migration, done at New York September 9, 1994, and reaffirmed in the Cuba-United States: Joint Statement on Normalization of Migration, Building on the Agreement of September 9, 1994, done at New York May 2, 1995.

''(D) The Secretary of Homeland Security may grant parole to an alien who is returned to a contiguous country under section 235(b)(3) to allow the alien to attend the alien's immigration hearing. The grant of parole shall not exceed the time required for the alien to be escorted to, and attend, the alien's immigration hearing scheduled on the same calendar day as the grant, and to immediately thereafter be escorted back to the contiguous country. A grant of parole under this subparagraph shall not be considered for purposes of determining whether the alien is inadmissible under this Act.

''(E) For purposes of determining an alien's eligibility for parole under subparagraph (A), an urgent humanitarian reason shall be limited to circumstances in which the alien establishes that—

''(i)(I) the alien has a medical emergency; and

''(II)(aa) the alien cannot obtain necessary treatment in the foreign state in which the alien is residing; or

''(bb) the medical emergency is life threatening and there is insufficient time for the alien to be admitted to the United States through the normal visa process;

''(ii) the alien is the parent or legal guardian of an alien described in clause (i) and the alien described in clause (i) is a minor;

''(iii) the alien is needed in the United States in order to donate an organ or other tissue for transplant and there is insufficient time for the alien to be admitted to the United States through the normal visa process;

''(iv) the alien has a close family member in the United States whose death is imminent and the alien could not arrive in the United States in time to see such family member alive if the alien were to be admitted to the United States through the normal visa process;

''(v) the alien is seeking to attend the funeral of a close family member and the alien could not arrive in the United States in time to attend such funeral if the alien were to be admitted to the United States through the normal visa process;

''(vi) the alien is an adopted child with an urgent medical condition who is in the legal custody of the petitioner for a final adoption-related visa and whose medical treatment is required before the expected award of a final adoption-related visa; or

''(vii) the alien is a lawful applicant for adjustment of status under section 245 and is returning to the United States after temporary travel abroad.

''(F) For purposes of determining an alien's eligibility for parole under subparagraph (A), a significant public benefit may be determined to result from the parole of an alien only if—

''(i) the alien has assisted (or will assist, whether knowingly or not) the United States Government in a law enforcement matter;

''(ii) the alien's presence is required by the Government in furtherance of such law enforcement matter; and

''(iii) the alien is inadmissible, does not satisfy the eligibility requirements for admission as a nonimmigrant, or there is insufficient time for the alien to be admitted to the United States through the normal visa process.

''(G) For purposes of determining an alien's eligibility for parole under subparagraph (A), the term 'case-by-case basis' means that the facts in each individual case are considered and parole is not granted based on membership in a defined class of aliens to be granted parole. The fact that aliens are considered for or granted parole one by one and not as a group is not sufficient to establish that the parole decision is made on a 'case-by-case basis'.

''(H) The Secretary of Homeland Security may not use the parole authority under this paragraph to parole an alien into the United States for any reason or purpose other than those described in subparagraphs (B), (C), (D), (E), and (F).

''(I) An alien granted parole may not accept employment, except that an alien granted parole pursuant to subparagraph (B) or (C) is authorized to accept employment for the duration of the parole, as evidenced by an employment authorization document issued by the Secretary of Homeland Security.

''(J) Parole granted after a departure from the United States shall not be regarded as an admission of the alien. An alien granted parole, whether as an initial grant of parole or parole upon reentry into the United States, is not eligible to adjust status to lawful permanent residence or for any other immigration benefit if the immigration status the alien had at the time of departure did not authorize the alien to adjust status or to be eligible for such benefit.

''(K)(i) Except as provided in clauses (ii) and (iii), parole shall be granted to an alien under this paragraph for the shorter of—

''(I) a period of sufficient length to accomplish the activity described in subparagraph (D), (E), or (F) for which the alien was granted parole; or

''(II) 1 year.

''(ii) Grants of parole pursuant to subparagraph (A) may be extended once, in the discretion of the Secretary, for an additional period that is the shorter of—

''(I) the period that is necessary to accomplish the activity described in subparagraph (E) or (F) for which the alien was granted parole; or

''(II) 1 year.

''(iii) Aliens who have a pending application to adjust status to permanent residence under section 245 may request extensions of parole under this paragraph, in 1-year increments, until the application for adjustment has been adjudicated. Such parole shall terminate immediately upon the denial of such adjustment application.

''(L) Not later than 90 days after the last day of each fiscal year, the Secretary of Homeland Security shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives and make available to the public, a report—

''(i) identifying the total number of aliens paroled into the United States under this paragraph during the previous fiscal year; and

''(ii) containing information and data regarding all aliens paroled during such fiscal year, including—

''(I) the duration of parole;

''(II) the type of parole; and

''(III) the current status of the aliens so paroled.''.

SEC. 1802. IMPLEMENTATION.

(a) IN GENERAL.—Except as provided in subsection (b), this title and the amendments made by this title shall take effect on the date that is 30 days after the date of the enactment of this Act.

(b) EXCEPTIONS.—Notwithstanding subsection (a), each of the following exceptions apply:

(1) Any application for parole or advance parole filed by an alien before the date of the enactment of this Act shall be adjudicated under the law that was in effect on the date on which the application was properly filed and any approved advance parole shall remain valid under the law that was in effect on the date on which the advance parole was approved.

(2) Section 212(d)(5)(J) of the Immigration and Nationality Act, as added by section 1801, shall take effect on the date of the enactment of this Act.

(3) Aliens who were paroled into the United States pursuant to section 212(d)(5)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)(A)) before January 1, 2023, shall continue to be subject to the terms of parole that were in effect on the date on which their respective parole was approved.

SEC. 1803. CAUSE OF ACTION.

Any person, State, or local government that experiences financial harm in excess of $1,000 due to a failure of the Federal Government to lawfully apply the provisions of this title or the amendments made by this title shall have standing to bring a civil action against the Federal Government in an appropriate district court of the United States for appropriate relief.

SEC. 1804. SEVERABILITY.

If any provision of this title or any amendment by this title, or the application of such provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this title and the application of such provision or amendment to any other person or circumstance shall not be affected.

TITLE IX—LEGAL WORKFORCE

SEC. 1901. EMPLOYMENT ELIGIBILITY VERIFICATION PROCESS.

(a) IN GENERAL.—Section 274A(b) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)) is amended to read as follows:

''(b) EMPLOYMENT ELIGIBILITY VERIFICATION PROCESS.—

''(1) NEW HIRES, RECRUITMENT, AND REFERRAL.—The requirements referred to in paragraphs (1)(B) and (3) of subsection (a) are, in the case of a person or other entity hiring, recruiting, or referring an individual for employment in the United States, the following:

''(A) ATTESTATION AFTER EXAMINATION OF DOCUMENTATION.—

''(i) ATTESTATION.—During the verification period (as defined in subparagraph (E)), the person or entity shall attest, under penalty of perjury and on a form, including electronic format, designated or established by the Secretary by regulation not later than 6 months after the date of the enactment of the Secure the Border Act of 2024, that it has verified that the individual is not an unauthorized alien by—

''(I) obtaining from the individual the individual's social security account number or United States passport number and recording the number on the form (if the individual claims to have been issued such a number), and, if the individual does not attest to United States nationality under subparagraph (B), obtaining such identification or authorization number established by the Department of Homeland Security for the alien as the Secretary of Homeland Security may specify, and recording such number on the form; and

''(II) examining—

''(aa) a document relating to the individual presenting it described in clause (ii); or

''(bb) a document relating to the individual presenting it described in clause (iii) and a document relating to the individual presenting it described in clause (iv).

''(ii) DOCUMENTS EVIDENCING EMPLOYMENT AUTHORIZATION AND ESTABLISHING IDENTITY.—A document described in this subparagraph is an individual's—

''(I) unexpired United States passport or passport card;

''(II) unexpired permanent resident card that contains a photograph;

''(III) unexpired employment authorization card that contains a photograph;

''(IV) in the case of a nonimmigrant alien authorized to work for a specific employer incident to status, a foreign passport with Form I–94 or Form I–94A, or other documentation as designated by the Secretary specifying the alien's nonimmigrant status as long as the period of status has not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified in the documentation;

''(V) passport from the Federated States of Micronesia (FSM) or the Republic of the Marshall Islands (RMI) with Form I–94 or Form I–94A, or other documentation as designated by the Secretary, indicating nonimmigrant admission under the Compact of Free Association Between the United States and the FSM or RMI; or

''(VI) other document designated by the Secretary of Homeland Security, if the document—

''(aa) contains a photograph of the individual and biometric identification data from the individual and such other personal identifying information relating to the individual as the Secretary of Homeland Security finds, by regulation, sufficient for purposes of this clause;

''(bb) is evidence of authorization of employment in the United States; and

''(cc) contains security features to make it resistant to tampering, counterfeiting, and fraudulent use.

''(iii) DOCUMENTS EVIDENCING EMPLOYMENT AUTHORIZATION.—A document described in this subparagraph is an individual's social security account number card (other than such a card which specifies on the face that the issuance of the card does not authorize employment in the United States).

''(iv) DOCUMENTS ESTABLISHING IDENTITY OF INDIVIDUAL.—A document described in this subparagraph is—

''(I) an individual's unexpired State issued driver's license or identification card if it contains a photograph and information such as name, date of birth, gender, height, eye color, and address;

''(II) an individual's unexpired United States military identification card;

''(III) an individual's unexpired Native American tribal identification document issued by a tribal entity recognized by the Bureau of Indian Affairs; or

''(IV) in the case of an individual under 18 years of age, a parent or legal guardian's attestation under penalty of law as to the identity and age of the individual.

''(v) AUTHORITY TO PROHIBIT USE OF CERTAIN DOCUMENTS.—If the Secretary of Homeland Security finds, by regulation, that any document described in clause (i), (ii), or (iii) as establishing employment authorization or identity does not reliably establish such authorization or identity or is being used fraudulently to an unacceptable degree, the Secretary may prohibit or place conditions on its use for purposes of this paragraph.

''(vi) SIGNATURE.—Such attestation may be manifested by either a handwritten or electronic signature.

''(B) INDIVIDUAL ATTESTATION OF EMPLOYMENT AUTHORIZATION.—During the verification period (as defined in subparagraph (E)), the individual shall attest, under penalty of perjury on the form designated or established for purposes of subparagraph (A), that the individual is a citizen or national of the United States, an alien lawfully admitted for permanent residence, or an alien who is authorized under this Act or by the Secretary of Homeland Security to be hired, recruited, or referred for such employment. Such attestation may be manifested by either a handwritten or electronic signature. The individual shall also provide that individual's social security account number or United States passport number (if the individual claims to have been issued such a number), and, if the individual does not attest to United States nationality under this subparagraph, such identification or authorization number established by the Department of Homeland Security for the alien as the Secretary may specify.

''(C) RETENTION OF VERIFICATION FORM AND VERIFICATION.—

''(i) IN GENERAL.—After completion of such form in accordance with subparagraphs (A) and (B), the person or entity shall—

''(I) retain a paper or electronic version of the form and make it available for inspection by officers of the Department of Homeland Security, the Department of Justice, or the Department of Labor during a period beginning on the date of the recruiting or referral of the individual, or, in the case of the hiring of an individual, the date on which the verification is completed, and ending—

''(aa) in the case of the recruiting or referral of an individual, 3 years after the date of the recruiting or referral; and

''(bb) in the case of the hiring of an individual, the later of 3 years after the date the verification is completed or one year after the date the individual's employment is terminated; and

''(II) during the verification period (as defined in subparagraph (E)), make an inquiry, as provided in subsection (d), using the verification system to seek verification of the identity and employment eligibility of an individual.

''(ii) CONFIRMATION.—

''(I) CONFIRMATION RECEIVED.—If the person or other entity receives an appropriate confirmation of an individual's identity and work eligibility under the verification system within the time period specified, the person or entity shall record on the form an appropriate code that is provided under the system and that indicates a final confirmation of such identity and work eligibility of the individual.

''(II) TENTATIVE NONCONFIRMATION RECEIVED.—If the person or other entity receives a tentative nonconfirmation of an individual's identity or work eligibility under the verification system within the time period specified, the person or entity shall so inform the individual for whom the verification is sought. If the individual does not contest the nonconfirmation within the time period specified, the nonconfirmation shall be considered final. The person or entity shall then record on the form an appropriate code which has been provided under the system to indicate a final nonconfirmation. If the individual does contest the nonconfirmation, the individual shall utilize the process for secondary verification provided under subsection (d). The nonconfirmation will remain tentative until a final confirmation or nonconfirmation is provided by the verification system within the time period specified. In no case shall an employer terminate employment of an individual because of a failure of the individual to have identity and work eligibility confirmed under this section until a nonconfirmation becomes final. Nothing in this clause shall apply to a termination of employment for any reason other than because of such a failure. In no case shall an employer rescind the offer of

employment to an individual because of a failure of the individual to have identity and work eligibility confirmed under this subsection until a nonconfirmation becomes final. Nothing in this subclause shall apply to a rescission of the offer of employment for any reason other than because of such a failure.

''(III) FINAL CONFIRMATION OR NONCONFIRMATION RECEIVED.—If a final confirmation or nonconfirmation is provided by the verification system regarding an individual, the person or entity shall record on the form an appropriate code that is provided under the system and that indicates a confirmation or nonconfirmation of identity and work eligibility of the individual.

''(IV) EXTENSION OF TIME.—If the person or other entity in good faith attempts to make an inquiry during the time period specified and the verification system has registered that not all inquiries were received during such time, the person or entity may make an inquiry in the first subsequent working day in which the verification system registers that it has received all inquiries. If the verification system cannot receive inquiries at all times during a day, the person or entity merely has to assert that the entity attempted to make the inquiry on that day for the previous sentence to apply to such an inquiry, and does not have to provide any additional proof concerning such inquiry.

''(V) CONSEQUENCES OF NONCONFIRMATION.—

''(aa) TERMINATION OR NOTIFICATION OF CONTINUED EMPLOYMENT.—If the person or other entity has received a final nonconfirmation regarding an individual, the person or entity may terminate employment of the individual (or decline to recruit or refer the individual). If the person or entity does not terminate employment of the individual or proceeds to recruit or refer the individual, the person or entity shall notify the Secretary of Homeland Security of such fact through the verification system or in such other manner as the Secretary may specify.

''(bb) FAILURE TO NOTIFY.—If the person or entity fails to provide notice with respect to an individual as required under item (aa), the failure is deemed to constitute a violation of subsection (a)(1)(A) with respect to that individual.

''(VI) CONTINUED EMPLOYMENT AFTER FINAL NONCONFIRMATION.—If the person or other entity continues to employ (or to recruit or refer) an individual after receiving final nonconfirmation, a rebuttable presumption is created that the person or entity has violated subsection (a)(1)(A).

''(D) EFFECTIVE DATES OF NEW PROCEDURES.—

''(i) HIRING.—Except as provided in clause (iii), the provisions of this paragraph shall apply to a person or other entity hiring an individual for employment in the United States as follows:

''(I) With respect to employers having 10,000 or more employees in the United States on the date of the enactment of the Secure the Border Act of 2024, on the date that is 6 months after the date of the enactment of title.

''(II) With respect to employers having 500 or more employees in the United States, but less than 10,000 employees in the United States, on the date of the enactment of the Secure the Border Act of 2024, on the date that is 12 months after the date of the enactment of such title.

''(III) With respect to employers having 20 or more employees in the United States, but less than 500 employees in the United States, on the date of the enactment of the Secure the Border Act of 2024, on the date that is 18 months after the date of the enactment of such title.

''(IV) With respect to employers having one or more employees in the United States, but less than 20 employees in the United States, on the date of the enactment of the Secure the Border Act of 2024, on the date that is 24 months after the date of the enactment of such title.

''(ii) RECRUITING AND REFERRING.—Except as provided in clause (iii), the provisions of this paragraph shall apply to a person or other entity recruiting or referring an individual for employment in the United States on the date that is 12 months after the date of the enactment of the Secure the Border Act of 2024.

''(iii) AGRICULTURAL LABOR OR SERVICES.—With respect to an employee performing agricultural labor or services, this paragraph shall not apply with respect to the verification of the employee until the date that is 36 months after the date of the enactment of the Secure the Border Act of 2024. For purposes of the preceding sentence, the term 'agricultural labor or services' has the meaning given such term by the Secretary of Agriculture in regulations and includes agricultural labor as defined in section 3121(g) of the Internal Revenue Code of 1986, agriculture as defined in section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)), the handling, planting, drying, packing, packaging, processing, freezing, or grading prior to delivery for storage of any agricultural or horticultural commodity in its unmanufactured state, all activities required for the preparation, processing or manufacturing of a product of agriculture (as such term is defined in such section 3(f)) for further distribution, and activities similar to all the foregoing as they relate to fish or shellfish facilities. An employee described in this clause shall not be counted for purposes of clause (i).

''(iv) EXTENSIONS.—

''(I) ON REQUEST.—Upon request by an employer having 50 or fewer employees, the Secretary shall allow a one-time 6-month extension of the effective date set out in this subparagraph applicable to such employer. Such request shall be made to the Secretary and shall be made prior to such effective date.

''(II) FOLLOWING REPORT.—If the study under section 1914 of the Secure the Border Act of 2024 has been submitted in accordance with such section, the Secretary of Homeland Security may extend the effective date set out in clause (iii) on a one-time basis for 12 months.

''(v) TRANSITION RULE.—Subject to paragraph (4), the following shall apply to a person or other entity hiring, recruiting, or referring an individual for employment in the United States until the effective date or dates applicable under clauses (i) through (iii):

''(I) This subsection, as in effect before the enactment of the Secure the Border Act of 2024.

''(II) Subtitle A of title IV of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), as in effect before the effective date in section 1907(c) of the Secure the Border Act of 2024.

''(III) Any other provision of Federal law requiring the person or entity to participate in the E-Verify Program described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), as in effect before the effective date in section 1907(c) of the Secure the Border Act of 2024, including Executive Order 13465 (8 U.S.C. 1324a note; relating to Government procurement).

''(E) VERIFICATION PERIOD DEFINED.—

''(i) IN GENERAL.—For purposes of this paragraph:

''(I) In the case of recruitment or referral, the term 'verification period' means the period ending on the date recruiting or referring commences.

''(II) In the case of hiring, the term 'verification period' means the period beginning on the date on which an offer of employment is extended and ending on the date that is three business days after the date of hire, except as provided in clause (iii). The offer of employment may be conditioned in accordance with clause (ii).

''(ii) JOB OFFER MAY BE CONDITIONAL.—A person or other entity may offer a prospective employee an employment position that is conditioned on final verification of the identity and employment eligibility of the employee using the procedures established under this paragraph.

''(iii) SPECIAL RULE.—Notwithstanding clause (i)(II), in the case of an alien who is authorized for employment and who provides evidence from the Social Security Administration that the alien has applied for a social security account number, the verification period ends three business days after the alien receives the social security account number.

''(2) REVERIFICATION FOR INDIVIDUALS WITH LIMITED WORK AUTHORIZATION.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), a person or entity shall make an inquiry, as provided in subsection (d), using the verification system to seek reverification of the identity and employment eligibility of all individuals with a limited period of work authorization employed by the person or entity during the three business days after the date on which the employee's work authorization expires as follows:

''(i) With respect to employers having 10,000 or more employees in the United States on the date of the enactment of the Secure the Border Act of 2024, beginning on the date that is 6 months after the date of the enactment of such title.

''(ii) With respect to employers having 500 or more employees in the United States, but less than 10,000 employees in the United States, on the date of the enactment of the Secure the Border Act of 2024, beginning on the date that is 12 months after the date of the enactment of such title.

''(iii) With respect to employers having 20 or more employees in the United States, but less than 500 employees in the United States, on the date of the enactment of the Secure the Border Act of 2024, beginning on the date that is 18 months after the date of the enactment of such title.

''(iv) With respect to employers having one or more employees in the United States, but less than 20 employees in the United States, on the date of the enactment of the Secure the Border Act of 2024, beginning on the date that is 24 months after the date of the enactment of such title.

''(B) AGRICULTURAL LABOR OR SERVICES.—With respect to an employee performing agricultural labor or services, or an employee recruited or referred by a farm labor contractor (as defined in section 3 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801)), subparagraph (A) shall not apply with respect to the reverification of the employee until the date that is 36 months after the date of the enactment of the Secure the Border Act of 2024. For purposes of the preceding sentence, the term 'agricultural labor or services' has the meaning given such term by the Secretary of Agriculture in regulations and includes agricultural labor as defined in section 3121(g) of the Internal Revenue Code of 1986, agriculture as defined in section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)), the handling, planting, drying, packing, packaging, processing, freezing, or grading

prior to delivery for storage of any agricultural or horticultural commodity in its unmanufactured state, all activities required for the preparation, processing, or manufacturing of a product of agriculture (as such term is defined in such section 3(f)) for further distribution, and activities similar to all the foregoing as they relate to fish or shellfish facilities. An employee described in this subparagraph shall not be counted for purposes of subparagraph (A).

''(C) REVERIFICATION.—Paragraph (1)(C)(ii) shall apply to reverifications pursuant to this paragraph on the same basis as it applies to verifications pursuant to paragraph (1), except that employers shall—

''(i) use a form designated or established by the Secretary by regulation for purposes of this paragraph; and

''(ii) retain a paper or electronic version of the form and make it available for inspection by officers of the Department of Homeland Security, the Department of Justice, or the Department of Labor during the period beginning on the date the reverification commences and ending on the date that is the later of 3 years after the date of such reverification or 1 year after the date the individual's employment is terminated.

''(3) PREVIOUSLY HIRED INDIVIDUALS.—

''(A) ON A MANDATORY BASIS FOR CERTAIN EMPLOYEES.—

''(i) IN GENERAL.—Not later than the date that is 6 months after the date of the enactment of the Secure the Border Act of 2024, an employer shall make an inquiry, as provided in subsection (d), using the verification system to seek verification of the identity and employment eligibility of any individual described in clause (ii) employed by the employer whose employment eligibility has not been verified under the E-Verify Program described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

''(ii) INDIVIDUALS DESCRIBED.—An individual described in this clause is any of the following:

''(I) An employee of any unit of a Federal, State, or local government.

''(II) An employee who requires a Federal security clearance working in a Federal, State, or local government building, a military base, a nuclear energy site, a weapons site, or an airport or other facility that requires workers to carry a Transportation Worker Identification Credential (TWIC).

''(III) An employee assigned to perform work in the United States under a Federal contract, except that this subclause—

''(aa) is not applicable to individuals who have a clearance under Homeland Security Presidential Directive 12 (HSPD 12 clearance), are administrative or overhead personnel, or are working solely on contracts that provide Commercial Off The Shelf goods or services as set forth by the Federal Acquisition Regulatory Council, unless they are subject to verification under subclause (II); and

''(bb) only applies to contracts over the simple acquisition threshold as defined in section 2.101 of title 48, Code of Federal Regulations.

''(B) ON A MANDATORY BASIS FOR MULTIPLE USERS OF SAME SOCIAL SECURITY ACCOUNT NUMBER.—In the case of an employer who is required by this subsection to use the verification system described in subsection (d), or has elected voluntarily to use such system, the employer shall make inquiries to the system in accordance with the following:

''(i) The Commissioner of Social Security shall notify annually employees (at the employee address listed on the Wage and Tax Statement) who submit a social security account number to which more than one employer reports income and for which there is a pattern of unusual multiple use. The notification letter shall identify the number of employers to which income is being reported as well as sufficient information notifying the employee of the process to contact the Social Security Administration Fraud Hotline if the employee believes the employee's identity may have been stolen. The notice shall not share information protected as private, in order to avoid any recipient of the notice from being in the position to further commit or begin committing identity theft.

''(ii) If the person to whom the social security account number was issued by the Social Security Administration has been identified and confirmed by the Commissioner, and indicates that the social security account number was used without their knowledge, the Secretary and the Commissioner shall lock the social security account number for employment eligibility verification purposes and shall notify the employers of the individuals who wrongfully submitted the social security account number that the employee may not be work eligible.

''(iii) Each employer receiving such notification of an incorrect social security account number under clause (ii) shall use the verification system described in subsection (d) to check the work eligibility status of the applicable employee within 10 business days of receipt of the notification.

''(C) ON A VOLUNTARY BASIS.—Subject to paragraph (2), and subparagraphs (A) through (C) of this paragraph, beginning on the date that is 30 days after the date of the enactment of the Secure the Border Act of 2024, an employer may make an inquiry, as provided in subsection (d), using the verification system to seek verification of the identity and employment eligibility of any individual employed by the employer. If an employer chooses voluntarily to seek verification of any individual employed by the employer, the employer shall seek verification of all individuals employed at the same geographic location or, at the option of the employer, all individuals employed within the same job category, as the employee with respect to whom the employer seeks voluntarily to use the verification system. An employer's decision about whether or not voluntarily to seek verification of its current workforce under this subparagraph may not be considered by any government agency in any proceeding, investigation, or review provided for in this Act.

''(D) VERIFICATION.—Paragraph (1)(C)(ii) shall apply to verifications pursuant to this paragraph on the same basis as it applies to verifications pursuant to paragraph (1), except that employers shall—

''(i) use a form designated or established by the Secretary by regulation for purposes of this paragraph; and

''(ii) retain a paper or electronic version of the form and make it available for inspection by officers of the Department of Homeland Security, the Department of Justice, or the Department of Labor during the period beginning on the date the verification commences and ending on the date that is the later of 3 years after the date of such verification or 1 year after the date the individual's employment is terminated.

''(4) EARLY COMPLIANCE.—

''(A) FORMER E-VERIFY REQUIRED USERS, INCLUDING FEDERAL CONTRACTORS.—Notwithstanding the deadlines in paragraphs (1) and (2), beginning on the date of the enactment of the Secure the Border Act of 2024, the Secretary is authorized to commence requiring employers required to participate in the E-Verify Program described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), including employers required to participate in such program by reason of Federal acquisition laws (and regulations promulgated under those laws, including the Federal Acquisition Regulation), to commence compliance with the requirements of this subsection (and any additional requirements of such Federal acquisition laws and regulation) in lieu of any requirement to participate in the E-Verify Program.

''(B) FORMER E-VERIFY VOLUNTARY USERS AND OTHERS DESIRING EARLY COMPLIANCE.—Notwithstanding the deadlines in paragraphs (1) and (2), beginning on the date of the enactment of the Secure the Border Act of 2024, the Secretary shall provide for the voluntary compliance with the requirements of this subsection by employers voluntarily electing to participate in the E-Verify Program described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) before such date, as well as by other employers seeking voluntary early compliance.

''(5) COPYING OF DOCUMENTATION PERMITTED.—Notwithstanding any other provision of law, the person or entity may copy a document presented by an individual pursuant to this subsection and may retain the copy, but only (except as otherwise permitted under law) for the purpose of complying with the requirements of this subsection.

''(6) LIMITATION ON USE OF FORMS.—A form designated or established by the Secretary of Homeland Security under this subsection and any information contained in or appended to such form, may not be used for purposes other than for enforcement of this Act and any other provision of Federal criminal law.

''(7) GOOD FAITH COMPLIANCE.—

''(A) IN GENERAL.—Except as otherwise provided in this subsection, a person or entity is considered to have complied with a requirement of this subsection notwithstanding a technical or procedural failure to meet such requirement if there was a good faith attempt to comply with the requirement.

''(B) EXCEPTION IF FAILURE TO CORRECT AFTER NOTICE.—Subparagraph (A) shall not apply if—

''(i) the failure is not de minimus;

''(ii) the Secretary of Homeland Security has explained to the person or entity the basis for the failure and why it is not de minimus;

''(iii) the person or entity has been provided a period of not less than 30 calendar days (beginning after the date of the explanation) within which to correct the failure; and

''(iv) the person or entity has not corrected the failure voluntarily within such period.

''(C) EXCEPTION FOR PATTERN OR PRACTICE VIOLATORS.—Subparagraph (A) shall not apply to a person or entity that has engaged or is engaging in a pattern or practice of violations of subsection (a)(1)(A) or (a)(2).

''(8) SINGLE EXTENSION OF DEADLINES UPON CERTIFICATION.—In a case in which the Secretary of Homeland Security has certified to the Congress that the employment eligibility verification system required under subsection (d) will not be fully operational by the date that is 6 months after the date of the enactment of the Secure the Border Act of 2024, each deadline established under this section for an employer to make an inquiry using such system shall be extended by 6 months. No other extension of such a deadline shall be made except as authorized under paragraph (1)(D)(iv).''.

(b) DATE OF HIRE.—Section 274A(h) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)) is amended by adding at the end the following:

''(4) DEFINITION OF DATE OF HIRE.—As used in this section, the term 'date of hire' means

the date of actual commencement of employment for wages or other remuneration, unless otherwise specified.''.

SEC. 1902. EMPLOYMENT ELIGIBILITY VERIFICATION SYSTEM.

Section 274A(d) of the Immigration and Nationality Act (8 U.S.C. 1324a(d)) is amended to read as follows:

''(d) EMPLOYMENT ELIGIBILITY VERIFICATION SYSTEM.—

''(1) IN GENERAL.—Patterned on the employment eligibility confirmation system established under section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), the Secretary of Homeland Security shall establish and administer a verification system through which the Secretary (or a designee of the Secretary, which may be a nongovernmental entity)—

''(A) responds to inquiries made by persons at any time through a toll-free electronic media concerning an individual's identity and whether the individual is authorized to be employed; and

''(B) maintains records of the inquiries that were made, of verifications provided (or not provided), and of the codes provided to inquirers as evidence of their compliance with their obligations under this section.

''(2) INITIAL RESPONSE.—The verification system shall provide confirmation or a tentative nonconfirmation of an individual's identity and employment eligibility within 3 working days of the initial inquiry. If providing confirmation or tentative nonconfirmation, the verification system shall provide an appropriate code indicating such confirmation or such nonconfirmation.

''(3) SECONDARY CONFIRMATION PROCESS IN CASE OF TENTATIVE NONCONFIRMATION.—In cases of tentative nonconfirmation, the Secretary shall specify, in consultation with the Commissioner of Social Security, an available secondary verification process to confirm the validity of information provided and to provide a final confirmation or nonconfirmation not later than 10 working days after the date on which the notice of the tentative nonconfirmation is received by the employee. The Secretary, in consultation with the Commissioner, may extend this deadline once on a case-by-case basis for a period of 10 working days, and if the time is extended, shall document such extension within the verification system. The Secretary, in consultation with the Commissioner, shall notify the employee and employer of such extension. The Secretary, in consultation with the Commissioner, shall create a standard process of such extension and notification and shall make a description of such process available to the public. When final confirmation or nonconfirmation is provided, the verification system shall provide an appropriate code indicating such confirmation or nonconfirmation.

''(4) DESIGN AND OPERATION OF SYSTEM.—The verification system shall be designed and operated—

''(A) to maximize its reliability and ease of use by persons and other entities consistent with insulating and protecting the privacy and security of the underlying information;

''(B) to respond to all inquiries made by such persons and entities on whether individuals are authorized to be employed and to register all times when such inquiries are not received;

''(C) with appropriate administrative, technical, and physical safeguards to prevent unauthorized disclosure of personal information;

''(D) to have reasonable safeguards against the system's resulting in unlawful discriminatory practices based on national origin or citizenship status, including—

''(i) the selective or unauthorized use of the system to verify eligibility; or

''(ii) the exclusion of certain individuals from consideration for employment as a result of a perceived likelihood that additional verification will be required, beyond what is required for most job applicants;

''(E) to maximize the prevention of identity theft use in the system; and

''(F) to limit the subjects of verification to the following individuals:

''(i) Individuals hired, referred, or recruited, in accordance with paragraph (1) or (4) of subsection (b).

''(ii) Employees and prospective employees, in accordance with paragraph (1), (2), (3), or (4) of subsection (b).

''(iii) Individuals seeking to confirm their own employment eligibility on a voluntary basis.

''(5) RESPONSIBILITIES OF COMMISSIONER OF SOCIAL SECURITY.—As part of the verification system, the Commissioner of Social Security, in consultation with the Secretary of Homeland Security (and any designee of the Secretary selected to establish and administer the verification system), shall establish a reliable, secure method, which, within the time periods specified under paragraphs (2) and (3), compares the name and social security account number provided in an inquiry against such information maintained by the Commissioner in order to validate (or not validate) the information provided regarding an individual whose identity and employment eligibility must be confirmed, the correspondence of the name and number, and whether the individual has presented a social security account number that is not valid for employment. The Commissioner shall not disclose or release social security information (other than such confirmation or nonconfirmation) under the verification system except as provided for in this section or section 205(c)(2)(I) of the Social Security Act.

''(6) RESPONSIBILITIES OF SECRETARY OF HOMELAND SECURITY.—As part of the verification system, the Secretary of Homeland Security (in consultation with any designee of the Secretary selected to establish and administer the verification system), shall establish a reliable, secure method, which, within the time periods specified under paragraphs (2) and (3), compares the name and alien identification or authorization number (or any other information as determined relevant by the Secretary) which are provided in an inquiry against such information maintained or accessed by the Secretary in order to validate (or not validate) the information provided, the correspondence of the name and number, whether the alien is authorized to be employed in the United States, or to the extent that the Secretary determines to be feasible and appropriate, whether the records available to the Secretary verify the identity or status of a national of the United States.

''(7) UPDATING INFORMATION.—The Commissioner of Social Security and the Secretary of Homeland Security shall update their information in a manner that promotes the maximum accuracy and shall provide a process for the prompt correction of erroneous information, including instances in which it is brought to their attention in the secondary verification process described in paragraph (3).

''(8) LIMITATION ON USE OF THE VERIFICATION SYSTEM AND ANY RELATED SYSTEMS.—

''(A) NO NATIONAL IDENTIFICATION CARD.—Nothing in this section shall be construed to authorize, directly or indirectly, the issuance or use of national identification cards or the establishment of a national identification card.

''(B) CRITICAL INFRASTRUCTURE.—The Secretary may authorize or direct any person or entity responsible for granting access to, protecting, securing, operating, administering, or regulating part of the critical infrastructure (as defined in section 1016(e) of the Critical Infrastructure Protection Act of 2001 (42 U.S.C. 5195c(e))) to use the verification system to the extent the Secretary determines that such use will assist in the protection of the critical infrastructure.

''(9) REMEDIES.—If an individual alleges that the individual would not have been dismissed from a job or would have been hired for a job but for an error of the verification mechanism, the individual may seek compensation only through the mechanism of the Federal Tort Claims Act, and injunctive relief to correct such error. No class action may be brought under this paragraph.''.

SEC. 1903. RECRUITMENT, REFERRAL, AND CONTINUATION OF EMPLOYMENT.

(a) ADDITIONAL CHANGES TO RULES FOR RECRUITMENT, REFERRAL, AND CONTINUATION OF EMPLOYMENT.—Section 274A(a) of the Immigration and Nationality Act (8 U.S.C. 1324a(a)) is amended—

(1) in paragraph (1)(A), by striking ''for a fee'';

(2) in paragraph (1), by amending subparagraph (B) to read as follows:

''(B) to hire, continue to employ, or to recruit or refer for employment in the United States an individual without complying with the requirements of subsection (b).''; and

(3) in paragraph (2), by striking ''after hiring an alien for employment in accordance with paragraph (1),'' and inserting ''after complying with paragraph (1),''.

(b) DEFINITION.—Section 274A(h) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)), as amended by section 1901(b), is further amended by adding at the end the following:

''(5) DEFINITION OF RECRUIT OR REFER.—As used in this section, the term 'refer' means the act of sending or directing a person who is in the United States or transmitting documentation or information to another, directly or indirectly, with the intent of obtaining employment in the United States for such person. Only persons or entities referring for remuneration (whether on a retainer or contingency basis) are included in the definition, except that union hiring halls that refer union members or nonunion individuals who pay union membership dues are included in the definition whether or not they receive remuneration, as are labor service entities or labor service agencies, whether public, private, for-profit, or nonprofit, that refer, dispatch, or otherwise facilitate the hiring of laborers for any period of time by a third party. As used in this section, the term 'recruit' means the act of soliciting a person who is in the United States, directly or indirectly, and referring the person to another with the intent of obtaining employment for that person. Only persons or entities referring for remuneration (whether on a retainer or contingency basis) are included in the definition, except that union hiring halls that refer union members or nonunion individuals who pay union membership dues are included in this definition whether or not they receive remuneration, as are labor service entities or labor service agencies, whether public, private, for-profit, or nonprofit that recruit, dispatch, or otherwise facilitate the hiring of laborers for any period of time by a third party.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 1 year after the date of the enactment of this Act, except that the amendments made by subsection (a) shall take effect 6 months after the date of the enactment of this Act insofar as such amendments relate to continuation of employment.

SEC. 1904. GOOD FAITH DEFENSE.

Section 274A(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(a)(3)) is amended to read as follows:

''(3) GOOD FAITH DEFENSE.—

''(A) DEFENSE.—An employer (or person or entity that hires, employs, recruits, or refers (as defined in subsection (h)(5)), or is otherwise obligated to comply with this section) who establishes that it has complied in good faith with the requirements of subsection (b)—

''(i) shall not be liable to a job applicant, an employee, the Federal Government, or a State or local government, under Federal, State, or local criminal or civil law for any employment-related action taken with respect to a job applicant or employee in good-faith reliance on information provided through the system established under subsection (d); and

''(ii) has established compliance with its obligations under subparagraphs (A) and (B) of paragraph (1) and subsection (b) absent a showing by the Secretary of Homeland Security, by clear and convincing evidence, that the employer had knowledge that an employee is an unauthorized alien.

''(B) MITIGATION ELEMENT.—For purposes of subparagraph (A)(i), if an employer proves by a preponderance of the evidence that the employer uses a reasonable, secure, and established technology to authenticate the identity of the new employee, that fact shall be taken into account for purposes of determining good faith use of the system established under subsection (d).

''(C) FAILURE TO SEEK AND OBTAIN VERIFICATION.—Subject to the effective dates and other deadlines applicable under subsection (b), in the case of a person or entity in the United States that hires, or continues to employ, an individual, or recruits or refers an individual for employment, the following requirements apply:

''(i) FAILURE TO SEEK VERIFICATION.—

''(I) IN GENERAL.—If the person or entity has not made an inquiry, under the mechanism established under subsection (d) and in accordance with the timeframes established under subsection (b), seeking verification of the identity and work eligibility of the individual, the defense under subparagraph (A) shall not be considered to apply with respect to any employment, except as provided in subclause (II).

''(II) SPECIAL RULE FOR FAILURE OF VERIFICATION MECHANISM.—If such a person or entity in good faith attempts to make an inquiry in order to qualify for the defense under subparagraph (A) and the verification mechanism has registered that not all inquiries were responded to during the relevant time, the person or entity can make an inquiry until the end of the first subsequent working day in which the verification mechanism registers no nonresponses and qualify for such defense.

''(ii) FAILURE TO OBTAIN VERIFICATION.—If the person or entity has made the inquiry described in clause (i)(I) but has not received an appropriate verification of such identity and work eligibility under such mechanism within the time period specified under subsection (d)(2) after the time the verification inquiry was received, the defense under subparagraph (A) shall not be considered to apply with respect to any employment after the end of such time period.''.

SEC. 1905. PREEMPTION AND STATES' RIGHTS.

Section 274A(h)(2) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(2)) is amended to read as follows:

''(2) PREEMPTION.—

''(A) SINGLE, NATIONAL POLICY.—The provisions of this section preempt any State or local law, ordinance, policy, or rule, including any criminal or civil fine or penalty structure, insofar as they may now or hereafter relate to the hiring, continued employment, or status verification for employment eligibility purposes, of unauthorized aliens.

''(B) STATE ENFORCEMENT OF FEDERAL LAW.—

''(i) BUSINESS LICENSING.—A State, locality, municipality, or political subdivision may exercise its authority over business licensing and similar laws as a penalty for failure to use the verification system described in subsection (d) to verify employment eligibility when and as required under subsection (b).

''(ii) GENERAL RULES.—A State, at its own cost, may enforce the provisions of this section, but only insofar as such State follows the Federal regulations implementing this section, applies the Federal penalty structure set out in this section, and complies with all Federal rules and guidance concerning implementation of this section. Such State may collect any fines assessed under this section. An employer may not be subject to enforcement, including audit and investigation, by both a Federal agency and a State for the same violation under this section. Whichever entity, the Federal agency or the State, is first to initiate the enforcement action, has the right of first refusal to proceed with the enforcement action. The Secretary must provide copies of all guidance, training, and field instructions provided to Federal officials implementing the provisions of this section to each State.''.

SEC. 1906. REPEAL.

(a) IN GENERAL.—Subtitle A of title IV of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is repealed.

(b) REFERENCES.—Any reference in any Federal law, Executive order, rule, regulation, or delegation of authority, or any document of, or pertaining to, the Department of Homeland Security, Department of Justice, or the Social Security Administration, to the employment eligibility confirmation system established under section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is deemed to refer to the employment eligibility confirmation system established under section 274A(d) of the Immigration and Nationality Act, as amended by section 1902.

(c) EFFECTIVE DATE.—This section shall take effect on the date that is 30 months after the date of the enactment of this Act.

(d) CLERICAL AMENDMENT.—The table of sections, in section 1(d) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, is amended by striking the items relating to subtitle A of title IV.

SEC. 1907. PENALTIES.

Section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) is amended—

(1) in subsection (e)(1)—

(A) by striking ''Attorney General'' each place such term appears and inserting ''Secretary of Homeland Security''; and

(B) in subparagraph (D), by striking ''Service'' and inserting ''Department of Homeland Security'';

(2) in subsection (e)(4)—

(A) in subparagraph (A), in the matter before clause (i), by inserting '', subject to paragraph (10),'' after ''in an amount'';

(B) in subparagraph (A)(i), by striking ''not less than $250 and not more than $2,000'' and inserting ''not less than $2,500 and not more than $5,000'';

(C) in subparagraph (A)(ii), by striking ''not less than $2,000 and not more than $5,000'' and inserting ''not less than $5,000 and not more than $10,000'';

(D) in subparagraph (A)(iii), by striking ''not less than $3,000 and not more than $10,000'' and inserting ''not less than $10,000 and not more than $25,000''; and

(E) by moving the margin of the continuation text following subparagraph (B) two ems to the left and by amending subparagraph (B) to read as follows:

''(B) may require the person or entity to take such other remedial action as is appropriate.'';

(3) in subsection (e)(5)—

(A) in the paragraph heading, strike ''PAPERWORK'';

(B) by inserting '', subject to paragraphs (10) through (12),'' after ''in an amount'';

(C) by striking ''$100'' and inserting ''$1,000'';

(D) by striking ''$1,000'' and inserting ''$25,000''; and

(E) by adding at the end the following: ''Failure by a person or entity to utilize the employment eligibility verification system as required by law, or providing information to the system that the person or entity knows or reasonably believes to be false, shall be treated as a violation of subsection (a)(1)(A).'';

(4) by adding at the end of subsection (e) the following:

''(10) EXEMPTION FROM PENALTY FOR GOOD FAITH VIOLATION.—In the case of imposition of a civil penalty under paragraph (4)(A) with respect to a violation of subsection (a)(1)(A) or (a)(2) for hiring or continuation of employment or recruitment or referral by person or entity and in the case of imposition of a civil penalty under paragraph (5) for a violation of subsection (a)(1)(B) for hiring or recruitment or referral by a person or entity, the penalty otherwise imposed may be waived or reduced if the violator establishes that the violator acted in good faith.

''(11) MITIGATION ELEMENT.—For purposes of paragraph (4), the size of the business shall be taken into account when assessing the level of civil money penalty.

''(12) AUTHORITY TO DEBAR EMPLOYERS FOR CERTAIN VIOLATIONS.—

''(A) IN GENERAL.—If a person or entity is determined by the Secretary of Homeland Security to be a repeat violator of paragraph (1)(A) or (2) of subsection (a), or is convicted of a crime under this section, such person or entity may be considered for debarment from the receipt of Federal contracts, grants, or cooperative agreements in accordance with the debarment standards and pursuant to the debarment procedures set forth in the Federal Acquisition Regulation.

''(B) DOES NOT HAVE CONTRACT, GRANT, AGREEMENT.—If the Secretary of Homeland Security or the Attorney General wishes to have a person or entity considered for debarment in accordance with this paragraph, and such a person or entity does not hold a Federal contract, grant, or cooperative agreement, the Secretary or Attorney General shall refer the matter to the Administrator of General Services to determine whether to list the person or entity on the List of Parties Excluded from Federal Procurement, and if so, for what duration and under what scope.

''(C) HAS CONTRACT, GRANT, AGREEMENT.—If the Secretary of Homeland Security or the Attorney General wishes to have a person or entity considered for debarment in accordance with this paragraph, and such person or entity holds a Federal contract, grant, or cooperative agreement, the Secretary or Attorney General shall advise all agencies or departments holding a contract, grant, or cooperative agreement with the person or entity of the Government's interest in having the person or entity considered for debarment, and after soliciting and considering the views of all such agencies and departments, the Secretary or Attorney General may refer the matter to any appropriate lead

agency to determine whether to list the person or entity on the List of Parties Excluded from Federal Procurement, and if so, for what duration and under what scope.

''(D) REVIEW.—Any decision to debar a person or entity in accordance with this paragraph shall be reviewable pursuant to part 9.4 of the Federal Acquisition Regulation.

''(13) OFFICE FOR STATE AND LOCAL GOVERNMENT COMPLAINTS.—The Secretary of Homeland Security shall establish an office—

''(A) to which State and local government agencies may submit information indicating potential violations of subsection (a), (b), or (g)(1) that were generated in the normal course of law enforcement or the normal course of other official activities in the State or locality;

''(B) that is required to indicate to the complaining State or local agency within five business days of the filing of such a complaint by identifying whether the Secretary will further investigate the information provided;

''(C) that is required to investigate those complaints filed by State or local government agencies that, on their face, have a substantial probability of validity;

''(D) that is required to notify the complaining State or local agency of the results of any such investigation conducted; and

''(E) that is required to report to the Congress annually the number of complaints received under this paragraph, the States and localities that filed such complaints, and the resolution of the complaints investigated by the Secretary.''; and

(5) by amending paragraph (1) of subsection (f) to read as follows:

''(1) CRIMINAL PENALTY.—Any person or entity which engages in a pattern or practice of violations of subsection (a) (1) or (2) shall be fined not more than $5,000 for each unauthorized alien with respect to which such a violation occurs, imprisoned for not more than 18 months, or both, notwithstanding the provisions of any other Federal law relating to fine levels.''.

SEC. 1908. FRAUD AND MISUSE OF DOCUMENTS.

Section 1546(b) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking ''identification document,'' and inserting ''identification document or document meant to establish work authorization (including the documents described in section 274A(b) of the Immigration and Nationality Act),''; and

(2) in paragraph (2), by striking ''identification document'' and inserting ''identification document or document meant to establish work authorization (including the documents described in section 274A(b) of the Immigration and Nationality Act),''.

SEC. 1909. PROTECTION OF SOCIAL SECURITY ADMINISTRATION PROGRAMS.

(a) FUNDING UNDER AGREEMENT.—Effective for fiscal years beginning on or after October 1, 2023, the Commissioner of Social Security and the Secretary of Homeland Security shall enter into and maintain an agreement which shall—

(1) provide funds to the Commissioner for the full costs of the responsibilities of the Commissioner under section 274A(d) of the Immigration and Nationality Act (8 U.S.C. 1324a(d)), as amended by section 1902, including—

(A) acquiring, installing, and maintaining technological equipment and systems necessary for the fulfillment of the responsibilities of the Commissioner under such section 274A(d), but only that portion of such costs that are attributable exclusively to such responsibilities; and

(B) responding to individuals who contest a tentative nonconfirmation provided by the employment eligibility verification system established under such section;

(2) provide such funds annually in advance of the applicable quarter based on estimating methodology agreed to by the Commissioner and the Secretary (except in such instances where the delayed enactment of an annual appropriation may preclude such quarterly payments); and

(3) require an annual accounting and reconciliation of the actual costs incurred and the funds provided under the agreement, which shall be reviewed by the Inspectors General of the Social Security Administration and the Department of Homeland Security.

(b) CONTINUATION OF EMPLOYMENT VERIFICATION IN ABSENCE OF TIMELY AGREEMENT.—In any case in which the agreement required under subsection (a) for any fiscal year beginning on or after October 1, 2023, has not been reached as of October 1 of such fiscal year, the latest agreement between the Commissioner and the Secretary of Homeland Security providing for funding to cover the costs of the responsibilities of the Commissioner under section 274A(d) of the Immigration and Nationality Act (8 U.S.C. 1324a(d)) shall be deemed in effect on an interim basis for such fiscal year until such time as an agreement required under subsection (a) is subsequently reached, except that the terms of such interim agreement shall be modified by the Director of the Office of Management and Budget to adjust for inflation and any increase or decrease in the volume of requests under the employment eligibility verification system. In any case in which an interim agreement applies for any fiscal year under this subsection, the Commissioner and the Secretary shall, not later than October 1 of such fiscal year, notify the Committee on Ways and Means, the Committee on the Judiciary, and the Committee on Appropriations of the House of Representatives and the Committee on Finance, the Committee on the Judiciary, and the Committee on Appropriations of the Senate of the failure to reach the agreement required under subsection (a) for such fiscal year. Until such time as the agreement required under subsection (a) has been reached for such fiscal year, the Commissioner and the Secretary shall, not later than the end of each 90-day period after October 1 of such fiscal year, notify such Committees of the status of negotiations between the Commissioner and the Secretary in order to reach such an agreement.

SEC. 1910. FRAUD PREVENTION.

(a) BLOCKING MISUSED SOCIAL SECURITY ACCOUNT NUMBERS.—The Secretary of Homeland Security, in consultation with the Commissioner of Social Security, shall establish a program in which social security account numbers that have been identified to be subject to unusual multiple use in the employment eligibility verification system established under section 274A(d) of the Immigration and Nationality Act (8 U.S.C. 1324a(d)), as amended by section 1902, or that are otherwise suspected or determined to have been compromised by identity fraud or other misuse, shall be blocked from use for such system purposes unless the individual using such number is able to establish, through secure and fair additional security procedures, that the individual is the legitimate holder of the number.

(b) ALLOWING SUSPENSION OF USE OF CERTAIN SOCIAL SECURITY ACCOUNT NUMBERS.—The Secretary of Homeland Security, in consultation with the Commissioner of Social Security, shall establish a program which shall provide a reliable, secure method by which victims of identity fraud and other individuals may suspend or limit the use of their social security account number or other identifying information for purposes of the employment eligibility verification system established under section 274A(d) of the Immigration and Nationality Act (8 U.S.C. 1324a(d)), as amended by section 1902. The Secretary may implement the program on a limited pilot program basis before making it fully available to all individuals.

(c) ALLOWING PARENTS TO PREVENT THEFT OF THEIR CHILD'S IDENTITY.—The Secretary of Homeland Security, in consultation with the Commissioner of Social Security, shall establish a program which shall provide a reliable, secure method by which parents or legal guardians may suspend or limit the use of the social security account number or other identifying information of a minor under their care for the purposes of the employment eligibility verification system established under 274A(d) of the Immigration and Nationality Act (8 U.S.C. 1324a(d)), as amended by section 1902. The Secretary may implement the program on a limited pilot program basis before making it fully available to all individuals.

SEC. 1911. USE OF EMPLOYMENT ELIGIBILITY VERIFICATION PHOTO TOOL.

An employer who uses the photo matching tool used as part of the E-Verify System shall match the photo tool photograph to both the photograph on the identity or employment eligibility document provided by the employee and to the face of the employee submitting the document for employment verification purposes.

SEC. 1912. IDENTITY AUTHENTICATION EMPLOYMENT ELIGIBILITY VERIFICATION PILOT PROGRAMS.

Not later than 24 months after the date of the enactment of this Act, the Secretary of Homeland Security, after consultation with the Commissioner of Social Security and the Director of the National Institute of Standards and Technology, shall establish by regulation not less than 2 Identity Authentication Employment Eligibility Verification pilot programs, each using a separate and distinct technology (the ''Authentication Pilots''). The purpose of the Authentication Pilots shall be to provide for identity authentication and employment eligibility verification with respect to enrolled new employees which shall be available to any employer that elects to participate in either of the Authentication Pilots. Any participating employer may cancel the employer's participation in the Authentication Pilot after one year after electing to participate without prejudice to future participation. The Secretary shall report to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate the Secretary's findings on the Authentication Pilots, including the authentication technologies chosen, not later than 12 months after commencement of the Authentication Pilots.

SEC. 1913. INSPECTOR GENERAL AUDITS.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Inspector General of the Social Security Administration shall complete audits of the following categories in order to uncover evidence of individuals who are not authorized to work in the United States:

(1) Workers who dispute wages reported on their social security account number when they believe someone else has used such number and name to report wages.

(2) Children's social security account numbers used for work purposes.

(3) Employers whose workers present significant numbers of mismatched social security account numbers or names for wage reporting.

(b) SUBMISSION.—The Inspector General of the Social Security Administration shall submit the audits completed under subsection (a) to the Committee on Ways and

Means of the House of Representatives and the Committee on Finance of the Senate for review of the evidence of individuals who are not authorized to work in the United States. The Chairmen of those Committees shall then determine information to be shared with the Secretary of Homeland Security so that such Secretary can investigate the unauthorized employment demonstrated by such evidence.

SEC. 1914. AGRICULTURE WORKFORCE STUDY.

Not later than 36 months after the date of the enactment of this Act, the Secretary of the Department of Homeland Security, in consultation with the Secretary of the Department of Agriculture, shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate, a report that includes the following:

(1) The number of individuals in the agricultural workforce.

(2) The number of United States citizens in the agricultural workforce.

(3) The number of aliens in the agricultural workforce who are authorized to work in the United States.

(4) The number of aliens in the agricultural workforce who are not authorized to work in the United States.

(5) Wage growth in each of the previous ten years, disaggregated by agricultural sector.

(6) The percentage of total agricultural industry costs represented by agricultural labor during each of the last ten years.

(7) The percentage of agricultural costs invested in mechanization during each of the last ten years.

(8) Recommendations, other than a path to legal status for aliens not authorized to work in the United States, for ensuring United States agricultural employers have a workforce sufficient to cover industry needs, including recommendations to—

(A) increase investments in mechanization;

(B) increase the domestic workforce; and

(C) reform the H–2A program.

SEC. 1915. SENSE OF CONGRESS ON FURTHER IMPLEMENTATION.

It is the sense of Congress that in implementing the E-Verify Program, the Secretary of Homeland Security shall ensure any adverse impact on the Nation's agricultural workforce, operations, and food security are considered and addressed.

SA 1905. Mr. MARKEY submitted an amendment intended to be proposed by him to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. FOREIGN ADVERSARY CONTROLLED APPLICATIONS.

Division H of this Act shall have no force or effect.

SA 1906. Ms. WARREN submitted an amendment intended to be proposed by her to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. IMPLEMENTATION OF THE CIVILIAN HARM INCIDENT RESPONSE GUIDANCE.

(a) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Foreign Relations of the Senate;

(2) the Committee on Armed Services of the Senate;

(3) the Committee on Appropriations of the Senate;

(4) the Committee on Foreign Affairs of the House of Representatives;

(5) the Committee on Armed Services of the House of Representatives; and

(6) the Committee on Appropriations of the House of Representatives.

(b) ALLOCATION OF FUNDING.—Of the amount appropriated by this Act, $10,000,000 shall be made available to the Department of State for the implementation by the Bureau of Democracy, Human Rights, and Labor, in coordination with the Bureau of Political-Military Affairs, of the Civilian Harm Incident Response Guidance, with a priority on investigating reports of civilian harm caused by United States-origin weapons in conflict areas during the 1-year period ending on the date of the enactment of this Act.

(c) PUBLICATION OF CIVILIAN HARM INCIDENT RESPONSE GUIDANCE.—The Secretary of State shall publish the text of the Civilian Harm Incident Response Guidance on a publicly accessible website in unclassified form.

(d) ANNUAL REPORT.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State shall submit a report to the appropriate congressional committees that summarizes all civilian harm events considered in the preceding year under the Civilian Harm Incident Response Guidance, including the location, summary of investigation, and findings.

(e) REPORTS ON CIVILIAN HARM EVENTS IN VIOLATION OF INTERNATIONAL LAW.—Not later than 30 days after the Secretary of State determines that United States-origin weapons have been used in a civilian harm event in violation of international law, the Secretary of State shall submit an unclassified report to the appropriate congressional committees that includes—

(1) a description of the civilian harm event, including the nature of the violation, the perpetrator, and the event's location;

(2) a description of the Department of State's investigation of the civilian harm event;

(3) a description of all United States defense articles or services used in the civilian harm event;

(4) the authority under which a transfer of such defense articles of services occurred; and

(5) a description of measures that the Department of State has taken to ensure accountability for and nonrecurrence of such harm.

ORDERS FOR FRIDAY, APRIL 26 THROUGH TUESDAY, APRIL 30, 2024

Mr. SCHUMER. Mr. President, finally, I ask unanimous consent that when the Senate completes its business today, it adjourn to then convene for pro forma sessions only, with no business being conducted on Friday, April 26, at 10 a.m.; further, that when the Senate adjourns on Friday, April 26, it stand adjourned until 3 p.m. on Tuesday, April 30; that on Tuesday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day and morning business be closed; that following the conclusion of morning business, the Senate proceed to executive session to resume consideration of the Alexakis nomination; further, that the cloture motions filed during today's session ripen at 5:30 p.m. on Tuesday.

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

ADJOURNMENT UNTIL FRIDAY, APRIL 26, 2024, AT 10 A.M.

Mr. SCHUMER. Mr. President, if there is no further business to come before the Senate, I ask that it stand adjourned under the previous order.

There being no objection, the Senate, at 9:44 p.m., adjourned until Friday, April 26, 2024, at 10 a.m.