

This much is clear: A two-state solution is the only way to ensure the long-term security of both the Israeli and Palestinian people. Though right now it may seem like that future has never been further away, this crisis has made it more imperative than ever.

The President gets it. It isn't just a military victory that will bring peace to the Middle East; it is a final resolution of a battle which has gone on for decades.

In the meantime, I also want to call on both sides to take another step in protecting innocent civilians—in this case, the reopening and operation of key Gaza hospitals under the supervision of a credible, neutral third party.

Some of you may have heard me speak a few weeks ago about what Chicago area volunteer doctors—also the Presiding Officer's friend—described as conditions in these besieged hospitals: amputations of the limbs of children without anesthesia, relying only on Tylenol for pain relief, and using vinegar instead of disinfectants to clean and heal wounds. Those are the desperate situations those hospitals have reached. Needs have only grown since I made that speech, with dozens of premature babies recently evacuated to Egypt for lifesaving care. All of this was, of course, complicated by Hamas's depraved use of hospitals to mask its activities.

Let's be clear. Innocent Palestinians are also hostage to Hamas, whose members clearly don't care about those people in Gaza. But with the securing of these critical medical facilities, it is now time for both sides to agree to do something that seems so obvious, I dare not state it, but I will: Hospitals should be off limit to fighting. That is the only way they can be able to effectively function again. A neutral third party, such as the United Nations, could monitor these hospitals to ensure that they are only used to treat patients and that supplies go only and directly toward medical care.

The other week, several Senators had a call with doctors involved in the humanitarian response in Gaza. The Senator presiding was one of the sponsors. They reminded us not only of the dire medical needs of those injured in the fighting but also the ongoing and future medical needs, including hundreds of upcoming births, that demand functioning hospitals.

In the days ahead, I am going to reach out to U.N. Secretary General Guterres about implementing the idea of neutral third parties guaranteeing the integrity of the hospitals that still remain.

This leads me to the President's emergency supplemental request. I was glad that Congress avoided another manufactured government shutdown crisis just days before Thanksgiving. I could not help but think of how history will judge this Congress, which has distinguished itself with bandaid budgets keeping our lurching economy at bay and not helping us move forward on

critical issues that American families really care about.

Why don't we do something about the cost of prescription drugs? Why don't we deal with the banning of assault weapons, which the overwhelming majority of Americans support? We could do things that would make the streets safe and people safer in their homes and make life more enjoyable and affordable, but instead we lurch from one manufactured political crisis to the next. It is time for us to act like Senators instead of political squabbling.

But that does not end our responsibility to deal with national security and humanitarian needs in Israel and Gaza to Ukraine. After all, where did Hamas leaders turn up shortly after their despicable attack on Israel on October 7? You guessed it—sitting down with Vladimir Putin in Moscow. What nation helped supply weapons and training to Hamas? What nation is helping Russia with weapons to fight in Ukraine? Iran. Who hopes distractions and divisions over the Middle East distract the West from the war in Ukraine? Vladimir Putin.

A few months ago, Ukrainian President Zelenskyy, in the Senate Chamber just a few steps away from this Chamber, starkly told the Senators of both parties who gathered that if the United States stops its aid to Ukraine, Russia will win the war. He said it not once but twice to make it clear.

If Russia wins in Ukraine, it would be naive to think they will stop there. The costs to the United States in repelling further Russian aggression will only continue to multiply.

The other day, I was reflecting on a walk I took in Maidan Square in Kyiv with the late Senator John McCain in 2014, with a visiting congressional delegation. McCain led a bipartisan delegation there just after Russia seized Crimea.

After Kyiv, we were supposed to go to Donetsk in Eastern Europe, but we had to cancel, as Russia was already destabilizing the region in preparation for its land grabs.

John McCain and our delegation walked somberly in Maidan Square in Kyiv, through the makeshift shrines to those who lost their lives fighting for democracy, the freedom movement that so threatened Putin.

I cannot help but wonder what John McCain would say today—or Ronald Reagan, who called the Soviet Union an "evil empire"—as many in their party in Congress hesitate to stand up to Putin and advance American security interests.

Let's not make a mistake that could cost the world and generations in the future by not advancing this critical supplemental funding request before the end of this calendar year.

I urge my colleagues to support President Biden's national security supplemental request to aid Ukraine, Israel, the Indo-Pacific, and humanitarian crises around the globe, including Gaza.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

BUSINESS BEFORE THE SENATE

Mr. CORNYN. Mr. President, I confess, it was great to be back home last week for Thanksgiving in Texas. Like so many other families, I got together with my family and enjoyed that time together. But now we are back here in the Nation's Capital with a lot of work to do.

The end of the year is always a busy time here in Congress, and this year is no exception even though the usual appropriations process has been kicked over to January 19. Because the majority leader has not scheduled earlier votes either on the Israel aid, which was passed by the House some weeks ago and has been sitting here in the Senate with no action—the majority leader has announced his intention to put a \$106 billion package benefiting Ukraine, Israel, and also the Indo-Pacific.

For the record, I support the efforts to make sure the brave Ukrainians can continue to fight and defend their country against the invasion of Putin's Russia. I certainly support Israel's right to defend itself against Hamas terrorists, a proxy for the No. 1 international state sponsor of terrorism—Iran. Of course I support our efforts to deter President Xi from doing what he said he intends to do, which is to take Taiwan one way or the other at a time of his choosing.

Well, fortunately, we aren't staring down the barrel of a spending deadline, so there are no threats of a government shutdown, but we do have these very important issues to attend to.

First, Congress needs to do something that we have done for 62 consecutive years, and that is, finally pass the National Defense Authorization Act.

Just before Thanksgiving, the Senate finally voted to begin that formal conference process to work out the differences between the House and the Senate. Our colleagues on both sides of the Capitol are now hard at work trying to iron out that agreement so we can pass a strong National Defense Authorization Act and send it to the President for his signature.

I started off my remarks talking about the challenges we face and our allies face around the world. Nothing would be more disappointing to us but more emboldening to our adversaries than our failure to deal with this necessary task, which, as I said, we have done for 62 years previous.

The second thing we need to do is to address the supplemental funding bill the President has proposed.

Again, I am a little mystified why the majority leader decided not to take up the Israel funding that was passed several weeks ago. I understand he doesn't like the pay-for the House has proposed, but I think one logical thing to do would be to propose a different pay-for and to put it on the Senate floor so we can talk about it, vote on

it, and get it done, because obviously that situation—although there seems to be a temporary lull in the conflict between Hamas and Israel, we know that once this temporary period passes, Israel will have no choice but to destroy Hamas's ability to commit future terrorist attacks.

Well, as I said, this supplemental funding will include assistance to Israel, Ukraine, and the Indo-Pacific, but the part that I think our Democratic leadership is in denial about is that the price of getting this done will also include major policy changes at the border.

We have been talking about immigration reform for the entire time I have been here in the Senate, and that is all it has been, is talk and no action. But my State is on the frontline of the Biden border crisis, and it is getting worse by the day because all of the signals that are being sent by the administration are that if you make it to the border by any means necessary, you are going to be released into the interior of the United States. So it is like a big, flashing green light or a big welcome mat saying "Come to the United States."

Obviously, we know it has not only been a huge burden on States like mine, which has a 1,200-mile common border; we have had people like Mayor Adams, the mayor of New York City, saying that unless something is done about this, it will destroy New York City. Those are some rather stark and jarring words. But it has finally come to the attention of even some Democratic leadership that this is something that is unsustainable and must be addressed, and we are going to do that in the context of these funding bills.

Well, these are some of the most consequential security challenges we are facing today. It is critical that we actually get to work on them and not just talk about them, and hopefully that will happen soon. But one issue I wanted to highlight was that Congress needs to reauthorize perhaps one of the most important laws that no one has ever heard of—or at least not many people have heard of outside of Washington, DC—and that is, we need to reauthorize section 702 of the Foreign Intelligence Surveillance Act before it expires at the end of the year.

When you think about America's national security, this probably is not the first thing that comes to mind. We typically talk about our brave servicemembers and our weapons or air platforms and the deterrence that is so important to keep the peace. We think of threats all around the world, like the ones I mentioned—those in the Middle East, those in Asia, and those in Europe and elsewhere.

But one of the most important tools available to our national security and our national defense is our ability to understand those threats and use section 702 of the Foreign Intelligence Surveillance Act.

This is a unique tool, but it is absolutely essential, according to the FBI

Director and other members of the intelligence community. And, most importantly, it is what it says it is. It is a foreign intelligence surveillance tool. In other words, it is only used to gain information and intelligence on foreigners—not located here in the United States, but those located outside of the United States.

That is an important distinction, because we don't allow those sorts of investigations to take place here in the United States. We have a constitutional protection against unreasonable searches and seizures—a requirement that if you are going to get a search warrant or you are going to get a warrant for somebody's arrest, that you have to go in front of an impartial judge and show probable cause why a crime was committed by this person.

That is critical to our authorities to protect ourselves as laid out in the Bill of Rights for American citizens but not for foreigners who are spying on the United States. That is something entirely different.

So this is not authority used to target U.S. citizens, whether on American soil or elsewhere. It is specifically aimed at foreigners or non-Americans overseas who could pose a threat to our national security.

Congress enacted section 702 in 2008 in response to threats by various terrorist groups in the wake of 9/11. It tore down some of the walls that prevented government Agencies from sharing information among themselves, and there is no question that it has been a success.

When talking about section 702 several years ago, the FBI Director said:

The fact that we have not suffered another 9/11-scale attack is not just luck.

He noted it is a product of intelligence, teamwork, diligence, and "dot-connecting." And that is much of what section 702 does: It allows collection of the dots so the dots can then be connected to facilitate investigations into foreign terrorist threats and other actions by foreign adversaries.

This authority has been vital to detecting potential terrorist attacks, but the application reaches far beyond counterterrorism missions.

Earlier this year, Deputy Attorney General Lisa Monaco testified before the Senate Judiciary Committee and said that this law allowed the United States to uncover what she called "vitally important" intelligence about the war in Ukraine.

So it is not just a counterterrorism tool; it has much broader application. She told the Judiciary Committee that section 702 has helped uncover gruesome atrocities, war crimes, in Ukraine. That includes the murder of civilians, the forced relocation of Ukrainian children into Russia, and the detention of refugees.

It is also important at a time when 71,000 Americans died of synthetic opioid poisoning last year alone—fentanyl being the most common variety—that 702 has helped the United

States combat fentanyl trafficking here in the United States.

Fentanyl poisoning is the No. 1 cause of death for Americans between the ages of 18 and 45. This is a terrible scourge, and we have got to use all the tools in our toolbox, including section 702, to fight it.

Information acquired because of this authority has informed our understanding of China's role, for example, in providing the precursor chemicals that are necessary to produce the finished product. And it has also helped expose smuggling techniques by the drug cartels that smuggle the synthetic opioids, the fentanyl, into the United States across—yes—across our southern border.

So for virtually every national security threat that the United States faces, section 702 is an essential asset. Earlier this year, Attorney General Merrick Garland and Director of National Intelligence Avril Haines sent a letter to Congressional leaders highlighting even more examples that show why this authority is so important.

Information acquired through section 702 has allowed the United States to identify multiple foreign ransomware attacks on U.S. critical infrastructure, like the Colonial Pipeline ransomware attack a year or so ago. It has enabled the United States to stop components for weapons of mass destruction from reaching foreign actors, and it has identified threats to U.S. troops and thwarted planned terrorist attacks both at home and abroad.

It has helped disrupt our adversary's efforts to recruit spies on American soil and send their operatives to the United States.

Section 702 is a critical tool in America's national security toolbox, but its future is uncertain, because unless Congress takes action before the end of this year, that authority will expire.

This is as if we would intentionally blind ourselves to these threats that I have described for Congress to fail to take action and reauthorize section 702.

If that happens, it will deprive America's dedicated intelligence professionals of the laws that they need, the authorities they need in order to keep our country safe.

Director Wray, I think, said it best when he said that allowing section 702 to expire would be "an act of unilateral disarmament in the face of the Chinese Communist Party"—"an act of unilateral disarmament in the face of the Chinese Communist Party."

Given the threat that China poses to the United States, especially in the Indo-Pacific, an unforced error by failing to reauthorize this necessary legislation would be the last thing we need. Allowing section 702 to expire would only benefit our most dangerous and capable adversaries. It would embolden China and Russia while hamstringing our ability to understand the threats we are facing, until it is too late.

General Paul Nakasone, who leads both the National Security Agency and

the U.S. Cyber Command, has been very clear about the need to preserve section 702.

Earlier this year, he summed up its importance rather succinctly when he said that “702 saves lives and protects the homeland.”

That is what we are focused on at the moment when it comes to funding the vast national security threats we do face: saving lives and protecting the homeland. That is true, I believe, of the war in Ukraine. It is in our Nation’s national interest, I believe. It is true in the war being fought by Israel for its survival in the Middle East. It is true for China’s saber-rattling in the Indo-Pacific. And it is true for the crisis we face at the border.

Achieving our definition of success in each of these situations will require far more than just money. It will require reliable and timely information or intelligence, and we simply will not have access to that if 702 were to expire.

It is absolutely imperative that Congress reauthorize section 702 before the end of the year. And I know we have the time, if we only have the will to get it done.

This is a priority for members on both sides of the aisle and both sides of the Capitol. This is not a partisan issue. It is the ultimate nonpartisan issue. And we have seen a number of constructive proposals to preserve and modernize this authority while enhancing privacy protections.

I understand concerns about abusing these various authorities against Americans, something that is illegal, something that should be investigated and prosecuted to the fullest extent of the law.

But just because a few rogue actors have misbehaved is no reason to relinquish this necessary tool when it comes to foreign actors who wish us ill.

As Congress continues working to address the range of national security threats that our country faces, reauthorizing section 702 must be a top priority.

I yield the floor.

I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The majority leader.

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

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

LEGISLATIVE SESSION

Mr. SCHUMER. Madam President, I move to proceed to legislative session.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion.

The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SCHUMER. Madam President, I move to proceed to executive session to consider Calendar No. 379.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion.

The motion was agreed to.

The ACTING PRESIDENT pro tempore. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Micah W.J. Smith, of Hawaii, to be United States District Judge for the District of Hawaii.

CLOTURE MOTION

Mr. SCHUMER. Madam 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 nomination of Executive Calendar No. 379, Micah W.J. Smith, of Hawaii, to be United States District Judge for the District of Hawaii.

Charles E. Schumer, Richard J. Durbin, Tina Smith, Alex Padilla, Jack Reed, Patty Murray, Christopher A. Coons, Sheldon Whitehouse, Mazie K. Hirono, Peter Welch, Richard Blumenthal, Jeanne Shaheen, Margaret Wood Hassan, Chris Van Hollen, Brian Schatz, John W. Hickenlooper, Robert P. Casey, Jr.

LEGISLATIVE SESSION

Mr. SCHUMER. Madam President, I move to proceed to legislative session.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion.

The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SCHUMER. Madam President, I move to proceed to executive session to consider Calendar No. 378.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion.

The motion was agreed to.

The ACTING PRESIDENT pro tempore. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Jamel Semper, of New Jersey, to be United States District Judge for the District of New Jersey.

CLOTURE MOTION

Mr. SCHUMER. Madam 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 nomination of Executive Calendar No. 378, Jamel Semper, of New Jersey, to be United States District Judge for the District of New Jersey.

Charles E. Schumer, Richard J. Durbin, Tina Smith, Alex Padilla, Jack Reed, Patty Murray, Christopher A. Coons, Sheldon Whitehouse, Mazie K. Hirono, Peter Welch, Richard Blumenthal, Jeanne Shaheen, Margaret Wood Hassan, Chris Van Hollen, Brian Schatz, John W. Hickenlooper, Robert P. Casey, Jr.

LEGISLATIVE SESSION

Mr. SCHUMER. Madam President, I move to proceed to legislative session.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion.

The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SCHUMER. Madam President, I move to proceed to executive session to consider Calendar No. 377.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion.

The motion was agreed to.

The ACTING PRESIDENT pro tempore. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Shanlyn A.S. Park, of Hawaii, to be United States District Judge for the District of Hawaii.

CLOTURE MOTION

Mr. SCHUMER. Madam 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 nomination of Executive Calendar No. 377, Shanlyn A.S. Park, of Hawaii, to be United States District Judge for the District of Hawaii.

Charles E. Schumer, Richard J. Durbin, Tina Smith, Alex Padilla, Jack Reed, Patty Murray, Christopher A. Coons, Sheldon Whitehouse, Mazie K. Hirono, Peter Welch, Richard Blumenthal, Jeanne Shaheen, Margaret Wood Hassan, Chris Van Hollen, Brian Schatz, John W. Hickenlooper, Robert P. Casey, Jr.