time in all of their employment at Customs and Border Protection. They had an overall reduction in pay and have been removed from their supervisory positions, negatively impacting promotional opportunities—once again, like a skunk at a picnic.

The Office of Special Counsel also identified an intentional nonpromotion for Mr. Jones. Additionally, Customs and Border Protection removed credentials, law enforcement authorities, firearms, and law enforcement retirement coverage for Mr. Taylor and Mr. Jones. The removal of one's firearm and one's credentials is the ultimate act of personal and career retaliation against Federal employees.

I have been told that Mr. Jones and Mr. Taylor discovered that one senior official who was aware of their ongoing retaliation refused to commandeer their firearms and credentials without a letter from senior officials—another person retaliated against.

Customs and Border Protection officials refused to provide the letter. The senior official who refused to participate in this retaliatory scheme then was involuntarily transferred out of his law enforcement position and stripped of premium pay in July of this year. So another person was retaliated against.

The Office of Special Counsel said its investigation supports a conclusion that government action against these three whistleblowers constituted a prohibited personnel practice. To put it plainly, the government violated Federal law and retaliated against these three brave whistleblowers.

On August 18 of this year, I sent a letter to Secretary Mayorkas and the current head of the Customs and Border Protection, Troy Miller. I asked what they have done to correct the retaliatory actions and take disciplinary action against the retaliators. As you might expect, both have failed to respond, which is not uncommon, after telling Congress—when these people come up for confirmation, we always ask them: Will you answer our letters, answer our phone calls? Will you come and testify before Congress? They always say yes. In the end, I tell them: Maybe to be honest, you ought to say maybe.

But instead of responding to Congress, Mr. Miller's Customs and Border Protection provided a public comment to the New York Post on August 22. It said this:

> The Office of Special Counsel . . . terminated its investigation into these claims without issuing a Prohibited Personnel Practice Report or seeking corrective action.

The Office of Special Counsel told my staff multiple times that they did, in fact, seek corrective action with Customs and Border Protection. Customs and Border Protection's public comment is, then, a lie, or demonstrably false.

On September 11 of this year, I sent a followup letter to further address their failures to protect these whistleblowers and demand a public retraction. Secretary Mayorkas and Mr. Miller failed to respond. But, again, Customs and Border Protection provided a public comment to the New York Post, saying about my letter: ''This is a mischaracterization of this issue based on incomplete records, and we are unable to comment further based on open litigation regarding these cases''—something bureaucrats regularly hide behind, with a quotation like that.

On September 27 of this year, I wrote another letter to Secretary Mayorkas and Mr. Miller demanding they explain their second inaccurate public comment. Customs and Border Protection, but not the Department of Homeland Security, provided a response on October 17.

That letter said:

> The Office of Special Counsel didn't issue a final report finding a prohibited personnel practice and didn't initiate corrective action litigation before the Merit Systems Protection Board . . . on the petitioners' behalf.

Did anyone catch that distinction? The public comment said ''corrective action.'' The letter said ''corrective action litigation.''

Corrective action can take many forms and doesn't always include litigation—for example, negotiating with the parent Agency to put a whistleblower in a position they were in before retaliation occurred. Customs and Border Protection attempted a sleight of hand. That sleight of hand has failed. The Customs and Border Protection letter makes clear its public comments were false, and they were the ones to offer mischaracterizations to the public.

Secretary Mayorkas has failed to take action despite my oversight efforts. Mr. Jones, Mr. Wynn, and Mr. Taylor are still struggling from the many acts of retaliation that have been taken against them for speaking up to protect Americans. But this Senator won't stop fighting for them and the dozens of other whistleblowers who have come to my office. There must be accountability for what has happened to these patriotic Americans.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

NATIONAL DEFENSE AUTHORIZATION ACT

Mr. CORNYN. Mr. President, this week, at long last, the Senate will vote on the National Defense Authorization Act conference report.

Each year, the Defense Authorization Act is how we demonstrate our support for the men and women in uniform—how they are paid, how they are equipped, how they are trained—and how our alliances are strengthened.

Given the incredible number of threats that exist in today's world, preserving our military readiness has never been more important. There is a war in the Middle East, a war in Europe, and growing tensions in the Indo-Pacific. I was reading this morning there are more wars and conflicts today than there have been literally at almost any time in history. We live in a dangerous world, and maintaining our paramount strength and the deterrence that flows from that is absolutely imperative.

That is why the Defense Authorization Act is so important. Each year, it allows us to take stock of the evolving threat landscape and to take corrective actions. This year's Defense bill prioritizes long-term strategic competition with China. It will help replenish our defense stockpiles from the weapons that we have been supplying Ukraine so that they can defend themselves against unjustified Russian aggression, and it will help us maintain our own state of readiness and the deterrent effect that goes along with it. This bill will also support modernization efforts across the board, from the nuclear triad to next-generation weapons.

This year's NDAA also authorizes military construction projects across the country, including $230 million for military construction projects in Texas alone. That includes $48 million for a cyber operations center and $20 million for a child development center at Joint Base San Antonio. It is really important to understand that in an All-Volunteer military, it is important not only to view this as service by just the member who wears the uniform but also the entire family. So trying to make sure that we take care of things like a child development center at Joint Base San Antonio ensures our ability to continue to recruit and retain highly qualified individuals to serve in our All-Volunteer military.

This bill also has $20 million for barracks improvements and nearly $6 million for tactical equipment maintenance facilities at Fort Cavazos. It has $74 million for a new rail yard spur at Fort Bliss. This is so, should troops need to be deployed from Fort Bliss, they can almost immediately be loaded onto a rail and then sent to the port at Beaumont and other ports for disembarkation.

And this is just scratching the surface. So, simply put, the NDAA will support our troops, strengthen our military readiness, and implement a raft of reforms to strengthen our national security.

Included in this bill is the Intelligence Authorization Act, which includes the Sensible Classification Act that I introduced with Senator WARNER earlier this year. It had become apparent to me that our classification system had been overused, and too many people were able to classify documents and keep them out of public view without any real rhyme or reason.

This is particularly important given the nature of our Republic where the public has a right to know what their government is doing. Now, certainly—and this bill does protect sensitive classified information when it is important to our national security, but it is important to make sure that that classification process extends no further than is absolutely necessary and

that once the risk of public disclosure lapses, that that information be subject to declassification, which is what the Sensible Classification Act does.

The classification of sensitive information gives us an invaluable edge when it comes to planning and preparing for threats all around the world, but there is a very thin line between strategic classification and excessive secrecy. Of course, political accountability is a critical part of self-government, and given the all-too-human, natural incentive to trumpet successes and hide mistakes, excessive secrecy undermines that accountability, which is essential to our system of government. If too much information is withheld from the public, it can sow distrust.

Without transparency, there can be no accountability, and without accountability, there is no confidence that the government is acting in the best interest of the American people. It is obvious that there is a need to recalibrate the balance between the public's right to know and the need to protect and defend our Nation, and that is what this important provision of the National Defense Authorization Act does. It will increase accountability and oversight of the classification system by requiring training to promote sensible classification and efficient declassification. Declassification, as I indicated, after the need for secrecy goes away, will allow information to become public so we can learn from our history, and we can learn our history as well.

This bill requires Federal Agencies to justify security clearances. Too many people have security clearances, which actually contribute to the overclassification of information. We need to limit security clearances and access to classified information to those who truly need it in order to keep our Nation safe. This legislation will help protect the integrity of America's classification system and help provide some additional trust in the government, I hope, and I am glad it will soon be heading to the President's desk for his signature.

There is another important provision in the National Defense Authorization Act that is very important as well, and that is an extension of section 702 of the Foreign Intelligence Surveillance Act, which is set to expire at the end of this year unless it is extended. But we all know this law is not without some controversy.

Still, the Foreign Intelligence Surveillance Act and section 702, in particular, is one of the most important and consequential laws that most Americans have never even heard of. This authority is the key to detecting and disrupting threats to our safety and our security. For example, information acquired through section 702 has helped identify threats to our own troops and thwart planned terrorist attacks both here at home and abroad.

It has enabled the U.S. Government to stop components for weapons of mass destruction from reaching our foreign adversaries. It has helped us disrupt our adversaries' efforts to recruit spies on American soil or send their operatives to the United States once recruited overseas.

It has also helped us understand and combat fentanyl trafficking, a drug which took 71,000 American lives last year alone.

It has helped us identify foreign ransomware attacks on U.S. critical infrastructure and uncover war crimes and gruesome atrocities in places like Ukraine.

For virtually every national security threat America faces, section 702 is an essential asset. There is a reason why it is known as the crown jewel of America's intelligence-gathering capabilities. But as I said a moment ago, despite the importance of this law, this authority is not without some controversy, and unfortunately we have been unable to resolve all of that controversy into an agreed statute with appropriate reforms. So this temporary extension is important to give us the time and the space to be able to do that.

In recent years, we have learned of some abuses of our intelligence authorities. But I want to be clear: The targeting of Americans is expressly prohibited in section 702. In fact, you can't target foreign adversaries on American soil—only overseas. This is very limited in its application. This authority allows the intelligence community and the Department of Justice to obtain intelligence on foreigners located outside the United States. It cannot be used to target U.S. citizens, whether on American soil or elsewhere.

Now, where this issue gets thorny is because of the so-called incidental collection of the identity of Americans. So when a foreign national communicates with somebody in the United States—obviously, a U.S. person, defined as a legal permanent resident or a U.S. citizen—there will be incidental collection of that communication between the foreigner and the American.

As an example, let's say the intelligence community is using 702 to monitor the communications of a Hamas terrorist in Gaza who is believed to pose a danger to our national security. He is not on American soil, and he is not an American citizen, but he is using U.S.-based communication networks.

One of the people that Hamas terrorists in our hypothetical is communicating with is an American on U.S. soil, and through a series of text messages, the intelligence community is able to discern that the two are planning an attack on civilians in New York City.

This is a fairly typical sort of collection using this important authority, and you can understand why it is important to be able to retain that ability to discern these sorts of attacks and this sort of planning by our adversaries against us.

So in this case, even though the American is not the target of the collection, the conversation would be visible because the person he is communicating with is a foreign target. But the intelligence community has a whole set of protocols and procedures to protect American citizens and U.S. persons even in this sort of incidental collection. There is a series of minimization procedures intended to limit the distribution of this information to make sure that it is not subject to abuse.

So let's say that the FBI wants to get some more information about that U.S. citizen on American soil. They then have to go to the Foreign Intelligence Surveillance Court and demonstrate probable cause that that American citizen or U.S. person is a threat to U.S. public safety. And they have to get a warrant involving that U.S. citizen—U.S. person.

So in this hypothetical terror plot, we are looking at a clear and imminent threat to people on American soil, and clearly that is something that the FBI would want to take a closer look at.

Congress has designed this authority to provide intelligence professionals with timely and actionable intelligence in a way that protects the privacy and the rights of American citizens, but unfortunately we know that occasionally we will find abuse of those authorities. For example, in 2020 and early 2021, it was revealed that hundreds of thousands of improper searches had been made using the 702 database.

Now, I, like most other people I know, were outraged by these abuses, and the American people should be outraged when these authorities, as important as they are, are used improperly. This represents a violation of trust by some of our Nation's most powerful law enforcement Agencies.

Given these abuses, some of our colleagues have suggested that we simply allow this authority to lapse, but the truth is, we can't cut off our nose to spite our face. Instead of nixing it, we need to fix it, and that is what we need the time to do that this temporary extension will provide.

Losing section 702 authority would make the American people vulnerable to a range of threats. Instead of tossing this authority aside, we simply need to reform it. I say ''simply''—we need to reform it.

Last week, FBI Director Christopher Wray testified before the Senate Judiciary Committee and talked about the abuses of 702 authority. He described these failures appropriately as ''unacceptable'' and spoke about the raft of reforms he has implemented to address the problem.

The FBI has improved its systems, enhanced training, added oversight and approval requirements, and adopted new accountability measures. It has also launched a new Office of Internal Auditing that is focused specifically on FISA compliance. The data show that these reforms are actually working.

The Foreign Intelligence Surveillance Court found that agents complied with FISA requirements 98 percent of the time. And the number of searches of the 702 database fell by 95 percent from 2021 to 2022. Obviously, this is not 100 percent. It is not perfection. But these are commendable signs of progress.

(Ms. BUTLER assumed the Chair.)

Given the understandable concern here in Congress with reforming the way section 702 operates, primarily as it applies to American citizens, the NDAA gives us more time to get it right—something we have not had to this point. Once it is signed into law, Congress will have until April 19 to advance a longer term 702 reauthorization.

In both the House and the Senate, Members are diligently working to reauthorize this authority in a way that protects the foundation of this intelligence-gathering tool while strengthening privacy protections for the American people.

As always, we have to ensure these enhanced protections don't create new problems. We don't want to create inadvertently loopholes that could be exploited by our adversaries or hamper law enforcement's ability to hold criminals accountable.

I hope we can build on the progress that has been made by codifying the FBI's changes and taking additional measures to protect the privacy of the American people.

The information and dot-connecting that is made possible through 702 is absolutely essential. It allows us to stay a step ahead of our adversaries and mitigate threats to the United States and the American people. It is an invaluable and irreplaceable component of our national security, and we need to be thoughtful and deliberate about the steps we take to preserve it and, more importantly, to reform it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

TENNESSEE STORMS

Mrs. BLACKBURN. Madam President, in Tennessee, our hearts are absolutely breaking for the families and the communities that have been impacted by the storms that raced across our State this weekend. We are mourning the loss of six Tennesseans—two children in that number—and dozens of individuals have been injured and hospitalized. The storm left thousands without power. It destroyed homes and businesses.

I want to express my thanks to the first responders, the emergency management officials, and the volunteers who immediately jumped into action to support these families and to help those who have lost their businesses, their homes, and the families of those who lost their lives. They have made such a difference. Each and every one of these volunteers and officials has made such a difference in what is going to be a very long road to recovery.

My team has been in touch with the White House, with the Governor's office, with local elected officials, and we are working to ensure that the full force of the Federal Government mobilizes behind these communities in order to help them recover.

JUDICIAL NOMINATIONS

Madam President, late last month, Democrats did something unprecedented in the history of the Senate Judiciary Committee: They blocked the opposing party from speaking on judicial nominees ahead of rollcall votes. This was a gross violation of committee rules. It is not something we generally see take place in the Judiciary Committee. But if you look at the track records of some of these radical, far-left nominees, you can see why the Democratic Party does not want these individuals to be up for discussion.

Let me give an example of some of these individuals who have been nominated for the Federal bench. Now, bear in mind that appointments to the Federal bench—for the district court, for the appellate court, and, of course, the Supreme Court—are lifetime appointments. So the only time the representative of the people—that the people can be heard pro or con on these nominees is in the committee, is in this Chamber, because it is a lifetime appointment.

Judge Mustafa Kasubhai is one of these nominees. There were several of us on the Republican side of the aisle who wanted to speak about him, but we were blocked from talking about him.

The concern that I have with him is that Judge Kasubhai has actually defended Marxism. In his words, in his writings, he has defended Marxism. He has argued against private property rights, and he has called our Nation ''deeply Islamophobic.'' That is what he believes, and that is what he has written and talked about.

He has also made some deeply disturbing comments about sexuality, women, and rape. For example, he helped promote a radical, leftist view that all heterosexual relationships—all; not some but all—are infused with violence and that all sexual acts should be viewed as rape. That is his point of view. This appalling argument silences women who have actually been victims of sexual assault. Yet my colleagues across the aisle, the Democrats, want this man in the courtroom, making life-and-death decisions about women. They want him making decisions about rape and sexual violence. They want him making decisions about property rights when he has spoken out against property rights.

Worst of all, Judge Kasubhai has shown alarming leniency when it comes to violent criminals. As a prosecutor, he recommended a sentence far below guidelines for a man who drugged, raped, and brutally abused girls as young as 10 years old. He wanted leniency for this guy for those crimes of drugging, abusing, and raping girls as young as 10 years old. How many of you know a 10-year-old girl?

Judge Kasubhai didn't just say that because it was one count or two counts; this guy had done this for 15 years. That is what you call a serial perpetrator—15 years. Think about that. But, no, let's let him off. Let's give him leniency. And let's not protect private property of individuals. Let's not protect women who have been sexually abused. Astounding.

Judge Kasubhai, on that case, with a guy who had drugged, raped, and brutally abused girls as young as 10 years old over a 15-year period of time—he wanted just over 10 years in prison for this guy. And he had committed these crimes for 15 years—for 15 years. He committed some of the most heinous crimes imaginable against children. Even though this guy's risk of recidivism was very high, Judge Kasubhai was willing to let him go with 10 years in prison.

I am telling you, Judge Kasubhai's track record is disturbing. It is despicable. It is disqualifying. But the thing that probably should disturb each of us is that not only is this guy unqualified, so are a host of others. Let me tell you about some of the others who have been up for discussion. Some of these have moved on through the system.

There is Nancy Abudu. Nancy Abudu endorsed political violence against conservatives. Go read her Twitter feed. It would be astounding. She was very involved with the Southern Poverty Law Center, but she supported violence against conservatives—against me. Would you want to go into a court and be in front of a judge who was an activist and supported violence against people? I would think not.

There is Todd Edelman. He has been the nominee, and he is there with the DC district court. Todd Edelman used his authority to release a known criminal. This is someone with a record who then went on to participate in the murder of a child. So the guy has a criminal record, and he gets off. Then he goes on and he participates in the murder of a child. That was a decision from Todd Edelman.

Then, for the California District, Marian Gaston. She opposed residence restrictions for convicted child sex offenders. So she doesn't even want them to have home confinement. Just let them go, let them be out there.

DeAndrea Benjamin over at the Fourth Circuit released violent criminals on bond. Well, guess what happened when DeAndrea Benjamin released them on bond. What happens when violent criminals are let go? They go do it again.

It is as if this White House does not understand who needs to be on the Federal bench.

There is another one I want to talk about: Seth Aframe. He is a First Circuit nominee. He is out of New Hampshire. Mr. Aframe's background is something that I think is disqualifying for someone to be on the Federal bench, and let me explain why I believe this.

Mr. Aframe gave lenient sentences to pedophiles who abused children.