

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 of-

fice, 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.

Let me give you a couple of examples of this abuse. One was a pedophile who apprehended, kidnapped a 14-year-old girl who was deaf. So this pedophile kidnaps a 14-year-old girl and he takes her across the State line into Vermont and he takes her to an abandoned motel and he rapes her. This is what the guy did.

Now, the second one he let off, that he went for leniency, was a 3-year-old child that he repeatedly raped.

Now, showing you that this pedophile had planned all this out, he befriended the parents of the 3-year-old girl and then he abused that friendship and he raped this child. This guy was sick.

The sentencing guidelines for each of these two pedophiles and their crimes—the sentencing guidelines call for life in prison. That makes sense. You go out, you kidnap a 14-year-old girl; you take her across State lines; you take her to an abandoned motel, and you rape her—and this is a 14-year-old who is deaf. You take a precious little 3-year-old girl, after you have befriended her parents, knowing you are going to do this because you have got a record, and you rape a 3-year-old child and then you produce videos of yourself carrying out these crimes—these are sick, sick, sick animals.

But, no, Mr. Aframe, he goes for leniency. Instead of going for life in prison, he wanted that sentence lowered. He got his way.

Now, here is what he said about the pedophile who had raped the 14-year-old girl who was deaf. Of that pedophile, he said—following his sentencing and giving him the lower sentence—that by the time he got out of prison, he should be over 60 years old and maybe his desire would have passed. This is sick.

These people are not qualified, and I am going to continue to talk about these judges who are not qualified.

BORDER SECURITY

Madam President, last week, border encounters with illegal immigrants reached 12,000 in a single day, the first time that has ever happened in our Nation's history.

This border is not closed; this border is wide open, and the cartels, fentanyl, and terrorists are streaming across it in record numbers—yes, 12,000 in a day.

In fact, 279 terrorists have been caught at the southern border since President Biden took office. More than 160 suspected terrorists have been apprehended in fiscal year 2023 alone, a number larger than the last 6 years combined.

And since October, more than 6,500 Chinese nationals, 700 Afghans, and dozens of Iranians have also been encountered at the border. Do you think these people have gotten the message that the Biden administration has thrown down the welcome mat and said: Come on over. We are going to let you in. Of course, that is what they are being told by the cartels—of course—because we have got a DHS Secretary who does not stand up and secure the

border. How about that? A Homeland Security Secretary who does not believe in securing the homeland. You can't make it up.

But instead of cracking down on border security, the Biden administration is cracking down on American businesses, including in my home State of Tennessee. They are cracking down on them for ensuring that their employees are eligible to work in our country.

Late last month, Biden's Justice Department fined a Chattanooga-based trucking company \$700,000 for simply checking whether job applicants had permanent resident cards or their immigration documents. They want to see a permanent resident card. They want to see immigration documents.

According to the Justice Department—you are not going to believe this one—according to the Justice Department, these documents are “unnecessary.” Their choice of words.

You know what, you just can't make it up. This administration continues to try to find ways to make illegal legal. They are constantly trying to circumvent the rule of law. They have got two tiers, two standards, two tiers of treatment, two tiers of justice, and it has caused massive amounts of confusion.

So this administration believes open the border, let them run all over, don't document them, doesn't matter if they are a terrorist, doesn't matter what they are coming here for. But if you are a company and you are going to check for permanent residency cards and immigration documents—which you are required to do by law, by the way—then this DOJ is going to tell you: Give it up. We are not checking who is complying with the law. We just want things done our way.

This needs to stop.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Madam President, I ask unanimous consent to complete my remarks before we break for the vote.

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

GUATEMALA

Mr. MERKLEY. Madam President, it was bullets not ballots. Bullets were the way that policies were set when I visited Guatemala in the spring of 1980: a soldier with a gun on every corner of Guatemala City, the army going village to village killing indigenous young men, rebels attacking government officials, and rightwing death squads assassinating professors and students.

I had the unfortunate experience of coming around a street corner just after a death squad had assassinated a professor at San Carlos University and left his body lying in the street.

Well, four decades ago—that is a long time ago—and, fortunately, Guatemala has come a long way since I visited as a young man. Now, the battles over the country's future are being fought not with bullets but with ballots.

But maintaining the integrity of balloting, the peaceful transfer of power, which are the hallmarks, the foundations of representative democracy, is not inevitable. And in Guatemala, the system is being stressed. In Guatemala, the system is being tested.

The ballot box is beautiful because it creates the opportunity for citizens to call on their leaders to change direction, actually, to select leaders who are calling for a change in direction.

If the government isn't serving the people, the people can change the government. And every now and then, one of these elections is particularly exciting, and Guatemala's recent Presidential election has certainly been exciting.

The current Guatemalan Government is mostly a government by and for the powerful, rather than by and for the people, and the powerful blocked several candidates that they didn't want as the next President from even running in the election.

But one person they didn't stop was Bernardo Arevalo and his Semilla or “Seed Movement” Party. This gray-haired academic and anti-corruption advocate was running far back in the pack, virtually unnoticed, some eighth place just a couple weeks before the election, a campaign staff of only five people, so certainly not a serious contender—not a serious contender until he was a serious contender, and that happened because of two factors: The first was young people on social media. Nearly two-thirds of Guatemala's 17 million citizens are under the age of 30, and young people on TikTok flocked to the honesty of the man often referred to as “Uncle Bernie” and his campaign against corruption.

Soon Semilla's seedlings were spreading across social media. And one of the Semilla's leading advocates on social media was a young woman whom our delegation met this last weekend named Marcela Blanco. Ms. Blanco is a 23-year-old influencer who was arrested in November by the government for a tweet, arrested for her campaign activities, held for 11 days, and then released under house arrest and allowed to come to a meeting at the Embassy, which was fortunate because we were able to meet her.

She was a threat to the government because she was effective in spreading a message, a message of support for a man running for President who was running against the corruption of the existing government, her support for a democratic movement of development that was inclusive, meaning that it would support healthcare and housing and education, clean water, not just for the cities but also for the rural indigenous villages.

Well, when that first round of Presidential balloting was held on June 25, Mr. Arevalo came in second, which in the Guatemalan system is very important because first and second place have a runoff, assuming nobody got a majority in the first round. So that runoff was on August 20.