

The situation at our southern border is unsustainable. We have got three successive recordbreaking years of illegal immigration at the southern border under President Biden, and if the current trend continues, we are well on our way to a fourth.

The Border Patrol is stretched thin. Border towns are stretched thin. Other major U.S. cities are struggling to deal with an influx of migrants.

Take New York City, for example. New York City is currently facing cuts to city services, including a massive 13.5 percent cut to its police force as a result of the migrant crisis. And while practical challenges posed by this immigration crisis are massive, even more worrisome are the national security challenges. Our country cannot be secure while we have hundreds of thousands of migrants flowing across our southern border each month, frequently to end up released into the United States with court dates years in the future.

Even more concerning are those who are making their way into our country without being apprehended. Since October 1 alone, there have been more than 83,000 known “got-aways” at our southern border. Those are individuals that the Border Patrol saw but was unable to apprehend. That is 83,000 individuals making their way into our country without our having the slightest idea of who they are, what they are doing here, or where in the United States they are planning to travel—83,000. And while some of them may simply be in search of a better life, others may be dangerous individuals who should not be entering our country.

Let's be very clear. There are dangerous individuals who are trying to make their way into our country. Between October and November alone, the Border Patrol arrested 30 individuals on the Terrorist Watchlist attempting to make their way across our southern border. Fiscal year 2023 saw 169 individuals on the Terrorist Watchlist arrested at our southern border—169—a substantial increase, I might add, over fiscal year 2022, which itself was a substantial increase over fiscal year 2021. That is not a good trajectory.

Again, I point out, these numbers only refer to the individuals the Border Patrol actually apprehend. There were 670,000 known “got-aways” during fiscal year 2023. How many of them—how many of them were terrorists, criminals, or other dangerous individuals? The fact of the matter is: We don't know. And that is disturbing.

This is insanity—the 169 they caught on the Terrorist Watchlist trying to come across our southern border and the 670,000 last year who came across the southern border who got away. We have no idea the composition of those people or how many of them. I suspect that most people who are trying to get in here who are terrorists or who are involved in some other type of criminal enterprise probably figure out a way to

get in here and not get caught. There may be quite a few of those on the “got-away” list.

What we know, however, is that we must regain operational control of the southern border, and it has to happen now. Since President Biden has failed to do so and since his policies have encouraged illegal immigration, Congress is going to have to act. We must act.

I am pleased the Democrats have finally come to the table in a real way to discuss needed reforms, but I want to say again that the only acceptable reforms are reforms that will actually meet the challenge at our southern border. Republicans will not sign off on cosmetic measures or superficial tweaks or simply just throwing more money at the problem. We owe the American people a secure border, and we will not agree to anything less than real reforms.

I have said this before—I have said it many times—that we are a nation of immigrants. I am one generation removed; my grandfather came here as an immigrant. Yet we are a nation of laws first and foremost. It is fundamental. It is the foundation. It is the bedrock principle that distinguishes our country from so many other countries around the world. We have laws, and they have to be followed. When people come to this country—and we are a welcoming country—they need to follow the law.

So fixing the problem means not just having additional funding for border security measures and enforcement personnel but a meaningful reform of our asylum and parole systems, which have been abused under the Biden administration.

A recent CBS News article noted:

Over the past few years . . . the U.S. asylum system has become a proxy process for migrants to stay and work in America, irrespective of whether they have valid claims or not.

That is not acceptable. Our asylum system is meant to be a refuge for those who face genuine danger from persecution. It is not meant to serve as temporary de facto amnesty for those who would simply prefer to live in the United States.

Our parole system is being abused as well. The Biden Department of Homeland Security's overly permissive application of parole has allowed hundreds of thousands of individuals who have not been granted legal status and who may not have a case for remaining in the United States to take up residence in our country, once again providing de facto amnesty, even if temporary.

The Biden administration's abuse of our asylum and parole systems has to be reined in if we hope to stem the tide of individuals flooding into the country, so any acceptable border security reform must include the reform of these systems.

While it may have taken them a long time to get here, I am, as I said, encouraged that at least Democrats have

finally come to the table, and I hope for the sake of our country that sooner rather than later we will arrive at an agreement. We have had 3 years of the Biden border crisis. Let's make sure we don't have a fourth.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. PADILLA). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from New Jersey.

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

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

U.S. ATTORNEY'S OFFICE INVESTIGATIONS

Mr. MENENDEZ. Mr. President, I come to the Senate floor to respond to a series of accusations raised by the U.S. attorney of the Southern District of New York.

First, I would note that this is the second superseding indictment brought forth by the government. It should be noted that all of the information presented in the superseding indictments were fully available to the government since the beginning of this process and for at least a year prior to the bringing of this indictment, which, therefore, begs the question: Why did the government not proceed with all of these accusations from the beginning?

The answer is clear to me. By filing three indictments—one in late September, a second one a few weeks later in mid-October, and the third one just last week, in early January—it allows the government to keep the sensational story in the press. It poisons the jury pool, and it seeks to convict me in a court of public opinion. In so doing, the government's tactics harm not just me but each of you, my colleagues, the political establishment, and, most importantly, the electorate of New Jersey.

The sensationalized allegations are now creating a rising call for my resignation, despite my innocence and before a single piece of evidence has even been introduced in a court of law. The U.S. Attorney's Office has engaged not in a prosecution but a persecution. They seek a victory, not justice.

We have seen this play out with other prosecutions of public officers. Remember what happened to Senator Ted Stevens or Governor Bob McDonnell. There are numerous other examples. It is an unfortunate reality, but prosecutors sometimes shoot first before they even know all the facts. It would be a shame that this venerable body does the same.

So having set the stage for why this process has unfolded this way, let me deal with some of the issues, starting with the latest accusation.

I have received nothing—absolutely nothing—from the Government of Qatar or on behalf of the Government of Qatar to promote their image or their issues. The government's principal allegation of what I supposedly

did for Qatar was to support a Senate resolution. This resolution was sponsored and introduced by Senator GRAHAM and cosponsored by 11 other bipartisan Senators, posted on the Senate Foreign Relations Committee agenda, and passed by voice vote.

Now, what was that resolution about? The resolution sponsored by Senator GRAHAM and 12 of our colleagues on both sides of the aisle thanked the Qatari Government for assisting the U.S. military in evacuating American citizens and Afghan refugees from Taliban rule. How nefarious was that?

Then they referenced some press release I made. Well, the press release says in one sentence:

I am [glad] to see our friends and allies in Qatar be moral exemplars by accepting Afghans ultimately seeking safe haven in the U.S. after being forced to escape for their lives.

That is the one thing it says about Qatar. The rest of it is a call for international cooperation to help protect Afghan civil society members, journalists, and others at risk of Taliban rule, something I have heard many Members of the Senate at the time speak out for.

Qatar has played important roles in hosting our U.S. Al Udeid Air Force Base, the largest in the Middle East, in responding to the administration's call to supply natural gas to Europe during the Ukrainian conflict with Russia, and, yes, facilitating and receiving Afghan refugees whom the U.S. Government was seeking to evacuate, among other initiatives. And, most recently, they played a role in brokering the release of Israeli hostages held by Hamas.

Like any other country, there are things that we disagree on. During the World Cup preparations, the question of labor violations took center stage. Qatar's engagement with its next-door neighbor, Iran, and with Hamas have all been points of contention, and I have criticized Qatar, as I have any other country, when I felt they were falling short of their international obligations and applauded them when they have led in ways the United States and the world would commend. That give-and-take, that carrot and stick, that cajoling and rewarding, is the essence of diplomacy. It is a job we all partake in every day as part of our duties in the Senate.

The government seeks to use baseless conjecture, not facts, to create the connective tissue to substantiate their allegations. They show a picture of watches but no proof of receiving any such gifts. They talk about tickets to a State-sponsored event, but as we all know, Members of the Senate often attend State-sponsored events. Indeed, I have seen members of the State Department, the administration, and, yes, even the Justice Department, attend State-sponsored events. The government fails to mention that the family member referenced to already had their own purchased tickets to the

event. That is not a perk and, certainly, not a bribe.

Finally, on this point, the suggestion that an introduction of a constituent to a Qatari investment company is illegal is not only wrong as a matter of law; it is dangerous to the important work all of us as Senators do. Under the government's theory, it may be a crime for Members of the Senate to make introductions to companies and constituents in their own State, to foster investments in their State—investments that create jobs, ratables, revenues, and help grow the economy. Indeed, if that is a crime, then advocating for Boeing aircraft to be purchased by a foreign government, attracting a foreign chip manufacturer to your State, getting a country to buy agricultural products from your State, making technology investments, and so many other actions that Members of Congress take to attract investment and economic opportunity to their States would now be a crime.

Now, let me turn to the government's other outrageous accusation of conspiring to act as a foreign agent for the Government of Egypt. This is an unprecedented accusation, and it has never, ever been levied against a sitting Member of Congress—never—and for good reason. It opens a dangerous door for the Justice Department to take the normal engagement of Members of Congress with a foreign government and to transform those engagements into a charge of being a foreign agent for that government.

I want to address the accusations as they relate to me, but I don't want you to lose sight of how dangerous this precedent will be to all of you.

Let me start by describing my history of taking adverse positions to the Government of Egypt; my defense of human rights, democracy, and the rule of law in that country; and my stinging criticism of the violations of human rights, democracy, rule-of-law issues in Egypt.

One fact is indisputable. Throughout my time in Congress, I have remained steadfast on the side of civil society and human rights defenders in Egypt and everywhere else in the world. If you look at my actions related to Egypt during the period described in the indictment and throughout my career, my record is clear and consistent in holding Egypt accountable for its unjust detention of American and Egyptian citizens, its human rights abuses, its deepening relationship with Russia, and efforts that would have eroded the independence of the nation's judiciary, among other concerns.

In 2017, I led the writing of a bipartisan letter to President Trump expressing grave concerns with the worsening situation for human rights and civil society in Egypt.

That same year, I sent a letter to the Senate Appropriations subcommittee supporting U.S. assistance to Egypt as long as Egypt adheres to the Camp David accords and urged the Appropria-

tions Committee to include the requirements for assistance reform strategies outlined in the Egypt Assistance Reform Act of 2013.

In 2018, I urged Secretary of State Tillerson to focus more on human rights issues in Egypt and raised concerns that the electoral environment ahead of Egypt's elections at that time were not fair, free, or credible.

In 2019, I met President El-Sisi, along with Members of the Senate, at the Munich Security Conference and pressed him on the level of repression inside of Egypt, warning him that it risked eroding our security cooperation, and raised concerns, at that time, about Egypt's intention to purchase a Russian missile system.

In 2020, I spoke on the Senate floor for International Women's Day and cited the cases of Mahienour El-Massry, a human rights lawyer, and Esraa Abdel Fattah, a human rights activist and reporter, who were unjustly detained in Egypt for fighting for human rights, democracy, and a free press.

Does any of this sound like I was on the take with Egypt? Of course, not. But that is not all.

In 2021, during this very time period that this indictment alleges I was an agent of Egypt, I placed a hold on \$1.58 billion in foreign military funding to Egypt—M1A1 tank fleet—and \$125 million in economic security funds. I placed that hold based on concerns I had with reference to the worsening human rights situation in Egypt and the harassment and detention of activists in general, including the detention or harassment of family members in Egypt of activists currently living in the United States.

In the fall of 2021, I took an official trip to Egypt, where I forcefully raised all of these issues directly with President El-Sisi in the presence of our U.S. Ambassador to Egypt, as well as staff of the Senate Foreign Relations Committee. The government references this trip in its indictment but, tellingly, fails to state what actually occurred and how I confronted President El-Sisi, which they know. The omission intentionally leaves a bad and unfair impression.

Most recently, in a congressional delegation trip to Egypt in August of 2023, led by Senator GRAHAM, along with nine fellow Senators and two House Members, I once again challenged President El-Sisi on these and other issues in the presence of my colleagues and U.S. Embassy personnel. Each and every time, I raised issues of arbitrary arrest and detentions, violations of human rights, disbanding of non-governmental organizations, and other issues in a direct challenge to President El-Sisi.

Again, when Egypt has acted in concert with U.S. interest and values—like fighting terrorism in the Sinai, or its peaceful relations with Israel, or working to improve the rights of Coptic Christians to worship as they pleased—

I have commended Egypt's actions. But you can't challenge the leader of an authoritarian State in public and among other Members of Congress and take actions adverse to their interests and at the same time serve as an agent of that same foreign government.

Over my 30 years of engaging in foreign policy, I don't know of any dictator or authoritarian leader who is willing to be publicly chastised or who regards someone who dares to do so as its agent, which brings me to the danger of what the Justice Department has created by charging a sitting Member of Congress with acting as a foreign agent.

The relevant FARA statute's definition of "agent" is broad. It includes anyone who engages in "political activities," "publicity services," or other certain acts at the order, request, or under the direction or control of a "foreign principal."

Applied to Members of Congress, it covers anything that could "in any way influence any agency or official of the United States, or any section of the public within the United States" as to public policy.

So when Members of the Senate from agricultural States went to communist Cuba to sell rice or poultry or sugar or beef and were told by the Castro regime that they would consider doing so but that the Senators needed to convince the U.S. administration to change U.S. law and lift the embargo and permit credit to take place for such sales, and then came back to the United States and advocated for exactly that request, did that make them a foreign agent of Cuba? I think not.

When Senators travel to Israel and hear from their elected leaders requesting greater economic and defense assistance or for the replenishment of the Iron Dome, did their advocacy upon return make them a foreign agent of Israel? I think not.

When Senators traveled to the Middle East in pursuit of engaging countries to become part of the Abraham Accords and heard from Saudi Arabia that a civilian nuclear program, a mutual defense agreement, and technology transfers might be prerequisites for Saudi Arabia joining the Abraham Accords, and then they came back to the Senate to advocate for that, were they foreign agents of the Saudi Government? I think not.

What if, in any of these examples, that country bought rice or sugar or meat from your State? What if that country purchased Boeing aircraft made in your State? Would that be a quid pro quo? What if you got contributions to your campaign from U.S. entities or individuals associated with those countries? Would that be a quid pro quo? For the government, the sky is the limit if they want to pursue you.

What a chilling effect on the mere engagement of these conversations and inquiries would it be if the sum of those actions, taken in pursuit of your factfinding effort to inform you of

what your legislative actions should be, can be turned into official acts in violation of the law and not within the protection of the speech or debate clause of the Constitution.

Now, some may be alarmed by what I have described but in this case explain it away by saying: But in this case, there are allegations of cash and gold bars. The problem is that there is no evidence of the giving or receiving of cash and gold bars. In fact, there has been and will be at trial a full explanation of what is the truth about those issues—a truth that proves I am entirely innocent of the charges.

And that is the problem. Almost everyone, including my friends in the press who have reported on it, haven't read the indictment. They have only taken the government's sensational narrative of what the accusations are as truth. They haven't sought facts of the allegations.

I am innocent, and I intend to prove my innocence—not just for me but for the precedent this case will set for you and future Members of the Senate.

I am, however, alarmed that the greatest and most ardent defenders of the Constitution in this body are among the most vociferous in calling for my resignation. They would deny me due process and undermine the fundamental principle of our law—that in America, you are innocent until proven otherwise by a jury of your peers. Now, Members of the Senate are not above the law, but they are not beneath it either.

If for political expediency an indictment and its accusations are now tantamount to guilt, we have upended our system of justice in America. And when the next person or group of persons are wrongfully accused, you will not be able to claim that the constitutional guarantees of due process and innocence until proven guilty need to be observed.

Now, some say that a U.S. Senator answers to a higher standard, but even then, the question of whether that standard has been violated depends not on accusations but proof of guilt after being afforded due process beyond a reasonable doubt.

Finally, let me say that I understand how the government's accusations, made in the most sensational and purposefully damning way possible, its misuse of the grand jury system to bring superseding indictments even though it had all the information they alleged from the beginning, can be a source of concern and contempt by some of my colleagues, the political establishment, and most importantly, the people of New Jersey. I get it. And I am suffering greatly as a result of what they have done. After 50 years of public service, this is not how I wanted to celebrate my golden jubilee. But I have never violated the public trust. I have been a patriot for and of my country.

Now, let me close by saying I understand some of my colleagues are in

tough races, and for them, this was a political calculation. Let me also say that for the administration, the political establishment, and for my detractors, it would be much easier to have me exit the scene so that an unjust deal on immigration that won't really solve our problems at the border but that would hurt the Latino community would be easier to be achieved or that a new deal with Iran would be more possible or a cozying up to the Castro regime could take place or selling F-16s to Turkey could be finalized. I get it. But I will not step aside and allow those things to happen in the name of political expediency. I have never chosen the easy path. I never have, I never will, and I will not do so now. I simply ask for justice to be allowed to work its way.

With that, 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. MENENDEZ. Mr. President, I ask unanimous consent that the quorum call be rescinded.

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

#### UNANIMOUS CONSENT AGREEMENT

Mr. MENENDEZ. Mr. President, I ask unanimous consent that immediately following the confirmation vote on the Kazen nomination, the Senate recess until 2:15 p.m. to allow for the weekly caucus meetings.

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

The Senator from Arkansas.

Mr. BOOZMAN. Mr. President, I ask unanimous consent that Senator COTTON and I be allowed to speak for up to 10 minutes, followed by Senator TUBERVILLE for up to 10 minutes, prior to the scheduled rollcall vote.

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

#### CONGRATULATING HARDING UNIVERSITY'S NCAA DIVISION II NATIONAL CHAMPIONSHIP

Mr. BOOZMAN. Mr. President, I rise today to recognize the Harding University football team on winning the 2023 Division II NCAA National Championship. The school is proud to call Searcy, AR, home, and we are pleased to join all those celebrating this historic, undefeated season.

Those of us who have ever played football or followed along as fans are familiar with the term that describes each team's time with the ball as they move down the field: "drive." But drive is also what you need to finish a perfect season. The Harding Bisons exemplified it and racked up major achievements along the way, including breaking the collegiate rushing record with more than 6,000 yards on the ground for the season.

The Bisons' offense tapped into a tried-and-true style of football. Its successful run game propelled the team and wore down opponents all season long, culminating in a dominating performance in the national title game, where it scored 38 unanswered points.