

The Framers were clear: Impeachment should never be used to settle policy disagreements. Legal scholars from across the ideological spectrum have agreed to the same for decades. Even the Wall Street Journal editorial board, the darling of the conservative intelligentsia, argued a few months ago that “a policy dispute doesn’t qualify as a high crime and misdemeanor.”

If our House Republicans want to have a debate about the border, Democrats are glad to have it. But instead of wasting time on impeachment, we should debate bipartisan legislation to secure our border once and for all.

In fact, that is precisely what we tried to do in this Chamber just a few months ago. I worked with a handful of Democrats and Republicans to draft the strongest border security bill to come before the Congress in decades, before Donald Trump and the hard right killed it in its tracks. It was everything that Republicans could have wanted and more: a bill to hire more Border Patrol agents, reform asylum, fight the fentanyl crisis, and create brandnew powers for the President to close the border. It was strong, strong stuff.

The National Border Patrol Council, the Chamber of Commerce, and the ultraconservative Wall Street Journal editorial board all threw their support behind our bipartisan bill. If both Chambers would have voted on it, I am certain it would have passed and be signed by the President.

But that is precisely why Donald Trump and the hard right were afraid of it. Instead of providing a solution to the border, Donald Trump and his MAGA radicals want to exploit the border for political gain. And, today, with this trial, MAGA radicals want to likewise exploit our Constitution and try to gain an edge on the campaign trail.

It is beneath the dignity of the Senate to entertain this nakedly partisan exercise, one that both conservative and liberal legal scholars agree fails to meet the high standard demanded by impeachment.

So I will say it again: Impeachment should never—never—be used to settle policy disagreements. That would set a disastrous precedent for the Congress and could throw our system of checks and balances into endless cycles of chaos.

#### FISA

Mr. President, now on Senate business, the Senate might be stuck addressing the House’s bogus impeachment charges, but that doesn’t erase the fact that we have a lot of work to do in the Congress in the upcoming days.

Before April 19, the Senate must come to an agreement on FISA reauthorization. Last night, I filed cloture on the motion to proceed to the House-passed FISA bill, and that vote is set to take place tomorrow.

Democrats and Republicans are going to have to reach an agreement if we want to get FISA reauthorization done

before the deadline. Otherwise, this very important tool for ensuring our national security is going to lapse, and that would be unacceptable. The House has not made our jobs any easier with this bogus impeachment trial, but that doesn’t let us off the hook to work together quickly to get FISA reauthorization done.

#### NATIONAL SECURITY SUPPLEMENTAL FUNDING

Mr. President, on another important matter, we are still waiting to see how Speaker JOHNSON and House Republicans will proceed on the national security supplemental package. One way or another, I hope—I fervently hope—that we can finally finish the job in the next couple of days, but that is not certain and will depend a lot on what the House does. The entire world is waiting to see what House Republicans will do about aid to Ukraine, aid to Israel, humanitarian assistance, and aid to the Indo-Pacific.

Putin is watching closely to see if America will step up and show strength or slink away from a friend in need.

And for anyone who thinks the war in Ukraine is just a regional conflict in Eastern Europe, the Chinese Communist Party would beg to differ. If President Xi sees America waffle in helping Ukraine, he may conclude that we will similarly get cold feet in the Indo-Pacific.

Congress must finish the work on the supplemental once and for all. The time for waiting and delay has long been over. I urge House Republicans to continue working in a bipartisan spirit to get this aid passed. The security of America, of our friends abroad, and of Western democracy itself demands that we act.

#### STEEL TARIFFS

Mr. President, later today, President Biden will call for the tripling of tariffs on steel and aluminum imports from China. This is a strong and decisive response to continued unfair trade practices by China.

I have long been a loud and fervent advocate of higher tariffs on Chinese steel and aluminum imports for years. When I first became Senator, I saw for myself how unfair Chinese practices were carving away at American production and American jobs. The deck has long been stacked against U.S. steel and aluminum workers for years because of the Chinese Government.

For China, the equation is simple. They overproduce steel and aluminum with the help of subsidies and low-cost labor, and then flood markets with these cheap products and dominate any competition and reap the profits. American businesses end up falling further and further behind.

Critically, the President is also calling for action to prevent companies from routing steel and aluminum imports through Mexico in an attempt to circumvent the tariffs.

There is perhaps no industry that has felt the impact of China’s unfair trade practices than shipbuilding. The United States was once a global leader,

but now we produce less than one percent of the world’s commercial ships. Over the last two decades, China has dramatically increased its dominance of the shipbuilding industry, putting American businesses and workers at risk and jeopardizing our national security.

So the President’s announcement today is a welcome step to getting American steel and aluminum businesses back on a level playing field with China. I can assure you, there is no shortage of American businesses ready to step up and compete in the global market.

In my home State of New York, union steelworkers, in places like Western New York and Massena, helped forge the steel and aluminum that built America’s bridges and buildings. And they stand ready, alongside other manufacturing powerhouse communities in Ohio, Pennsylvania, and elsewhere who built America from the ground up.

So I commend the President for his strong and decisive call to triple the tariffs on steel and aluminum imports from China. And Democrats will keep working to bring American businesses and workers back on level with the world.

#### REMEMBERING DANIEL ROBERT GRAHAM

Finally, Mr. President, today, we are mourning a colleague and former Member of this Chamber, Bob Graham, who passed away, yesterday, at the age of 87.

Bob and I only served for a few years, but it didn’t take long to realize he was a man of great integrity. He was a devoted public servant who dedicated his entire life to his beloved Florida, from the State legislature to the Governor’s mansion, to the halls of the U.S. Senate.

Our prayers are with his family and his loved ones.

#### AUTHORIZING THE USE OF THE ROTUNDA OF THE CAPITOL FOR THE LYING IN HONOR OF THE REMAINS OF RALPH PUCKETT, JR., THE LAST SURVIVING MEDAL OF HONOR RECIPIENT FOR ACTS PERFORMED DURING THE KOREAN CONFLICT

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 33.

The ACTING PRESIDENT pro tempore. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 33) authorizing the use of the rotunda of the Capitol for the lying in honor of the remains of Ralph Puckett, Jr., the last surviving Medal of Honor recipient for acts performed during the Korean conflict.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. SCHUMER. I ask unanimous consent that the concurrent resolution be

agreed to and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The concurrent resolution (S. Con. Res. 33) was agreed to.

(The concurrent resolution is printed in today's RECORD under "Submitted Resolutions.")

#### REFORMING INTELLIGENCE AND SECURING AMERICA ACT—MOTION TO PROCEED—Continued

Mr. SCHUMER. I suggest the absence of a quorum.

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

The 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.

H.R. 7888

Mr. MCCONNELL. Mr. President, as I discussed earlier this week, critical national security authorities under the Foreign Intelligence Surveillance Act are set to expire in 2 days. Today, I would like to briefly address the newest red herring being raised in opposition to reauthorizing section 702.

The reauthorization that passed the House contains scores of important reforms to the FISA process that will enhance accountability at the FBI and protect the rights of American citizens. It also included a necessary fix to the way we authorize the government to lawfully collect communications from foreigners located overseas for a specific intelligence purpose.

As part of the standard judicial oversight of the 702 process, the intelligence community has been restricted in what kinds of technology counts as "electronic communications service providers" under the statute. When section 702 was written, the internet was in the Dark Ages compared to how it exists today. Clearly, social media and internet communications usage has changed dramatically since the earliest days of Twitter and so have the technical mechanisms by which massive packets of data transit the internet.

As the internet evolved, the FISA Court did not allow the DOJ, on its own, to expand the definition of a provider to meet the new realities of contemporary technology. This created a critical, unintended gap in our collection ability against overseas foreign targets.

Here is the good news: The House did on a strong bipartisan basis what legislatures should do. In fact, a majority of the majority and a majority of the mi-

nority voted to change the statute to make sure that our collection ability on foreigners overseas reflects the reality of modern communication. It was a simple fix to update the law to respond to technological change.

But to listen to the Chicken Littles on the left, the sky is falling. The ACLU says this will expand warrantless surveillance and strongly implies that it will do so against Americans as they go about their daily lives.

Demand Progress—an activist arm of Arabella Advisors—says "everyone is a spy" under this provision.

Well, excuse me if I don't take my cues from liberal court-packers. This could not be further from the truth. The House bill's simple fix does nothing—nothing—to change who gets targeted by section 702: foreigners overseas whose communications are likely to return important intelligence.

The FISA appellate court affirmed this in a decision that predated the legislative fix, saying:

Under section 702 the Government is prohibited from intentionally targeting any person known at the time of acquisition to be located in the United States.

Even foreigners located in the United States. Even foreigners operating illegally in the United States.

The court went on, saying:

Customers using WiFi access provided by a cafe or library, for example, would not be targeted under Section 702, regardless of whether the Internet connectivity being provided is considered an "electronic communications service."

Let me say that again. They "would not be targeted under Section 702," nor, contrary to the fears of some of our colleagues, would U.S. persons be at risk of drone strikes as they surfed the internet on public internet networks.

Nothing has been expanded. Section 702 still rightly only applies to foreigners overseas. All that the House did was fix a dangerous loophole that would have allowed our foreign adversaries to escape the reach of our intelligence services.

Trust but verify, right? Well, this bill helps us do precisely that. It includes significant reforms that dramatically enhance transparency into how section 702 is used by the intelligence community. It includes important reforms to prevent misuse of the authority and require accountability for any such misuse, including new civil and criminal penalties.

I would urge my colleagues to look at the facts of this latest fearmongering crusade, to soberly examine the same classified material our House colleagues read that explains this provision in detail, to reject hyperbole and lies, and to take action to secure the homeland.

#### BORDER SECURITY

Mr. President, now on a different matter, "[W]e do have a plan to address migration at the southern border. We're executing it . . . and we're starting to see the results." Well, those

were the words of the Secretary of Homeland Security after the Biden administration had been in office for 8 months, but in the past 3 years, they have taken on an altogether greater significance.

The administration's "plan to address migration"? It turns out their plan was exactly what then-Candidate Biden pledged on the debate stage: to surge migrants to the border.

How they did execute it? By slashing the previous administration's common-sense border security policies. No more "Remain in Mexico." No more border wall construction.

As Secretary Mayorkas bragged back in 2021, the Biden administration had repealed so many border enforcement tools that "it would take so much time to list them."

How about that last part: "[W]e're starting to see the results." Since this administration took office, the surge in illegal arrivals at the southern border has set and broken new alltime records several times over.

CBP personnel have worked overtime to contend with a humanitarian and security crisis. Yet, for years, the Biden administration's top concern about the border was not calling it a crisis.

Again: "[W]e do have a plan to address migration at the southern border. We're executing it . . . and we're starting to see the results"—results, indeed, in the form of a tragic, painful, and unnecessary crisis.

Today, it falls to the Senate to determine whether and to what extent Secretary Mayorkas enabled and inflamed this crisis.

Under the Constitution and the rules of impeachment, it is the job of this body to consider the Articles of Impeachment brought before us and to render judgment.

The question right now should be how best to ensure that the charges on the table receive thorough consideration, but instead, the more pressing question is whether our Democratic colleagues intend to let the Senate work its will at all.

Tabling Articles of Impeachment would be unprecedented in the history of the Senate. It is as simple as that. Tabling would mean declining to discharge our duties as jurors. It would mean running both from our fundamental responsibility and from the glaring truth of the recordbreaking crisis at our southern border.

I, for one, intend to take my role as a juror in this case seriously, and I urge my colleagues to do the same.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

Mr. THUNE. 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.