From Syria, and we have no back-
ground information on any of the folks
coming in from Syria, we have had right
at 200 people come in from Syria
so far this year.

From Pakistan, we have had over 500.

From Somalia, we have had over 1,600.

From China, we have had right at
10,000 people this year. If I go back 2
years ago, from China, it was 450.

Yes, there is a huge shift that is ac-
tually occurring of Middle Eastern
men, North African men, men from
Russia and from China who are accel-
erating across our southern border,
because right now apparently the admin-
istration’s plan is “working as in-
tended,” and we have thousands of peo-
ple who are still crossing our border.

I have heard even some recent report-
ing in the news on this that the num-
bers are way down. The numbers are
way down. But apparently the press
doesn’t seem to be able to look and see
that the numbers have actually been split out into two different cat-
egories. The numbers are not down. In
fact, the numbers right now would av-
erge somewhere around 450,000 a
month, right now.

The highest month during the peak
of the immigration surge under the
Obama administration, the highest
month that happened during that time
period when there was chaos and cam-
eras were focused on the South-
west border—the highest month was
69,000. The administration is now say-
ing “Our plan is working” when there are
150,000 a month coming across the
border.

It is not working. It is fudging the
numbers. It is trying to tell the Amer-
ican people: Look away. It is trying to
say “We are doing a whole new set of
enforcement on the border” when real-
ly what is happening is that people are
being released into the country the same
way they have always been released
into the country for the last 2 years.

The difference is, they are told: Hey, if
you show up for your hearing 3 years
from now, they have no idea if
that is what their name is or that is
the country they are from. That is the
plan that is “working as intended” right now at the border; I
think it is a huge national security
vulnerability.

We need to talk about asylum. We
need to talk about how we are going to de-
note the national security risks of
the United States. This body needs to
have a real conversation about what
legal immigration looks like and what
we are going to say to the world about
illegal immigration.

If any of these individuals were to
travel into Canada right now, the Ca-
nadians already have a clear law deal-
ing with asylum. These folks would not
be accepted into Canada because it
would violate their basic asylum rules
on how they handle it. But they are
being literally waved into our country
with no ID, with no criminal back-
ground check, and released into the
country under the promise that they
will show up at a hearing 3 to 7 years
in the future. Can somebody explain to
me why that is logical?

If these same folks moved into Ger-
many and said they wanted to claim
asylum, Germany would put them in
what they call a humanitarian center,
where they would stay. They wouldn’t
be released into Germany. Germany
would never do that. They would stay
in that one humanitarian area while
they process through their asylum
claim, and if they didn’t qualify for
asylum, they would be sent back to
their original country, and that is usu-
ally within 6 months. We are
instead handing them a brand new ID,
which we have no idea is their real
name, releasing them into the country,
and saying: We hope you show up 3 to
7 years from now at your hearing. Can
somebody tell me what is wise?

I am not asking for something crazy
or something, quite frankly, the rest of
the world doesn’t already do, but for
some reason, this body is locked up to
talk about what everyone sees as obvi-
ous, and we refuse to even debate the
issues of asylum and national security.

This is not caustic and hard; this is
reasonable, where most Americans are.
County to Program Discrimination Complaint Processing—Policy Update
File: B–334411
Date: June 5, 2023.

The U.S. Department of Agriculture, Food and Nutrition Service (USDA/FNS) published a memorandum titled Application of Bostock v. Clayton County to Program Discrimination Complaint Processing—Policy Update (Update). The Update received a request for a decision as to whether the Update is a rule for purposes of the Congressional Review Act (CRA). CRA incorporates the Administrative Procedure Act’s (APA) definition of a rule and requires that before a rule can take effect, an agency must submit the rule to both the House of Representatives and the Senate, as well as to the Comptroller General. USDA/FNS did not submit a CRA report to Congress or the Comptroller General on the Update.

On May 5, 2022, the U.S. Department of Agriculture, Food and Nutrition Service (USDA/FNS) issued a memorandum titled Application of Bostock v. Clayton County to Program Discrimination Complaint Processing—Policy Update (Update), available at https://www.fns.usda.gov/laws-regulations/other-regulations/cr/333732, July 28, 2022. Here, by contrast, the Update directed state agencies and program operators to handle complaints alleging discrimination on the basis of gender identity and sexual orientation as complaints of prohibited sex discrimination. We conclude that the Update meets CRA's definition of a rule and no CRA exception applies. Therefore, the Update is subject to CRA's submission requirement.

On May 5, 2022, the U.S. Department of Agriculture, Food and Nutrition Service (USDA/FNS) issued a memorandum titled Application of Bostock v. Clayton County to Program Discrimination Complaint Processing—Policy Update (Update), available at https://www.fns.usda.gov/laws-regulations/other-regulations/cr/333732, July 28, 2022. Here, by contrast, the Update directed state agencies and program operators to handle complaints alleging discrimination on the basis of gender identity and sexual orientation as complaints of prohibited sex discrimination. We conclude that the Update meets CRA's definition of a rule and no CRA exception applies. Therefore, the Update is subject to CRA's submission requirement.

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to distribute the Update further to “local agencies, Program Operators and Sponsors, and all other subrecipients of Federal financial assistance,” Update at 1, 3. USDA/FNS intended the Update to reach everyone implementing FNS programs and instructed that it did not “determine the outcome in any particular case.” Id. at 3. Thus, the Update is not a rule relating to agency management or personnel. “A rule fails within the CRA exception for rules relating to agency management or personnel if it relates to purely internal agency matters, with no effect on non-agency parties.” B–334221, Feb. 9, 2023. Here, the Update relates primarily to non-agency parties. As discussed above, it is addressed to “all state directors” of USDA/FNS programs, among others, and it directs further distribution to other nonfederal entities. Update at 1. The Update’s stated purpose is to “provide direction to” such non-agency parties, to ensure their procedures comport with a USDA/FNS policy. Id. That policy, moreover, concerns the rights of private households to have their complaints of discrimination based on gender identity and/or sexual orientation processed and evaluated as complaints of discrimination based on sex. Id. at 3. Thus, the Update is not a rule relating to agency management or personnel. See B–337332 at 5 (2022 USDA update to Thrifty Food Plan update had substantial impact by “granting increased benefit allotments” to families); B–333501, Dec. 14, 2021 (Centers for Disease Control and Prevention (CDC) mask requirement did not qualify for CRA’s second exception because it addressed “the amount of SNAP benefits for qualifying families”). B–333501, Dec. 14, 2021 (Centers for Disease Control and Prevention (CDC) mask requirement did not qualify for CRA’s second exception because it addressed public travelers and conveyance operators).

Third, and finally, the Update has a substantial impact on the rights and obligations of non-agency parties. We have recognized that agencies may meet the third CRA exception when implementing “new internal procedures” to ensure compliance with an “existing statutory obligation.” B–330190, Dec. 19, 2018. Thus, in B–330190, we considered a Department of Justice (DOJ) memorandum that adopted a zero tolerance policy with regard to certain individuals who violated 8 U.S.C. § 1325(a) by entering the country illegally. Id. We found that DOJ’s memo did not “alter individual rights” because it merely clarifying changes in the legal rights of individuals crossing the border. Id. Here, the Update purports merely to “clarify” existing requirements of anti-discrimination provisions. Update, at 1. However, unlike in B–330190, the Update forwards a novel interpretation of the law with respect to USDA/FNS-enforced statutes.

Prior to Bostock, discrimination under Title VII of the Civil Rights Act of 1964 was not universally understood to include discrimination based on gender identity and sexual orientation; rather, the Supreme Court’s decision established that understanding as a matter of law. Bostock, at 1741, 1754. Importantly, the Update itself is not even a direct application of Bostock, but an extension of its holding (in the Title VII context) to the context of USDA/FNS-enforced statutes. The implication is that USDA/FNS had not reached or announced that determination previously. Update at 3.

The Update does not qualify for CRA’s third exception, as it creates new policy and, in doing so, has a substantial impact on the rights and obligations of non-agency parties. See B–337332 at 5 (USDA Thrifty Food Plan update had substantial impact by “granting increased benefit allotments” to families); B–333501, Dec. 14, 2021 (Centers for Disease Control and Prevention (CDC) mask requirement had substantial impact by “imposing new requirements on people who are traveling to wear masks”). Namely, it expands the obligation of USDA/FNS program operators by requiring them to “review” their discrimination complaint procedures and “make any changes necessary.” Update at 3. The Update also expands the rights of FNS benefit applicants by requiring that an applicant’s complaint alleging discrimination on the basis of gender identity and/or sexual orientation be processed and evaluated as a complaint of discrimination based on sex, which was not required prior to the Update.

**CONCLUSION**

The Update is a rule for CRA purposes because it meets the APA’s definition of a rule and no CRA exception applies. Therefore, the Update is subject to CRA’s requirement that it be submitted to Congress before it can take effect.

**EDDA EMANUELLI PEREZ,**
General Counsel.

**50TH ANNIVERSARY OF KIKKOMAN FOODS, INC.**

Ms. BALDWIN. Mr. President, today I rise to recognize Kikkoman Foods, Inc., on its 50th anniversary. I am proud to honor this organization and the ongoing international exchange of food culture from Japan to Walworth, WI.

What began in 1973 as the first U.S.-based plant for the manufacturing of soy sauce has now become a strong part of the Walworth community. The Mogi family soy sauce recipe dates back over 300 years and was first introduced in the United States at a Navy Pier global business showcase. Crowds present in Chicago tried Kikkoman soy sauce for the first time. It was such a big hit that Kikkoman created a committee to investigate production in the United States. The committee settled on Walworth, WI, because they saw great potential in the proud tradition of Wisconsin agriculture and a midwestern work ethic. In addition, the Midwest region provided an optimal climate for the production of soy beans and wheat, essential components of soy sauce.

Soon, Kikkoman’s plant in Walworth aided the fusion of American and Japanese cuisine. In Walworth, soy sauce became a kitchen staple. Kikkoman continues to advance their mission of bringing Japanese technology and American agriculture blend to create the continued fusion of these two cultures and the partnerships of Kikkoman in the Wisconsin community. Together, Japanese technology and American agriculture blend to create a successful overseas expansion for Kikkoman.

Today, the plant in Walworth is Kikkoman’s North American production headquarters and is estimated 34 million gallons of soy sauce annually, more brewed soy sauce than any other facility around the world. Since its introduction to Wisconsin, Kikkoman has been an essential contributor to the Wisconsin economy and shares the same commitment to the development of Wisconsin businesses, suppliers, service providers, and contractors. Ultimately, the Walworth Kikkoman production facility is an important example of the coproductivity and success of American and Japanese partnerships.

We in Wisconsin are grateful to Kikkoman for sharing the vibrant traditions and well-recognized contributions of soy sauce brewing and the Japanese culinary tradition. I am honored to recognize the 50th anniversary of Kikkoman Foods, Inc., and look forward to their continued success in Wisconsin for years to come.

**TRIBUTE TO KEN REICHARD**

Mr. CARDIN. Mr. President, I rise to congratulate Kenneth Paul Reichard on his retirement and to thank him for his 17 years of outstanding service as my Montgomery County district director and his career of selfless service to the people of the district and all Marylanders. This Monday, the city of Rockville will officially recognize Ken—a lifelong resident—for his service. On April 14, Representative JAMIE RASKIN interviewed Ken for one of his weekly “Local Hero” podcasts. The accolades Ken is receiving are well-deserved. As Montgomery County Council President Evan Glass stated, “Ken has been a terrific advocate for Montgomery County! We are all beneficiaries of his grace, good humor and leadership.” Ken is a local hero to Maryland and a personal hero to me. For the better part of two decades, Ken has been a lifeline to Montgomery County, helping to make sure that no citizen is left behind.

Ken was born at the original Montgomery General Hospital in Olney, MD, on August 17, 1943. His parents were Kenneth Henderson Reichard of Guilford Township, Franklin County, PA, and Gladys Lydia Martin Reichard of Ford Township, Franklin County, PA. He is a descendent of a Revolutionary War soldier, George Barnard Reichard, from Pennsylvania, who fought from 1777 to 1780. He grew up in a union household on Horners Lane in Rockville with an older brother, Lee. Lee graduated from Richard Montgomery High School, Rockville, in 1961. While he attended high school, he started working part-time at the Safeway grocery store on Bradley Boulevard in Bethesda. He quickly joined the United Food and Commercial Workers International Union—UFCW—and became the local’s youngest business agent ever when he was just 21, winning his first election by 87 votes. He traveled to other stores around the State, and it wasn’t long before he was negotiating grievances and negotiating contracts. By the time he finished his career with UFCW, he was executive assistant to