

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Amy M. Baggio, of Oregon, to be United States District Judge for the District of Oregon.

The PRESIDING OFFICER. The Senator from Texas.

SUPPLEMENTAL FUNDING

Mr. CORNYN. Mr. President, on Sunday night of this last weekend, three of our colleagues released the much anticipated text of what has come to be known as a bipartisan border deal. In fact, this was negotiated by three main principal Senators here in the Senate: Senator JAMES LANKFORD from Oklahoma, Senator SINEMA from Arizona, Senator CHRIS MURPHY from Connecticut, along with the Biden administration.

I want to express my gratitude to Senator LANKFORD, for our part, for the time and effort he has invested in this process. I know of no one who has worked harder in good faith to try to come up with a solution to our broken border.

I know, like all of our colleagues on this side of the aisle, he is outraged by the Biden administration's failure to secure the border, and he is eager to find a way to change the policies which will provide that security.

And I think our Democratic colleagues finally realize that the status quo on the border is a huge political liability. Well, what Senator LANKFORD hoped to deliver through this process, unfortunately, has become increasingly clear that it has not been attainable. Notwithstanding his best efforts, this proposal is not what the country needs, wants, or deserves, and I would be happy to explain why.

Given the fact we are operating in divided government, any successful reform requires bipartisan support. As I said, Senator LANKFORD worked in good faith with Senator MURPHY and Senator SINEMA, who also worked in good faith, as well as the White House to craft this agreement.

But I am disappointed that the White House has refused to budge on policy changes that would lead to significant improvements; by that I mean reduction in the flow of migrants across the southern border.

For example, this proposal doesn't place significant limits on parole authority. Now, just by way of a footnote here, parole authority means that the Biden administration has been releasing people who come to the border even if they don't claim asylum; and it is, frankly, just a population management tool. They are released into the interior of the country, given a 2-year permit and a work permit.

So no matter what we do on the front end in terms of asylum reform or the process to deal with this exploitation of the gaps in our asylum system, the Biden administration could still parole as many people as they wanted to under this proposal.

As a matter of fact, no changes were made at all to the fact that the Biden administration is releasing up to 30,000 migrants from four countries each month, presuming or assuming that they actually should be released into the country without any claim of asylum or anything else. Just letting them come and stay and work.

This is a huge magnet—a huge magnet—to people coming from those four countries, and that is 360,000 migrants a year. And that is just the tip of the iceberg. This bill also does not end what has come to be known euphemistically as catch-and-release, and it actually creates a new system under which migrants who might express an intent to apply for asylum must be released from custody even before an initial screening interview is completed.

Just to take a look back, I think it was in 2005 when then-Secretary Michael Chertoff came and testified in front of the Senate Judiciary Committee, and he noticed an uptick in the number of Brazilians that were coming across the border. What he testified to under oath is they realized that the only way you would provide the deterrence that would prevent people from coming illegally into the country is to detain them.

In other words, don't catch-and-release them; catch-and-detain them. Determine whether they have a legitimate claim, and if they did not, then return them to their country of origin. That actually provided the kind of deterrence that addressed that problem at that time, and that kind of deterrence is missing in this proposal.

And as I said, it actually creates a new system that can be exploited by the people who continue to get rich smuggling migrants to the United States from around the world, the same criminal organizations that are also involved in smuggling drugs into the United States.

And the only way you avoid catch-and-release and you provide catch-and-detain is, you need more detention space. And this proposal does not provide adequate detention space and assures that migrants will continue to be released into the interior of the country. Again, a huge magnet, or in the terminology that the Border Patrol has taught me, he calls this a pull factor. The push factors are the reasons the people want to leave their home country: violence, poverty, desire for a better life. We all understand that. But what the pull factor is, is the perception that there are no consequences to coming illegally.

Legal immigration has been one of the biggest blessings for this country that we have ever received because almost a million people a year are naturalized. They go through the system the right way. They take the citizenship test. They go through the background check, and then they become American citizens like you and I. That is an unmitigated blessing, in my opin-

ion. Illegal immigration—or outsourcing our immigration policy to drug and criminal cartels—is a disaster.

Well, this proposal also does not make a meaningful investment in enforcement resources to actually remove people who don't have the legal authorization to stay in the United States. That is a job ordinarily performed by Immigration and Customs Enforcement, or ICE. So if people can come to the country, can be released either on parole or released while they are awaiting the decision on their asylum claims, and there is no mechanism to make sure that they are repatriated to their home country if they don't qualify to stay, then they are going to continue to come, which is the reason why we have seen roughly 7 million migrants come to the United States and stay over the last 3 years.

In other words, this proposal does not fix the single biggest policy failures that have contributed to this crisis. I believe this is the responsibility, again, of the Biden administration, which has done everything they can to handcuff their negotiators and to fail to meet the requirements of what a proposal would look like that would actually make things better or would actually work.

I have said from the beginning that I would only support an agreement or proposal that would make significant policy changes and change—by that, I mean reduce—the influx of humanity coming across the border, and this proposal does not meet that requirement.

But this is, while disappointing, it is not entirely surprising. After all, President Biden is the leader of an open-borders administration that has ushered in the largest border crisis our country has ever seen. The only reason I think President Biden all of a sudden took an interest in the border is because he saw the approaching election and his plummeting poll numbers.

Since President Biden took office 3 years ago, U.S. Customs and Border Protection has encountered more than 7 million migrants—I mentioned that a moment ago—7 million in 3 years. And that doesn't even count the 1.7 million “got-aways.” “Got-aways” are people who are seen, although not detained, on cameras and other sensors and who are intentionally evading law enforcement. You can only imagine what they are up to, and I assure you, it is no good.

But we have seen, under President Biden, nearly double the number of illegal crossings that we saw during the entire 8 years President Obama was in office.

Now, to be clear, Congress has not dramatically changed immigration laws in the interim that caused this dramatic increase in migration under President Biden. Under President Trump, the laws were essentially the same, and there was no crisis of such epic proportions. This fiasco is a direct result of the policies and the actions of the Biden administration. The President created what, in effect, is a high-

powered magnet for illegal immigration.

The problem isn't just that more migrants than ever are crossing into the United States, it is also that more migrants than ever are being released into the United States.

The Biden administration has gone to great lengths to ensure that people who cross the border illegally can stay here. It is really, if you think about it, an insult to the people who follow the law and immigrate legally. They wait patiently in line. They play by the rules. And in the meantime, the Biden administration is waving through millions of migrants who are violating those rules and who are not waiting in line. Instead of detain and deport, this administration has focused all of its energy on catch-and-release.

Last month, Secretary Mayorkas told Border Patrol Agents that more than 85 percent of migrants who were caught crossing the border were being released. Now, this is from a man whose responsibility it is to enforce our immigration laws, the Secretary of Homeland Security, and he admitted to Border Patrol Agents that 85 percent who were caught crossing the border illegally were simply released.

Again, this is not a major shift in immigration policy. The Congress hasn't tied President Biden's hands or restricted his ability to detain and deport illegal immigrants. President Biden was dealt the exact same hand as his recent predecessors when it comes to enforcement authorities, but he has simply refused to use them, which is what gets to the root of the problem here: The White House really doesn't want a solution; it wants political cover.

President's Biden mishandling of the border has landed him in red ink in the polls. He is looking at the upcoming election, and he needs to change his posture and the appearance that he looks like he is actually taking this seriously for the first time in 3 years, but I have no expectation that this will lead to any sort of meaningful shift in enforcement.

Congress can pass all the laws that we want, but it is the executive branch, the President of the United States, that enforces those laws. And when they are not enforced, under our system, unfortunately, there is not much recourse. After all, if Joe Biden really wanted to fix the border breakdown, he could have done so at any point in the last 3 years. He could have used existing authorities to hold lawbreakers accountable and provide deterrence, which would have mitigated the flow of humanity across our border.

Instead, he created new incentives, new pull factors, from parole to the CBP One app. Now, President Biden has finally realized that this is such a liability that 9 months before the next election, he has decided he wants to change his position—at least publicly. But I can tell you, we are not interested in being complicit in a PR stunt.

We are interested in actually securing the border and deterring illegal immigration.

So, on Wednesday, when we vote on whether to proceed to the proposal, along with aid to Ukraine, Israel, and the Indo-Pacific, I will vote no on the motion to proceed.

To be clear, this is not no; this is not now. In other words, when cloture "fails," which is the technical procedural term, it means we need to continue to discuss this and to work it out and come up with a better solution.

But fixing this bill really requires us to go back to the drawing board and for the administration to accept some of the border enforcement proposals that we have called for, like ending catch-and-release.

Voting for this proposal, some 300 pages of technical immigration law changes, 3 days after it was released is really a bad joke. There is just no way, given the complexity of the subject matter, that Senators can do their due diligence and really understand what the impact of this proposal will be.

Now, I have spent most of my career in the Senate on the Immigration Subcommittee. And obviously coming from a border state, we are at ground zero when it comes to this crisis. But many of our colleagues have not steeped themselves in the complexities of immigration law, and we need time—all of us need time—in order to do our due diligence to understand both the intended and the potential unintended consequences.

In the 3 years since President Biden took office, the security situation at the southern border has dramatically deteriorated. I think at last count there were about 170 individuals on the Terrorist Watchlist that were detained at the border. We have no idea—and the Biden administration can't tell you—how many more individuals on the Terrorist Watchlist were among those 1.7 million "got-aways."

In the years I have been representing Texas in the Senate, there have been many ups and downs in migration levels at the border. There have been surges, some caused by events beyond our borders, others triggered by policies from the occupant of the White House. There have also been drops in migration levels, some caused by events like the pandemic, others a result of stricter policies that have actually deterred illegal immigration.

In the countless conversations I have had with folks along the Texas-Mexico border, everyone has shared the same sentiment: They have never ever seen it as bad as it is now. Law enforcement, local elected officials, NGOs—nongovernmental organizations—and private property owners agree: This is unprecedented and unsustainable. We need a major policy shift, not a figleaf. We need a major policy shift to address the Biden administration's many failures, and we need a change of behavior, not just in the policy but in actually enforcing the laws that Congress has passed.

Because our colleagues have—and the Biden administration in particular has—refused to budge on policy changes that would actually force his administration to apply the law to deter illegal immigration, I cannot support it as written.

But now, as I said, the majority leader, the Senator from New York, has teed up a process that would force us to vote on this massive bill totaling, I think the last count, \$112 billion, including this border provision, just 3 days after the full text has been released. At this point, Senator SCHUMER has given our colleagues a binary choice: Take it or leave it. For me, the choice is obvious. I will not vote just no; I will vote not now.

We need to continue this process. We need to see a change in behavior. We need to see a change in real policies that will prevent and deter this fast humanitarian and public safety crisis occurring at our border under President Biden's open border policies.

The PRESIDING OFFICER. The Senator from Louisiana.

ENERGY

Mr. KENNEDY. Mr. President, with me today are two of my colleagues from my office, Mr. James Shea and Mr. Parker Loy. I want to thank them both for their good work.

Energy suicide, that is what I want to talk about: energy suicide. President Biden is committing energy suicide for America. Regrettably—and I mean that—regrettably, too many times in the past 3 years and on too many issues we have seen President Biden act as a sock puppet for a faction of neosocialist Americans who don't like our country, who think our country was wicked when it was founded and that it is even more wicked today. And this faction, which President Biden has supported far too often, thinks our country must be torn down and rebuilt, and, of course, they want to be the ones to rebuild it.

Now this faction has turned its sights, with the help of President Biden, on America's hard-fought energy independence. President Biden just aided this faction in destroying America's energy independence and committing energy suicide by declaring a moratorium on new liquefied natural gas terminals in America. Apparently, President Biden's new policy is to give up our own oil and gas and buy the energy we need from countries that hate us. So those countries that hate us will have more money to buy weapons to try to kill us. Stupidity. Stupidity should hurt more. Now, I realize you can't fix stupid, but you can vote it out.

America's ability to be energy independent is one of our greatest strengths. We are a big country. We are a big, wide, open, diverse, sometimes dysfunctional, imperfect, but essentially good country. This is a country that is filled with oil and natural gas and coal and uranium and plutonium. It is filled with rare Earth minerals. It