

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

is filled with roaring rivers and just about everything else you need to power this economy, to help families live the American dream, and we even have a little bit leftover to help our friends. American ingenuity did that. Now, Louisiana is a big part of the equation, and we are very, very proud to be a leader in energy production.

Not every country is as blessed as America. Our friends in Europe, for example, were relying on Russian oil and gas for their energy when Putin invaded Ukraine and then cut off their supply. This paralyzed many European leaders. They didn't know how they were going to run their businesses. They didn't know how they were going to heat their homes. They were totally dependent on Vladimir Putin and Russia. Fortunately, they had a friend. They had a friend in the United States of America, and we helped them out, and we kept their businesses running, and we kept their homes heated. And do you know how we did it? Do you know what we did it with? American liquefied natural gas. American liquefied natural gas.

Energy independence. One way to look at it: Energy independence is America's jackpot lottery ticket. Now, we have worked hard for it, but it is our jackpot lottery ticket. But for some reason, President Biden wants to light our winning numbers on fire. He is committing energy suicide. Did I mention that?

At every turn—at every turn—the Biden administration has taken steps to make it more difficult, more expensive, and sometimes flatout impossible to produce, transport, and sell the energy products we need to power this great country. These foolish policies—the latest of which is a moratorium on LNG—these foolish policies are killing American jobs. They are killing American jobs. They are driving up energy prices. They are jeopardizing our national security. And it needs to stop.

Natural gas is the latest victim. President Biden's Department of Energy recently announced that it was issuing a "pause"—a "pause"; that is Washington-speak—a "pause" on all new and pending permits for liquefied natural gas export projects. Can you believe that?

Liquefied natural gas—it is not complicated. America helped invent it. You just take natural gas in its gaseous form and you cool it, turn it into a liquid, put it on a ship, and you can send it all over the world. That is how we kept Europe open after Putin cut off Europe's oil and natural gas. It was a lifeline for our allies in Europe. It was a lifeline for many of our friends in West Asia.

President Biden, before this moratorium, promised our allies in Europe that they could count on us for their LNG needs, and now President Biden has chosen to stab America's LNG producers and our allies in the back—not in the front, in the back—by prohibiting the development of new LNG export permits.

This decision is going to kill dozens—dozens—of multibillion-dollar new terminal projects, including a project in Louisiana that we call Calcasieu Pass 2—\$20 billion down the drain. Calcasieu Pass 2—a private project, a private sector project—cost \$20 billion. It was set to be the largest LNG export terminal in the United States. It would have brought thousands of good jobs to Louisiana and to America. It would have produced energy to keep this country safe, to keep this country warm, and to help our friends. But President Biden has put all those jobs and the terminal itself in jeopardy. Why? Politics. To appease that neosocialist faction that I talked about who doesn't even like our country. Why?

But, you know, the ironic thing about this—the whack jobs who talked the President into this said: Well, we want you to help the environment.

Attacking the natural gas industry actually hurts the environment. You don't have to be an astrophysicist to figure that out. Natural gas is cleaner than coal. Natural gas is cleaner than cow chips. Natural gas is cleaner than wood. That is what millions—billions of our world's citizens are going to use if they don't have access to natural gas.

As a result of natural gas—natural gas drove a 32-percent reduction in American carbon emissions. We reduced our carbon emissions by 32 percent from 2005 to 2019, and we did it with natural gas. Also, at the same time, we helped families pay half as much to heat their homes. We cut the price of the energy needs of the average American, and we created 1.4 million new jobs. The whole world wins, not loses. The whole world wins—including the economy—when Americans produce natural gas. But President Biden is going to pause all that success because some meathead activist on TikTok doesn't like natural gas. Give me a break.

The President's LNG ruling is foolish. It demonstrates world-beating vacuity and deep, profound stupidity. It is also the most recent of many actions—I say regrettably, and I mean it—it is also the most recent of many actions that President Biden has taken to undermine America's energy security.

Before he even took office—remember the campaign?—before he even took office, President Biden said—this is what he told the American people: "I guarantee you. I guarantee you. We're going to end fossil fuel."

"I guarantee you. . . . We're going to end fossil fuel."

Since his very first day in office, he has tried to do that, no matter how much it hurts Louisianians, no matter how much it hurts our allies and our friends, no matter how much it hurts the American people. Let me just give you a few examples.

On his first day, the first day he was President, President Biden blocked the Keystone XL Pipeline. It would have

made transporting crude oil from our friends in Canada safer and cleaner. It would have been good for the environment. President Biden's Department of Energy reported that canceling—his own Department said this, for God's sake—President Biden's Department of Energy said, after he made this decision, that canceling the Keystone XL Pipeline cost 59,000 American jobs, resulted in an economic loss of \$1.3 billion.

Stupidity should hurt more.

Next, the Biden administration blocked all oil and natural gas drilling on Federal lands. He cut off 25 percent of America's drilling rights.

Then he placed restrictive emission caps on American coal and natural gas power plants that would force them to invest in costly new equipment or switch to hydrogen.

Then, just recently, he canceled seven oil and gas drilling leases, ending future drilling on 10 million acres—not 10,000 acres but 10 million acres—of land in northern Alaska.

Then he approved just three offshore drilling leases—the fewest number of offshore drilling sites approved by any President since leasing began in America.

Now, he is not just killing fossil fuels. He told us he was going to do it, and, by God, he is doing it. But he is not just killing fossil fuel projects; he is killing projects that are essential for wind and for solar too.

Wind and solar energy and the electric cars that President Biden wants Americans to drive all rely on batteries. Duh—that is why they call them electric. Those batteries require rare Earth minerals: cobalt, silver, copper, nickel. You can't just go to the Piggly Wiggly and buy those things; you have to mine them. We can mine those minerals in the United States, but once again, the Biden administration wants Louisianians and Americans to rely on countries that hate us for these minerals instead of mining for them at home.

For example, President Biden recently announced a ban on all copper and nickel mining in Minnesota's boundary waters—all of them. The Biden administration's EPA also proposed a rule that would allow Governors, blue State Governors—I am looking at you, California; I am looking at you, Illinois; I am looking at you, New York—that would allow blue State Governors to block rare Earth mining permits in their States. In fact, America's only cobalt mine closed on President Biden's watch.

Foolish political energy policies make life harder for Louisiana and American families. Electric prices are already up 23 percent nationwide since President Biden took office, and that is just a fact. Look it up. Go to Google. Let me say that again. Electricity prices are up 23 percent on average nationwide since President Biden took office. Gas prices are up 32 percent. They come down some, thank God, but they are still up 32 percent.

While Louisianans struggle under President Biden's energy- and job-killing policies, our adversaries can't stop winning.

Let's take Iran. Iran's oil imports are at a 5-year high. The Ayatollah in Iran—this guy made enough money to resume funding terrorist attacks on American bases. He is doing it all over the world. Do you know why? Because President Biden lets him. We have sanctions on Iran; the President will not enforce them.

Venezuela. Let's take Venezuela, another enemy of our country. Venezuela's oil imports increased 12 percent in 2023. Do you know why? President Biden took the sanctions off of them.

China is probably the biggest winner of them all. Even when President Biden tries to help the American people afford his surging energy costs, China wins. China wins.

I will give you an example. The Biden administration allowed a Chinese-owned company to buy up fuel from our strategic natural petroleum reserve. We have a strategic natural petroleum reserve. We buy up oil, millions of barrels. We store that oil underground in case we need it, in case we can't get oil from anywhere else. It is our energy savings account. Well, President Biden decided to sell some. He decided to sell it. Do you know whom he sold it to? China. China.

It was a move so foolish that the House and the Senate, which usually can't agree on the fact that the sky is blue, both passed bills to prevent China from ever tapping into our petroleum reserve again. You can't make this stuff up, folks.

Energy independence keeps America safe; it keeps America strong; it keeps America prosperous.

Louisianans—I don't know about other States, but I suspect other Americans believe like Louisianans. Louisianans do not want to rely upon the whims of our adversaries to keep our country running.

We cannot let President Biden commit energy suicide—we can't—to appease the radical left, the "loonwing," of his party.

So I ask my colleagues to join me in pushing back against President Biden's anti-energy agenda and his moratorium on liquefied natural gas. Why? Because stupidity should hurt more.

I yield the floor to my good friend from Kansas.

The PRESIDING OFFICER. The Senator from Kansas.

UNANIMOUS CONSENT REQUEST—S. RES. 543

Mr. MARSHALL. Mr. President, I rise today to ask unanimous consent that the Senate adopt our resolution expressing the sense of the Senate that the Governors of the individual States have a constitutional right to repel the dangerous and ongoing invasion across the U.S. southern border.

Joe Biden has the power to secure our borders. Instead, he has chosen to break the law, resulting in the worst border crisis in American history.

Frankly, I don't know how the President sleeps at night knowing that 300 young Americans will die today from fentanyl poisoning; 300 yesterday, 300 tomorrow. Three hundred thousand people have died from fentanyl poisoning since he took office.

Along with that, there are terrorists, Chinese communist nationals, cartels. And worse, they are all living in the interior of our country.

Since our Commander in Chief won't stop this historic crisis, an invasion declaration, as defined by the U.S. Constitution, allows Congress to recognize each State's right to secure their own borders. Where Joe Biden fails to put Americans' safety first, our resolution acknowledges each State's right to secure their borders themselves, as leaders like Texas Governor Greg Abbott have. The cartels and the CCP should not have more operational control of our borders than we do.

We have reviewed the big picture here. Let's take a closer look. I think the first question we all ask is, Is this an invasion? Well, to have an invasion, you have to have invaders. And as we try to understand what the Constitution means, it is good to go back to some of those Founding Fathers when they defined what they thought were "invaders."

It is interesting that James Madison called pirates and barbarians invaders. And just like the barbarians of Madison's time, today's cartels and terrorists are those invaders acting like pirates of the day.

So then let's talk about is this an invasion? Do we have an invasion on our southern border? You know, I tried to think what analogies I could give of what it was like when I visited the southern border. But we are here in DC, so I will kind of paint a picture of what I think it would look like if this invasion were occurring right here in DC.

If you could imagine with me what it would look like if there were 10,000 ships coming up the Potomac River over the last 3 years—10,000 ships, each with 1,000 people from over 180 different nations; 10,000 ships, 1,000 people from 180 different nations. Let's pretend they come up the Potomac River and they lay anchor right out here at the Wharf and those people slowly get off one at a time. The way I would envision this is one of those ships is full of known terrorists and Chinese nationals. There would be 80 ships with aliens of interest—people from countries that wish harm to America. There would be 200 ships anchored out here where people would hop off the ship and just disappear into the night—200 ships with 1,000 people on it disappearing into the night, and we have no idea who they are or where they are. There would be another 200 ships—200 ships with 1,000 people—that President Biden would give parole to, just say: You are fine. We don't care what reason you are here for, here is your parole slip. And then sprinkled in amongst these ships are criminals, murderers, rapists, thugs,

drug traffickers, human traffickers, and thieves. Does that sound like an invasion to you?

Next, why do we need to declare this an invasion? Well, what our resolution does is give State Governors more powers to defend themselves. If the Federal Government is not doing their job, then it would make sense that the Governors would have the right to defend themselves, to defend the people of their States.

Let me explain a little bit further. I am a physician; I am not an attorney, definitely not a constitutional lawyer. But fortunately for all of us, the Constitution was written, for the most part, by common people just like us so that common people like us could read it and understand it.

So what does the Constitution say about an invasion? Remember, everybody up here swore an oath to defend that Constitution. Members of Congress, the White House, the President, we have all sworn an oath to uphold the Constitution.

This is what the Constitution says in article IV, section 4: It promises that the Federal Government "shall protect each [State] against Invasion." This is a constitutional law that the Federal Government shall protect each State against invasion.

Now, we have already established that the Federal Government has not done its job with this invasion of 10 million people that has already occurred. I don't think anyone can argue that point out there.

But, fortunately, our forefathers anticipated such an incidence that someday we would have a President who didn't love this country, didn't recognize that we have a sovereign border, and would indeed allow some 10 million people illegally across our border, so they have in the Constitution from article I, section 10, clause 3: The States have sovereign interest in protecting their borders.

So if the Federal Government doesn't do its job, the States have the ability—the constitutional right—to protect their borders.

This is the last point I will make from the Constitution, and maybe this is a little tricky, but the Constitution goes on to say in clause 3 of section 10 of article I:

No State shall, without the Consent of the Congress . . . engage in War, unless actually invaded.

Let me say that again:

No State shall, without the Consent of Congress . . . engage in War, unless actually invaded.

That is why we are here today. The Senate needs to declare that our southern border has actually been invaded to empower the Governor of Texas to protect his people.

Look, this invasion has occurred. We have established that. To say otherwise, to say this is not an invasion, I think, would be a false statement for anybody.

The President has not done his constitutional duty. We have established