

issue. I encourage the rest of my colleagues to please join us in supporting the passage of the bill.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### NOMINATION OF RHEANNE WIRKKALA

Mr. TESTER. Mr. President, I come to the floor today to ask unanimous consent for the confirmation of a highly qualified nominee standing ready to lead the greatest military the world has ever known.

As we speak, it is no secret that Vladimir Putin's unprovoked and deadly war is raging in Ukraine. Russia, along with China, Iran, North Korea, and other adversaries, is actively working to erode our national security and undermine democratic principles across the world.

Just last month, I had the opportunity to visit our troops stationed in Eastern Europe. I could not have been prouder of these brave American servicemembers who are at the tip of the spear protecting our democracy. They have literally dedicated their lives to defending our freedoms and the freedoms of our allies. These men and women need our support, and they are depending on us to do our part and confirm quality candidates to serve in strategic leadership roles.

With that in mind, I would ask to confirm Rheanne Wirkkala of Maryland as Assistant Secretary of Defense for Legislative Affairs. This nominee's years of service at the Defense Intelligence Agency, as a senior staffer in the House Permanent Select Committee on Intelligence, and as a special assistant to the Secretary of Defense make her immensely qualified to serve in this position.

Our national security is critically important. It is a fundamental responsibility of this body, and we must take action to make sure we have the best people in the positions to defend our democracy and our national security.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. TESTER. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination: Calendar No. 993; that the Senate vote on the nomination without intervening action or debate; that the motion to reconsider be considered made and laid upon the table; that the President be immediately notified of the Senate's action; and that the Senate resume legislative session.

The PRESIDING OFFICER. Is there an objection?

Without objection, it is so ordered.

The clerk will report the nomination.

The legislative clerk read the nomination of Rheanne Wirkkala, of Maryland, to be an Assistant Secretary of Defense.

Thereupon, the Senate proceeded to consider the nomination.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Wirkkala nomination?

The nomination was confirmed.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

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

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

#### BORDER SECURITY

Mr. CORNYN. Mr. President, since the real President, President Biden, was elected to office, the southern border—my State shares a 1,200-mile common border with Mexico—has been absolutely overwhelmed by the number of migrants entering the United States.

The United States is the most generous country in the world when it comes to legal immigration. We naturalize almost a million people a year, which is, I think, part of the secret to our economic success. We see the best and the brightest from all around the world who want to come to America, who want to enjoy the kind of prosperity that Americans enjoy and the freedom and opportunity to pursue their dreams. Legal immigration, I think, has been part of the secret sauce that has helped to make our country great, and we need to protect that.

Illegal immigration is a disaster. What is happening now on the border and what has happened in the last 2 years under the Biden administration has been nothing short of a humanitarian and public safety crisis.

It is a little bit of a disappointment—it is more than a little bit of a disappointment—when President Biden campaigned on the promise of policies that were sure to lead to this exact situation. On the one hand, he said: I want to be a uniter. I want to work together to solve our Nation's problems.

But then to see him completely abdicate the Federal Government's responsibility to control uncontrolled migration across the border is inexcusable. Once President Biden took office, his administration continued to send a clear message to the cartels, to the human smugglers, and to the migrants that our border was open. Oh, and don't forget the drug cartels, who depend on an open border to sell their poison all across our country, taking the lives, last year, of 108,000 Americans alone.

Some people have said: Well, apparently, every State is now a border State.

I think that is true, particularly when you see the epidemic of fentanyl being so pervasive in all of our communities. We are losing students in our high schools on a regular basis who think they are taking something like, let's say, Xanax or Percocet or something else, but it is laced with fentanyl, and it kills them because only a very small piece of fentanyl can take your life. It is that powerful.

Unfortunately, the administration is now trying to play catchup to its failures and abdication to provide security across our southern border. In the last fiscal year, for the first time on record, annual border encounters reached nearly 2.4 million. When I say border encounters, that does not count the so-called getaways, which is what the Border Patrol calls them—the hundreds and thousands of people who don't turn themselves in and claim asylum. These are people who want to evade law enforcement. They are very likely involved in either criminal activity or have a criminal record themselves or, perhaps, they are just smuggling drugs into the United States. Those are the getaways. So the 2.4 million is a low number for the number of people to have come across the border in the last 2 years, and there is no indication that things are slowing down.

I know Vice President HARRIS—named the border czar for President Biden's administration—when she talks about immigration, she says: Well, we need to get back to the root causes.

She talks to the President of Guatemala or Honduras or El Salvador and says, well, we need to make life better for people there so they don't come here, which is totally ignoring the scope and the gravity of the human smuggling networks that operate internationally.

I mentioned this morning, in the Judiciary Committee, where the Presiding Officer was, too, that the Border Patrol regularly encounters people from as many as 150 different countries. So the fact is the criminal organizations that make money on human smuggling will smuggle you from anywhere in the world, including from countries of particular concern to us when it comes to terrorism, for a price. So, where coming from Central America or Mexico may cost you \$5,000 or \$10,000, if you are coming from Pakistan, Iraq, or Iran, it may cost you \$15,000, and it goes on and on and on and on.

So Vice President HARRIS, apparently, doesn't understand what we are up against when she talks about root causes. People want to come here, and they will pay to come here and to evade a lawful system of controlled legal immigration, which, as I said, has been a good thing for our country, in favor of transnational criminal organizations getting richer by the day by

smuggling people from all around the world, along with the drugs that I mentioned earlier that took the lives of 108,000 Americans last year alone.

In fiscal year 2018, we saw an average of 43,000 migrants at the border every month. That was in 2018, 4 years ago, 43,000. In fiscal year 2022—fast-forward 4 years—the monthly total has skyrocketed from 43,000 to 198,000 a month. We are seeing 4½ times more people coming every single month, and, not surprisingly, the Border Patrol can't keep up.

This is part of the strategy of these transnational criminal organizations. They will send children unaccompanied to the border, knowing that the Border Patrol—as they should—is going to try to take care of these children as they process them through the asylum system. What that means is that they are not on the border when they are back, filling out paperwork or changing diapers, and that is when the drug cartels come through.

It is like a four-lane highway into the United States, and it doesn't stop in Texas. It goes to New Jersey. It goes to Illinois. It goes all across our country, not to mention that the Border Patrol doesn't have the space to house this many people. So they simply let them go, in many instances, with a notice to appear for a future court hearing if somebody invokes asylum laws. But they don't have the personnel to control this humanitarian crisis, this flood of humanity, coming across the border.

As I said, the people coming across are a hodgepodge. Some are economic migrants. We can understand people fleeing poverty or violence—we are human beings too. We understand—but it also creates an opportunity for criminals and drug smuggling and other nefarious actors to come across because we don't know who is coming across. Because there are so many of them, they have overwhelmed our capacity to monitor, and hundreds of thousands of them, simply, are the gotaways.

We don't have enough people to do the job of patrolling the frontlines and arresting the people who need to be arrested and interdicting the drugs that need to be interdicted. I know Chairman DURBIN, our friend and colleague from Illinois, mentioned this morning in the Judiciary Committee hearing the fact that Customs and Border Protection has interdicted tons of drugs. That is a good thing, but nobody is under any illusion that they have gotten anywhere near all, much less the majority, of the drugs that have come across the border. They haven't. So this is, unfortunately, another manifestation of the broken policies of the Biden administration and the Biden border crisis.

We don't have enough immigration courts to keep up with the backlog as people are released by the millions into the United States and told to appear for a court hearing. The last figures I

saw showed that about half of the people didn't show up for their court hearings, but there has been no effort made to follow up by Immigration and Customs Enforcement to repatriate those people who don't comply with their notice to appear.

Honestly, there are millions of cases in the backlog, and the cartels know that, too, and this is another way for them to game the system, and this is another incentive for people to come. You know, the Border Patrol talks about the push factors—violence, poverty, things that cause people to want to leave their homes to go somewhere else—but they also talk about the pull factors, which is the perception that the border is open, and there is no impediment to people coming here outside of our legal immigration system. That is another reason the numbers are so huge—because there is simply no deterrence.

As I said, this isn't just a problem in Texas and other border States. My border communities don't have the resources to help each and every migrant who arrives penniless, malnourished, and, maybe, without any place to really go. The truth is the entire system is buckling under the weight of this border crisis, but if you think things are bad now, they are about to get worse.

Earlier this week, a D.C. district court judge vacated the Centers for Disease Control title 42 order. You will remember, title 42 is a public safety order which empowered the Border Patrol to turn back people coming across the border into the United States because infectious diseases can spread when people who haven't been vaccinated, who aren't tested, are released into the interior of the United States. So this is a public health order that enabled the Border Patrol at least to use that tool to try to modulate the flow of humanity coming across the border, but a district judge here has vacated title 42 now.

The judge has granted a 5-week stay, giving the Department of Homeland Security until midnight on December 21 to come up with a new plan. But this isn't a time to start scrambling and come up with a plan; it should have been happening years ago.

I still remember meeting with the Border Patrol leadership and Customs and Border Protection. They said when title 42 goes away, if we are denied that tool to be able to control the flow of illegal immigration, we will lose control. There will be no disincentive for people not to come across the border into the United States illegally.

Title 42 has been one of the few remaining tools that have been used to prevent even greater chaos than what I have described, and now, with it potentially likely going away, even that tool will be lost. But, of course, the administration has jettisoned almost every policy we had in place to secure the border and discourage migrants from undertaking the dangerous journey to our southern border.

Title 42 has given the Department of Homeland Security the ability to quickly expel some migrants—usually adult males—and to prevent our border facilities and local communities from becoming even more overwhelmed than they already are. Once this authority goes out the window—and that appears to be imminent—the situation is going to get much, much worse.

Of the more than 230,000 encounters at the southern border last month, more than 78,000 were removed under title 42—230,000 encounters; 78,000 removed using title 42. But if title 42 goes away, that is 78,000 more people each month who are likely, then, to make their way into the United States.

Title 42 also provided some means to control the need to process, house, and feed migrants coming across the border, but now, with all of the restraints of title 42 off, it is going to get much, much worse, and the consequences will be dire indeed.

As I said, the Biden border crisis is entirely predictable, and it is a result of the Biden administration dismantling what few tools that were available to Border Patrol and to the U.S. Government to control unrestricted access to the United States.

It seems to me that the only consistent policy of the Biden administration has been that whatever the previous administration did, whether it is build infrastructure, provide more technology, more boots on the ground, whatever the policy of the previous administration was, we are going to do the opposite—not because it makes sense; just because the previous administration did it, they are going to undo it.

Of course, those people who do claim asylum are met with a 2 million-case backlog. On average, it takes about 2 years for the case to be adjudicated. But migrants know this. They plan on this. This is part of the sales pitch of the human smugglers. They say: Just go to the border and claim asylum, and then you will be put in a queue of 2 million people, and you have to wait for your case to be called.

Of course, more than half of the people don't show up. That is part of the plan. And those who do show up, we know that 90 percent of those cases failed to meet the legal standard for asylum. In the meantime, those migrants, if they had had their case adjudicated, would have found they had no legal basis to the stay in the United States. They are able to live and work here for years in the meantime.

I mentioned the notice that many migrants are given to appear for a court date, but because of the volume of people coming across, at one point, the Border Patrol and Customs and Border Protection didn't even issue those notices to appear for a date certain for a court setting, and they gave migrants a notice to report. These are people who have evaded the legal process to make their way into the United States, and we give them a slip of

paper that says: Oh, when you get to where you are going—whether it is Chicago or New York or Washington, DC—go turn yourself in to Immigration and Customs Enforcement, ICE.

I just don't know how stupid the Biden administration thinks the American people are because the American people are not stupid. They understand that this notice to report is another means for people to make their way illegally into the United States and to stay here, and it is an incentive for more and more people to come.

Law enforcement is not just enforcing the law; it is actually sending a message of deterrence: Don't do that. We have lost all message of deterrence because migrants who make their way into the United States, they call back home, and they say: I made it. They watch TV. They see the migrants flowing across the border unrestricted. They say: Well, I guess if they can do it, I can do it too.

Given the massive influx of people coming across the border every day, the Border Patrol's facilities are completely underwater. Rather than stand up new facilities or hire more personnel to make the expedited removal process function properly, the Biden administration has just continued to release more and more people into the interior of the country. In many cases, these people are released without any real information about who they are, where they are going, and what they are going to do when they get there.

Senator LANKFORD and I have asked the Government Accountability Office to evaluate the impact of these practices, and the results are pretty shocking. The GAO reported that some of the migrants had their appointment with ICE scheduled for August 2024, nearly 2 years from now. That was just the appointment to receive the notice to appear, which begins—begins—the proceedings in immigration court. Tack on the average of a 2-year process for a single case to be adjudicated by an immigration judge, and you are looking at a 4-year-plus waiting period.

If the administration doesn't come up with a plan to fix these problems before title 42 is lifted, we will be looking at a pull factor to end all pull factors. Here is why.

Earlier this year, Secretary Mayorkas said that Customs and Border Protection detention facilities could hold approximately 18,000 people. Now, that sounds like a big number, but those beds fill up quickly. Once title 42 goes away, every single person who crosses the border will have to be processed by the Border Patrol.

The administration previously said we could see as many as 18,000 migrants every day if title 42 was lifted. That is a day, so all 18,000 of those beds could fill up as a result of a single day's migration. Then the question comes, what do we do with the rest when the only detention facilities we have are full?

When these facilities are filled to capacity, agents are left with no other

choice. The migrants are released, which is, again, part of the business model of the human smugglers and transnational criminal organizations that operate these illegal smuggling networks. They realize that they have overwhelmed the capacity of the Border Patrol and U.S. policy to keep people who should not come into the country out. They may be given a notice to appear, but that is a document that tells asylum seekers when and where to present their claims in court, or they may be paroled into the country and enrolled in the so-called alternatives to detention program. Years are likely to pass before that long-awaited court date arrives. When it does, maybe the person will show up; maybe they won't. But either way, one thing is certain: When word gets out, as it always does, that migrants are being released from custody, more illegal immigration will follow.

This creates a huge public safety risk, not because of the migrants themselves but because of the chaos that mass migration creates. When thousands of people are crossing the border every day, it completely overwhelms the Border Patrol, as I said. If agents are caring for unaccompanied children, they can't patrol the frontlines. If they are knee deep in paperwork, they can't stop dangerous criminals, people with criminal records, from slipping across the border.

The chaos at our southern border provides an excellent disguise for dangerous individuals. Gangs, cartels, criminal organizations are paying close attention to the state of our border. They see the gaps, and they know how to exploit them. Every day, cartel and gang members attempt to sneak across the border. The dedicated men and women of the Border Patrol arrest a number of them. Last fiscal year, agents apprehended more than 750 gang members, but, as we know, law enforcement is overwhelmed, and that means countless others have been undetected and slip through the cracks.

No one is suggesting that title 42 is a permanent solution or a partial solution to our border security problems—far from it—but the administration should have been planning years ago for the day that title 42 would be lifted because once title 42 is lifted, unless other policies are put in place for expedited removal of people who cannot legally enter the country, for example, we are going to lose control of the border entirely.

But the administration has shown zero interest in working with Congress to craft real change. That needs to change. Before title 42 goes away, the administration must implement a serious plan quickly and efficiently—and, yes, fairly—to enforce our immigration laws at the border and deter further illegal immigration. They need to ensure the Border Patrol facilities are equipped with the resources and the personnel needed to manage the massive influx of migrants.

But the fact of the matter is, those overwhelmed Border Patrol agents, those overwhelmed facilities, those overwhelmed border communities need policies that can only be passed by Congress and signed into law by the President of the United States, but so far, our Democratic colleagues have shown zero interest, turned a blind eye, really, to any of these concerns about an unrestricted flow of humanity across our border—again, of course, with the drugs that the cartels sell here in the United States. But the administration needs to change their approach.

I saw the forced resignation of the head of Customs and Border Protection—the former police chief, I believe, in Arizona—but this is just scapegoating. They are firing him, hoping people won't realize that what is really failing is not the officials heading up these government Agencies; it is the administration; it is the policies of the Biden administration itself and the failure of our Democratic colleagues to work with us to try to come up with solutions.

And I am not just here complaining. I am here offering constructive proposals. More than a year ago, Senator SINEMA, who happens to represent a border State of Arizona, a Democrat; HENRY CUELLAR from Laredo, TX, a Texas Democrat; and TONY GONZALES, a Republican Congressman, we came up with the Bipartisan Border Solutions Act, something that would not solve all the problems but would be a modest first step in the right direction.

But what we are told by our Democratic colleagues is they are not interested in that or, at least, they are not interested in any solutions until and unless you provide a pathway to citizenship for millions of people here in the country without proper documentation, in other words, illegal migrants, people who have broken our laws. They want a mass amnesty.

And they still don't want to change the policies that are creating this influx of humanity across the border. Our Democratic colleagues have had the White House. They have had majorities in the House and the Senate. They have Democratic colleagues who are chairing the committees in the House and the Senate who could actually mark up and pass legislation to deal with this crisis. And maybe you can't do it all in one piece of legislation. Maybe you can just do it one step at a time. But they have done none of that—zero, zip, nada.

And the only conclusion you can reach in the face of this failure to respond to this acknowledged crisis is that they don't care. Well, I can guarantee you, the American people care. The parents who lose children as a result of fentanyl overdoses because of the unrestricted flow of illegal drugs across the border, they care.

Our major cities and rural areas of the country that have experienced a spike in the prevalence of drug distribution and violent crime, they care,

because the distribution network for the drugs that come across the border is all across the United States, mainly operated by criminal gangs who are responsible for a lot of other criminal conduct and a lot of the gun violence and deaths you see every weekend, for example, in cities like Chicago. Those are criminal gangs fueled by the broken border and the Biden border crisis.

Something has got to change, Mr. President. I don't know what it is. I don't know what it is going to take for the Democratic leadership at the White House or the Senate or the House to say: Enough is enough.

Ultimately, I know that power lies with the American people. They can change, or they can change their elected representatives in the next election. So something is going to give. The status quo is not sustainable. The country, the border, is on fire. People are dying, and we are straining the whole legal system that is designed to expedite the entry of people through a legal process and turning the reins over to the transnational criminal organizations and international drug networks that profit hugely by the failure of Congress and the failure of the White House to act.

I yield the floor.

The PRESIDING OFFICER (Mr. SCHATZ). The majority whip.

MR. DURBIN. Mr. President, I listened to the statement of my colleague and friend from Texas Senator CORNYN on the issue of immigration. It would seem that we are miles apart, Democrats and Republicans, on this issue.

Let me state from my own personal point of view, speaking just for myself, what I think we are facing and what we should do to address it. Here are the basics as far as I am concerned: We need an orderly process for immigration in America, both at the border and off the border. That means laws and rules, numbers that work for both the immigrants as well as the economy of America.

No. 2, we should never knowingly allow anyone dangerous to come into this country; or, if they are here in immigrant status and pose a danger to our country, they have no right to stay, as far as I am concerned.

No. 3, it is a great compliment that so many people all over the world are desperate to come to our country. If the opposite were true and people were flowing out of the United States, it would be a sad commentary. But America has always been a magnet of opportunity, and so the fact that so many people want to come here is a compliment, in a way.

But the reality is this: We cannot absorb everyone who wants to come into America from all over the world in a limited period of time. It can only be considered, in an orderly fashion, over a longer period of time.

No. 4, we haven't touched this immigration set of laws in 30 years. So to blame Joe Biden for this is to ignore the obvious. There wasn't much, if any-

thing, done under the Trump administration that was helpful and, going back years and years before, very little, if anything, to show for it.

The only time we finally did a bipartisan bill and brought it to the floor of the U.S. Senate, I was part of the Gang of 8, and we brought it to the floor. We debated it at length in the committee and on the floor, and it passed with a vote, I believe, of 65 here in the U.S. Senate, a bipartisan vote.

We sent it over to the House of Representatives, which was under Republican control with Speaker Ryan. They never raised the issue. They never brought it to the floor. They never discussed it in committee. So that was the end of the effort.

So to argue that we haven't tried—we have. On various individual bills, like the DREAM Act, which I introduced 21 years ago—I brought it to the floor of the Senate five times and got a majority vote all five times. But that is not enough in the Senate. It didn't get 60 votes. So we lost the bill to a filibuster each and every time.

So to argue that the effort has not been undertaken is not quite accurate.

The question is: Where do we go from here? Title 42 was basically a public health announcement that we could deny access to the United States to people based on public health considerations. This week, a DC judge, Federal judge, concluded that whatever our initial rationale was for title 42, it no longer applied. If it was for COVID-19 or public health, he found reason to question whether or not, in today's circumstances, it still applied.

Why is this important? Because 40 to 50 percent of those who come to the border are turned away under title 42: so the Border Patrol is saying to us: What is going to happen when this expires? We will have even more people seeking entry into the United States and no basis for turning them away.

So it is a situation which is a real and challenging situation, and I think it argues more than ever that we have to do something and do it soon so that the situation at the border does not get worse.

Why is it so bad? Well, there are a variety of circumstances that have given rise to this situation, not the least of which is the countries that are sending the most people to the United States include Venezuela—where millions have fled Venezuela and the dictator that is running that country to neighboring countries—and they are now coming to the United States.

Venezuela does not have a government that we are in regular communication with, and so it is not a matter of working out our differences to slow down this flow of immigration. Our State Department notifies American citizens not to travel to Venezuela because it is too dangerous. So when Venezuelans come to our border and say: We are fleeing persecution and danger in our country, we have recognized that as a fact through the State De-

partment directives. It is a dangerous country. I have been to it. I have a general feeling about how dangerous it is.

So the situation is not easily resolved. Let me say to the Senator from Texas—he said he is ready to sit down. I am too. We need to sit down—he, a Republican; myself as a Democrat—and find some common ground.

There are some things which we can come to an agreement on. First, when it comes to fentanyl and drugs, overwhelmingly, by a margin of 6 to 1, drugs are flowing into the United States under regular ports of entry. It isn't a matter of some young person with a backpack full of heroin or fentanyl coming across the border in the middle of the night so much as it is truckloads coming through that escape detection.

That is inexcusable. Do you want to vote for more security, more technology, stopping the drugs coming in from the border? Count me in. It is not just a Republican platform. It is a Democratic platform as well. We are suffering from a drug crisis in my State of Illinois just as much as in the State of Texas—maybe more, in some circumstances. So count me in for more security.

Do you believe it is too long between a person arriving in the United States and being given a court date before they finally do appear? I am for changing that too. We need more immigration courts. We need more judges in those courts. I will vote for the money to see that happen.

What are we going to do in terms of people who come into this country? Are they needed? Well, they are desperately needed. Just recently, the Governors of Texas, Arizona, and Florida decided to pull a political stunt—I call it a stunt—of sending people who had just crossed the border on buses to communities around the United States. These people got on the buses believing that, at the end of the path, at the end of their trip, they would be taken care of: jobs, houses, and all sorts of things were promised to them. None of it was true. They were misled into getting on those buses.

How do I know that? Because I sat down with them in Chicago—4,000 or more have already arrived—and I heard their stories. And when you listen to their stories, you understand the fundamentals of this decision.

Carlos came with his wife and his 5-year-old daughter and his little baby infant. His wife was nursing. He left Venezuela on May 5. It took him 5 months to finally make it to our border. And when he got there, he was in a circumstance where everything had happened to him. He had been robbed, beaten, had his cell phone taken away, and he thought he was going to die under the circumstances. He was so desperate to come to the United States and escape Venezuela, he trucked on, carrying both babies at one point because his wife had hurt her leg.

That kind of determination belies the argument that these people are trying

to swindle our system. They are as desperate as many of our parents and grandparents to come and find freedom and opportunity. It is a natural human instinct.

It says to me that they are being exploited, I am sure, by smugglers and others and coyotes who try to bring them to our border, who charge them exorbitant amounts of money, often abandoning them in flight. The fact of the matter is, the push factor is dramatic, and we have to deal with it.

Now, what the administration has said is that they are going to allow a certain number of Venezuelans to illegally enter the United States as long as they have sponsors in our country. Twenty-four thousand is the number that they gave. I think that is beginning of talking about the legitimate needs of America for workers.

Many of these people coming off the buses in Chicago are offered jobs right on the spot; we have so many vacancies in employment right now. But we have to do this in an orderly fashion. That is one of the points that I made earlier.

I would like to say a word about the Dream Act. I see my other colleagues on the floor who are seeking recognition.

Yesterday, we had a rally for people who are protected by DACA. I introduced the DREAM Act 21 years ago. We couldn't pass it because of the filibuster on the floor of the Senate. I appealed to President Obama, who created DACA, which allowed young people brought here as children and infants to apply for 2 years of protection so they could work—and not be deported—in the United States, called DACA.

Well, there are 600,000 to 800,000 who have qualified for that. They have frozen their numbers over the last several years. But those are the ones who were in place at the time. They showed up, a lot of them, yesterday. One woman said to me: I am DACA, and I am also 40 years old. Senator, is this ever going to be resolved?

It is a legitimate question. So many of them are teachers and nurses and doctors and members of our military who are doing their best at essential work occupations. They deserve an opportunity to be in this country. And there is a feeling that some court could pull the rug out from under them in a matter of hours or days. So we need to act on that quickly.

I am going to submit for the RECORD the statement that I was going to make on the Ukraine situation. But I rose to respond to my friend from Texas. I accept his challenge. Let's sit down on a bipartisan basis, on a timely bipartisan basis, the Monday we return from Thanksgiving and start the conversation.

I am willing to talk honestly about border security, and I am sure he is willing to talk honestly about DACA and Dreamers and the critical needs of people who are coming into the United States.

## UKRAINE

Mr. President, nearly 9 months ago, I was sitting in an airport departure lounge in Lithuania with Senator COONS when the news broke of Russia's reprehensible effort to seize Ukraine by military force. Many may have forgotten, but Russian dictator Vladimir Putin actually thought Ukrainians would welcome the Russian military with open arms.

Based on that delusion, he gambled the reputation of his nation and the lives of more than 100,000 Russians troops who have died—all for one man's selfish pursuit and warped nostalgia for a Soviet dystopia. Vladimir Putin's illegal war on Ukraine also has unleashed untold horrors on millions of innocent Ukrainians, so many of them children.

CNN and PBS recently aired a heartbreaking segment by Christiane Amanpour about the countless Ukrainian children who are suffering terrible emotional turmoil living through the unspeakable terror and fear from Putin's war.

Some of the children are unable to speak, emotionally paralyzed after witnessing unimaginable violence against their parents or others. Putin and his cowardly enablers must face justice for these war crimes. And the United States is committed to seeing that justice done.

Despite the horrific violence unleashed by Putin, the Ukrainian people have prevailed and thrived. Their courage and sacrifices for freedom are truly inspiring. Ukraine's defenders not only repelled the initial military invasion, they have continued to recapture land illegally occupied by Russia in eastern and southern Ukraine.

A key victory came last week when Ukrainian forces liberated the provincial capital of Kherson. Kherson has suffered months of cruel Russian occupation. Innocent civilians experienced arbitrary arrest, torture, and forced disappearances. Many residents were forced at gunpoint to vote in a sham referendum—Russia's attempt to whitewash its illegal occupation.

Even in retreat, Russian forces continued to brutalize Kherson by destroying important infrastructure and sabotaging key services.

And yet Kherson is liberated. And despite all of the destruction and the tremendous rebuilding and healing that lies ahead for its people, the tears of joy have been palpable.

Just look at these photos—President Zelenskyy's recent visit to a freed Kherson—watching the Ukrainian flag being raised over the city once again, citizens hugging and kissing Ukrainian soldiers in an outpouring of relief and gratitude.

There is no doubt where the momentum in this war rests: with the Ukrainian people. Ukraine's military has reclaimed hundreds of villages and more than a thousand square miles of territory. The world has rallied to Ukraine's side, leaving Russia isolated in retreat of Putin's folly.

The nations of the free world understand that Ukraine is the frontline in the battle for freedom over autocracy. It is the frontline in the struggle for the rule of law over the rule of chaos and brute force. And now is not time for the United States and the rest of the free world to let up in our support for Ukraine. The unified support and military assistance of NATO has been invaluable to the brave Ukrainians fighting to protect their nation. And this Congress has been largely unified in providing this aid—and the results are both stunning and clear.

Russia is losing the war in Ukraine. Its leaders are now trying to break the will of the Ukrainian people with random terror bombings of civilian targets and critical infrastructure.

Make no mistake: Putin and his cronies are watching what we do in this Chamber. They are hoping that we and our allies will grow weary in our support for Ukraine. That is why it is essential we include in the supplemental spending bill that we must pass before the end of this year the critical military assistance that will allow Ukraine to continue to defend its people and reclaim its territory.

Let me end with a quote from the retired curator of the Kherson Art Museum, Iryna Rodavanova. Russian soldiers had beaten her husband. After Kherson was liberated, she said of President Zelenskyy, "I agree with our president . . . better without electricity, without water, and without heat if also without the Russians."

To Iryna, her husband, and all Ukrainians: You are not without friends; the American people and our Congress will be with you until Ukraine is again free and at peace.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Tennessee.

## UNANIMOUS CONSENT REQUEST—S. 3959

Mr. HAGERTY. Mr. President, earlier this week, a Federal judge in Washington, DC, outlawed the continued use of title 42 pandemic-related authority for the expedited removal of aliens who enter our country illegally. The judge found that the policy should be updated because the COVID-19 pandemic has changed since 2020. I agree. The pandemic is over. But the border crisis is not over. In fact, it is worse than ever.

That is why I have introduced legislation that provides a far stronger reason for invoking title 42 authority—the deadly drug smuggling crisis at our southern border that is killing a record number of Americans.

The Biden administration has dismantled our Nation's most effective border security policies. When I led a group of Tennessee sheriffs and mayors to the border this past April, Border Patrol agents in Laredo told me that the Migrant Protection Protocols, which are also known as MPP, or "Remain in Mexico," were a painful illustration of the Biden administration's destruction of these border security tools.

MPP required that migrants seeking asylum in the United States remain in Mexico until it has been determined whether they were actually entitled to asylum. The vast majority of those claiming asylum are not entitled to it.

When MPP was implemented in 2019, the agents said it was like flipping a switch because people stopped coming when they learned they couldn't get in. Once the Biden administration halted this policy, illegal immigration catapulted to record numbers.

In fiscal year 2021, more than 1.7 million known illegal border crossings occurred—a new record. That record was short-lived, however, because in fiscal year 2022 that just ended in September, nearly 2.4 million illegal crossings were documented, exceeding the 2021 record by 37 percent. And that doesn't take into account the got-aways. Last month set a new record for October, with more than 230,000 illegal aliens. These figures are just the crossings that the agents see and document.

When I traveled to the border in April, Border Patrol agents told me that title 42 was the last tool that they had to at least partially stem the tide of illegal border crossings. If we allow a DC judge to remove title 42 authority, our Border Patrol agents will have no tool to stem the massive increase in illegal immigration that is certain to follow. And that is why, given this recent court ruling, passing my legislation today is imperative.

To illustrate, Border Patrol currently has capacity to process a maximum of roughly 5,000 illegal immigrants per day. Right now, they are already overwhelmed, processing nearly 8,000 per day. Predictions from agents and former immigration judges are that, without title 42 authority, this number would likely double to between 15,000 and 18,000 per day.

This would overwhelm processing capability, and the border would effectively cease to exist. Such a surrender of American security and sovereignty is intolerable.

The Department of Homeland Security itself said in response to this week's court decision:

We will prepare for an orderly transition to new policies at the border. We know that smugglers will lie to try to take advantage of vulnerable migrants, putting lives at risk.

Yes, it is true that we need policies to replace title 42, and it is true that smugglers will use this court ruling to entice thousands more migrants per day to cross the border illegally, which will risk lives and will magnify the humanitarian crisis at our southern border in a variety of ways.

If swift removal under title 42 is a possibility, would-be border crossers may decide not to embark. But without title 42, there is nothing left to dissuade them.

Further, without title 42, the drug cartels send migrants across the strategic points to bog down Border Patrol agents with paperwork processing. And the paperwork processing timeframe is

five times longer without title 42. Do the math. Removing title 42 will collapse what is left of our Border Patrol's capacity. And with Border Patrol bogged down further, the cartels will use the resulting enforcement gaps to move their fentanyl, which they produce with the help of the Chinese Communist Party, across our southern border. We cannot allow more enforcement gaps for deadly drug smuggling.

That is why I have introduced legislation to add drug smuggling as an additional basis for title 42 authority. It is called the Stop Fentanyl Border Crossings Act. Overdoses have become an epidemic in America. This legislation would allow the Secretary of Health and Human Services to use title 42 to combat substantial dangerous drug trafficking across the border. This bill would give Border Patrol a necessary tool to focus on stopping drug traffickers.

According to the CDC, drug overdose deaths reached another record high last year. Nearly 107,000 Americans died, many from fentanyl and other synthetic opioids coming across this southern border. We desperately need title 42 to aid in the fight against this drug epidemic.

Without this authority, the record-breaking border crisis, and the deadly drug overdose crisis that it fuels, will become unimaginably worse.

Therefore, Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be discharged from further consideration of S. 3959 and the Senate proceed to its immediate consideration; further, that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Senator from Washington.

Mrs. MURRAY. Mr. President, reserving the right to object, let me just say at the start, title 42 is a public health tool, and how it is used should be guided by public health experts, looking at data, looking at science—not politicians looking to score political points.

And let's be clear, drug trafficking is a serious problem and one we do have law enforcement agencies responsible for. We should leave that work to them and support their efforts. But instead of proposing real legislative solutions to address drug trafficking based on what will keep people safe, Republicans want to use title 42 now as the means to keep out anyone seeking asylum and create a political talking point.

And while I welcome the opportunity to work with my Republican colleague on serious bipartisan solutions to address drug trafficking, I object to this at this time.

The PRESIDING OFFICER. Objection is heard.

The Senator from Tennessee.

Mr. HAGERTY. Mr. President, my Democratic colleague is objecting to

legislation that simply gives the Secretary of Health and Human Services the authority to limit border crossings when necessary to combat substantial, dangerous illicit drug smuggling.

It doesn't provide authority to stop all asylum claims. It only applies where substantial illicit drug smuggling is endangering public health. More than 100,000 Americans are dying annually of drug overdoses, many of which result from drug smuggling at our southern border.

The legislation isn't a mandate. It is a tool to help save American lives whenever that is possible. Everyone acknowledges that an already record-breaking crisis will get far worse without title 42. American lives and communities hang in the balance. Yet my colleagues across the aisle are categorically opposed to a commonsense policy to address this glaring problem. It begs the question: What do Democrats propose that we do in response to this title 42 ruling? refuse to deal with the problem? hope this crisis won't spiral further out of control? These are not acceptable answers.

More broadly, is any volume of illegal immigration or drug overdose deaths adequate to get this administration to secure the border? How much longer will we allow our broken border policies to be manipulated by a criminal alliance between the Chinese communists and the billion-dollar Mexican drug cartels that are shipping huge quantities of deadly illegal drugs into the United States across our southern border?

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

GRANTING A FEDERAL CHARTER TO THE NATIONAL AMERICAN INDIAN VETERANS, INCORPORATED

—  
VAWA TECHNICAL AMENDMENT  
ACT OF 2022

Mr. ROUNDS. Mr. President, I rise to discuss bipartisan legislation that I have introduced with Senator LUJÁN which would grant a Federal charter to the National American Indian Veterans, Incorporated, known as NAIIV.

The NAIIV was chartered in 2004, with headquarters located on the Cheyenne River Sioux Tribal Reservation in South Dakota. The NAIIV was originally established as the result of a request by former Senators Akaka, Inouye, and Nighthorse Campbell during a Senate Veterans' Affairs Committee in 2004.

At that time, no Native American veterans organization had ever received a congressional charter. Sadly, that remains the case today, nearly 20 years later. But that omission would be fixed by this legislation.

The NAIIV is a nonprofit, nonpartisan organization that operates solely for charitable, literary, educational, scientific, patriotic, and civil improvement purposes. It provides a voice to