

(4) pledges to continue to work with State and local educational agencies to provide equal access to a free appropriate public education for all students with disabilities, including individuals with disabilities with multimarginalized identities;

(5) pledges to continue to work with public health and health care delivery systems to address health care disparities and inadequate services for individuals with disabilities, from preventive care to home and community-based services;

(6) calls on Federal agencies to improve equal employment opportunities for workers with disabilities in the Federal sector through recruitment, hiring, promotion, and retention initiatives; and

(7) calls on the Department of Justice and the General Services Administration to improve their enforcement of, and oversight and compliance with, section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d).

**SENATE RESOLUTION 362—TO EXPRESS THE SENSE OF THE SENATE REGARDING THE CONSTITUTIONAL RIGHT OF STATE GOVERNORS TO REPEL THE DANGEROUS ONGOING INVASION ACROSS THE UNITED STATES SOUTHERN BORDER**

Mr. MARSHALL submitted the following resolution; which was referred to the Committee on the Judiciary:

**S. RES. 362**

Whereas, during a 2019 Democratic presidential primary debate, President Biden called for “all those people seeking asylum” to “immediately surge to the border”;

Whereas, during a 2019 Democratic presidential primary debate, President Biden raised his hand when candidates were asked if their health plans will provide coverage for illegal immigrants;

Whereas, during a 2020 Democratic presidential primary debate, President Biden pledged support for “sanctuary cities” when he stated that illegal immigrants arrested by local police should not be turned over to Federal immigration authorities;

Whereas, on January 20, 2021, one of President Biden’s first actions as President was sending proposed legislation, the U.S. Citizenship Act, to Congress, which would provide a path to citizenship for an estimated 10,000,000 to 12,000,000 illegal immigrants who are currently residing in the United States;

Whereas, on January 20, 2021, President Biden also issued a “Proclamation on the Termination of Emergency With Respect To The Southern Border Of The United States And Redirection Of Funds Diverted To Border Wall Construction”, which halted construction of physical barriers along the international border between the United States and Mexico, and he later terminated existing border wall construction contracts and failed to obligate more than \$1,000,000,000 that Congress had lawfully appropriated for border wall construction;

Whereas, on January 20, 2021, President Biden also halted enrollments in the Migrant Protection Protocols policy, which is also known as the “remain in Mexico” program;

Whereas on February 6, 2021, U.S. Secretary of State Antony Blinken suspended and terminated the Asylum Cooperative Agreements with the Governments of El Salvador, of Guatemala, and of Honduras;

Whereas in March 2022, the Department of Homeland Security began implementing the interim final rule titled “Procedures for Credible Fear Screening and Consideration of Asylum, Withholding of Removal, and

CAT Protection Claims by Asylum Officers” which authorizes U.S. Citizenship and Immigration Services to consider the asylum applications of individuals subject to expedited removal and violates the law enacted by Congress that requires asylum seekers to offer evidence to persuade a judge in an immigration court;

Whereas in August 2022, the Department of Homeland Security terminated the Migrant Protection Protocols (commonly known as the Remain in Mexico policy), which required aliens with pending asylum claims to wait in Mexico.

Whereas, during fiscal year 2021, U.S. Immigration and Customs Enforcement executed 59,000 deportations, which represents the lowest number of deportations since fiscal year 2008, and fewer than ⅓ as many deportations as the number of people who were deported during fiscal year 2020, and is significantly lower than the 226,000 to 410,000 removals that occurred every fiscal year since 2008;

Whereas, during fiscal year 2021, U.S. Immigration and Customs Enforcement—

(1) arrested 48 percent fewer convicted criminals than had been arrested during the prior fiscal year;

(2) deported 63 percent fewer criminals than had been deported in the prior fiscal year; and

(3) issued 56 percent fewer “detainer requests” to local authorities than had been issued in the prior fiscal year;

Whereas, during fiscal year 2021, U.S. Customs and Border Protection made more than 1,700,000 arrests of illegal immigrants along the international border between the United States and Mexico, which was the highest level ever recorded until more than 2,300,000 illegal immigrants were arrested along such border during fiscal year 2022;

Whereas, on April 1, 2022, President Biden announced the termination of a public health policy used to expel potentially infected illegal immigrants during the COVID-19 pandemic (commonly known as “title 42”);

Whereas, on September 30, 2021, Department of Homeland Security Secretary Alejandro Mayorkas issued a memorandum titled “Guidelines for the Enforcement of Civil Immigration Law”, which stated that an alien’s illegal status in the United States should not be the sole basis of an enforcement action and prioritized for apprehension and removal aliens who are a threat to national security, public safety, or border security;

Whereas, on October 12, 2021, Secretary Mayorkas issued a memorandum titled “Worksite Enforcement: The Strategy to Protect the American Labor Market, the Conditions of the American Worksite, and the Dignity of the Individual”, which included Department-wide guidance to cease mass worksite operations, among other instructions;

Whereas, on October 27, 2021, Secretary Mayorkas issued a memorandum titled “Guidelines for Enforcement Actions in or Near Protected Areas”, which listed numerous protected areas where the enforcement of Federal immigration law should not occur;

Whereas, in May 2022, U.S. Customs and Border Protection arrested 239,416 illegal immigrants along the international border between the United States and Mexico, which is the highest number of arrests ever recorded in a single month;

Whereas President Biden’s fiscal year 2023 budget request aims to shift the Department of Homeland Security’s border management away from enforcement and toward “effectively managing irregular migration along the Southwest border”;

Whereas in November 2022, Texas Governor Greg Abbott—

(1) declared a state of invasion at the southern border; and

(2) increased security at the border to protect the state of Texas by invoking—

(A) section 10 of Article I of the Constitution of the United States; and

(B) the invasion clauses in the Texas Constitution;

Whereas in March 2023, at a hearing of the Committee on Homeland Security of the House of Representatives, U.S. Border Patrol Chief Raul Ortiz told lawmakers that the Department of Homeland Security did not have operational control of the border;

Whereas in March 2023, at a hearing of the Committee on the Judiciary of the Senate, Secretary of Homeland Security Alejandro Mayorkas stated that he does not use the statutory definition of operational control under section 2(b) of the Secure Fence Act of 2006 (Public Law 109-367; 8 U.S.C. 1701 note) when asked if the Department of Homeland Security had operational control of the border;

Whereas on January 6, 2023, the Biden Administration abused its parole authority under section 212(d)(5) of the Immigration Nationality Act (8 U.S.C. 1182(d)(5)) to create a new parole program for nationals of Cuba, Haiti, Nicaragua, and Venezuela;

Whereas on April 27, 2023, the Biden Administration further abused its parole authority by creating a new family reunification parole process, which grants parole to entire categories of aliens rather than granting parole on a case-by-case basis, as required under such section 212(d)(5);

Whereas the Biden Administration created a parole with conditions policy authorizing U.S. Border Patrol agents to release aliens through parole before they are given a Notice to Appear or entered into removal proceedings;

Whereas the Biden Administration has expanded the use of the CBP One app, allowing tens of thousands of aliens to enter the United States unlawfully to hide the mass immigration surge following the termination of the order of suspension issued by the Director of the Centers for Disease Control and Prevention under section 362 of the Public Health Service Act (42 U.S.C. 265) as a result of the public health emergency relating to the COVID-19 pandemic (commonly known as the “title 42 order”);

Whereas drug cartels are receiving an estimated \$13,000,000,000 each year from their human smuggling operations across the southern border of the United States, which represents an enormous increase from the estimated \$500,000,000 the drug cartels received in 2018 from such operations;

Whereas in March 2023, according to the non-detained docket, an estimated 5,290,000 illegal aliens were at large in the United States, including 407,983 criminal aliens;

Whereas the estimated fiscal burden of illegal immigration on taxpayers in fiscal year 2023 is estimated to be \$150,700,000,000, which is a massive increase from the estimated fiscal burden of \$116,000,000,000 during fiscal year 2017. Tax payments by illegal aliens are equal to approximately ⅓ of the costs incurred by government entities in the United States on their behalf;

Whereas during fiscal year 2022, total Federal justice enforcement expenditures as a result of illegal immigration were \$25,100,000,000 and total Federal welfare program expenditures for illegal aliens were \$11,600,000,000;

Whereas in April 2023, the Biden Administration proposed a plan to expand healthcare

access for aliens granted deferred action pursuant to the final rule submitted by the Department of Homeland Security titled "Deferred Action for Childhood Arrivals" (87 Fed. Reg. 53152 (August 30, 2022)), further encouraging illegal aliens to enter the United States;

Whereas on May 3 2023, the Office of the Inspector General of the Department of Homeland Security issued a report titled "Intensifying Conditions at the Southwest Border Are Negatively Impacting CBP and ICE Employees' Health and Morale";

Whereas in June 2023, the Committee on Homeland Security of the House of Representatives opened an investigation into Secretary of Homeland Security Mayorkas for dereliction of duty;

Whereas in June 2023, an estimated 16,800,000 illegal aliens resided in the United States, which represents an increase of an estimated 16 percent during the first 2 years of the Biden presidency;

Whereas on June 30, 2023, U.S. Customs and Border Protection announced the expansion of available CBP One appointments to 1,450 per day;

Whereas U.S. Customs and Border Protection has apprehended illegal immigrants from Mexico, Guatemala, El Salvador, Nicaragua, Cuba, Haiti, Brazil, other Central and Latin American nations, Turkey, India, Russia, and other nations outside of the Western Hemisphere;

Whereas U.S. Customs and Border Patrol has apprehended 50 people since October 1, 2021 along the international border between the United States and Mexico who are listed on the Federal Bureau of Investigations' terrorist screening database;

Whereas, U.S. Customs and Border Protection arrested more than 10,800 illegal aliens during fiscal year 2023 who have been convicted of 1 or more crimes in the United States or abroad, including—

- (1) 225 convicted sexual criminals;
- (2) 24 who were convicted of homicide or manslaughter;
- (3) 232 who were convicted of illegal weapons possession, transport, or trafficking;
- (4) 644 who were convicted of burglary, robbery, larceny, theft, or fraud; and
- (5) 924 who were convicted of assault, battery, or domestic violence;

Whereas, during fiscal year 2022, U.S. Customs and Border Protection seized—

- (1) 14,599 pounds of fentanyl;
- (2) 1,871 pounds of heroin;
- (3) 175,410 pounds of methamphetamine;
- (4) 70,293 pounds of cocaine; and
- (5) 13,755 pounds of ketamine;

Whereas, provisional data from the National Center for Health Statistics of the Centers for Disease Control and Prevention estimates that there were 107,622 drug overdose deaths in the United States during 2021, an increase of nearly 15 percent from the estimated 93,655 deaths in 2020, with overdose deaths involving opioids increasing from an estimated 70,029 in 2020 to an estimated 80,816 in 2021, and overdose deaths from synthetic opioids (primarily fentanyl), psychostimulants (such as methamphetamine), and cocaine also increasing during 2021.

Whereas clause 1 of section 10 of article I of the United States Constitution states, in part, "No State shall, without the Consent of Congress . . . engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.";

Whereas section 4 of article IV of the United States Constitution states, in part, "The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion";

Whereas, in the context of known security concerns due to a lack of proper vetting

processes and systems, and in conjunction with how the mass unlawful movement of people across the border of the United States directly empowers and enriches cartels and transnational gangs, the totality of such activity constitutes an invasion;

Whereas, on October 26, 2021, Arizona State Representative Jake Hoffman sent a letter to Arizona Attorney General Mark Brnovich requesting a formal legal opinion determining whether President Biden has violated his obligations to protect Arizona from invasion under section 4 of article IV of the United States Constitution; and

Whereas, on February 7, 2022, Arizona Attorney General Mark Brnovich issued a formal legal opinion, which states, in part—

- (1) "The on-the-ground violence and lawlessness at Arizona's border caused by cartels and gangs is extensive, well-documented, and persistent. It can satisfy the definition of 'actually invaded' and 'invasion' under the U.S. Constitution."; and
  - (2) "Arizona retains the independent authority under the State Self-Defense Clause to defend itself when actually invaded.";
- Now, therefore, be it

*Resolved*, That the Senate finds that—

- (1) President Biden's dereliction of duty and failure to take care that the laws be faithfully executed at our southern border has directly put the citizens of all 50 States in danger and has resulted in loss of life;
- (2) the violent activity and smuggling of drugs, humans, guns, and other illicit goods carried out by drug cartels and transnational criminal organizations, and the crossing of the international border between legal ports of entry by significant numbers of individuals contrary to the laws of the United States, meet the definitions of—

- (A) "actually invaded" under clause 3 of section 10 of article I of the United States Constitution; and
- (B) "invasion" under section 4 of article IV of the United States Constitution; and
- (3) Governors of all 50 States possess the authority and power as Commander-in-Chief of their respective States to repel the invasion described in paragraph (2).

#### SENATE RESOLUTION 363—SUPPORTING CONTINUED UNITED STATES AND TAIWAN COOPERATION IN EDUCATION

Mrs. BLACKBURN (for herself and Mr. MARKEY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 363

Whereas Mandarin is the second most spoken language in the world with more than 1,000,000,000 speakers;

Whereas Mandarin is a critical language that is essential to United States national security and prosperity, as identified by the Department of State Critical Language Scholarship Program;

Whereas learning a foreign language benefits students academically and improves critical thinking, communication, and knowledge of different cultures;

Whereas the internet has made it easier for companies to serve a global market and employers report favoring candidates who can speak a foreign language;

Whereas, in December 2020, the U.S.-Taiwan Education Initiative, a two-way educational exchange between the two countries, was created—

- (1) to expand opportunities for students from the United States to learn Mandarin from Taiwanese teachers;
- (2) to promote United States educators choosing Taiwan as a destination to teach English; and

(3) to deepen educational cooperation between the United States and Taiwan;

Whereas the U.S.-Taiwan Education Initiative coincides with widespread closures of Confucius Institutes in the United States and around the world;

Whereas there continues to be high student demand for studies relating to Mandarin language, culture, and history delivered in a censorship and coercion-free environment; and

Whereas, due to continuing political, economic, and security challenges, there is a need for continued access to the Mandarin language and expertise in Taiwan affairs: Now, therefore, be it

*Resolved*, That the Senate—

- (1) supports the U.S.-Taiwan Education Initiative; and
- (2) encourages—

(A) institutions of higher education to continue partnering with Taiwan in order to meet the demand for Mandarin instruction and learning programs;

(B) schools, school districts, and State and local educational agencies to host teacher exchange programs, such as those offered by the Department of State Teachers of Critical Language Program; and

(C) United States teachers to choose Taiwan as a destination to learn Mandarin and to teach English, particularly through the J. William Fulbright Educational Exchange Program.

#### SENATE RESOLUTION 364—RELATING TO PROCEEDINGS OF THE SENATE IN THE EVENT OF A PARTIAL OR FULL SHUTDOWN OF THE FEDERAL GOVERNMENT

Mr. BENNET (for himself and Ms. ERNST) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 364

*Resolved*,

#### SECTION 1. SHORT TITLE.

This resolution may be cited as the "Shutdown Accountability Resolution".

#### SEC. 2. PROCEEDINGS OF THE SENATE DURING A FULL OR PARTIAL GOVERNMENT SHUTDOWN.

(a) DEFINITIONS.—In this section—

(1) the term "Government shutdown" means a lapse in appropriations for 1 or more agencies of the Federal Government; and

(2) the term "Sergeant at Arms" means the Sergeant at Arms and Doorkeeper of the Senate.

(b) CONVENING OF THE SENATE.—

(1) IN GENERAL.—Notwithstanding any rule or order of the Senate, during the period of a Government shutdown—

(A) the Senate shall convene at 8:00 a.m. each day, unless the body is in continuous session; and

(B) it shall not be in order to ask for, and the Presiding Officer shall not entertain a request for, unanimous consent to change the hour or day on which the Senate shall convene under subparagraph (A).

(2) SENATE NOT IN SESSION.—If the Senate is not in session on the first calendar day of a Government shutdown, the majority leader, after consultation with the minority leader, shall notify Members of the Senate that, pursuant to this standing order, the Senate shall convene at 8:00 a.m. on the next calendar day of the Government shutdown.

(c) PRESENCE OF A QUORUM.—

(1) IN GENERAL.—During the period of a Government shutdown, and notwithstanding any provision of the Standing Rules of the Senate—