

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.

Whereas tax payments from illegal aliens are equal to approximately $\frac{1}{4}$ 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 Protection has apprehended 169 people during fiscal year 2023 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 15,627 illegal aliens during fiscal year 2023 who have been convicted of 1 or more crimes in the United States or abroad, including—

- (1) 284 convicted sexual criminals;
- (2) 29 who were convicted of homicide or manslaughter;
- (3) 307 who were convicted of illegal weapons possession, transport, or trafficking;
- (4) 864 who were convicted of burglary, robbery, larceny, theft, or fraud; and
- (5) 1,254 who were convicted of assault, battery, or domestic violence;

Whereas, during fiscal year 2023, U.S. Customs and Border Protection seized—

- (1) 27,000 pounds of fentanyl;
- (2) 1,500 pounds of heroin;
- (3) 1,000 pounds of methamphetamine;
- (4) 81,100 pounds of cocaine; and
- (5) 7,800 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 544—DESIGNATING THE WEEK BEGINNING FEBRUARY 5, 2024, AS “NATIONAL TRIBAL COLLEGES AND UNIVERSITIES WEEK”

Mr. TESTER (for himself, Mr. DAINES, Mr. SCHATZ, Mr. LUJÁN, Ms. KLOBUCHAR, Ms. SINEMA, Ms. WARREN, Ms. BALDWIN, Ms. SMITH, Mr. HEINRICH, Ms. HIRONO, Ms. CANTWELL, Mr. DURBIN, Mr. BENNET, Ms. ROSEN, Mr. ROUNDS, Mr. JOHNSON, Mr. CRAMER, Mr. LANKFORD, Mr. HOEVEN, Mr. BARRASSO, Mr. THUNE, Mr. MORAN, Mrs. FISCHER,

and Mr. KELLY) submitted the following resolution; which was considered and agreed to:

S. RES. 544

Whereas there are 34 Tribal Colleges and Universities operating on more than 90 campuses in 15 States;

Whereas Tribal Colleges and Universities are tribally chartered or federally chartered institutions of higher education and therefore have a unique relationship with the Federal Government;

Whereas Tribal Colleges and Universities serve students from more than 230 federally recognized Indian tribes;

Whereas Tribal Colleges and Universities offer students access to knowledge and skills grounded in cultural traditions and values, including indigenous languages, which—

- (1) enhances Indian communities; and
- (2) enriches the United States as a nation;

Whereas Tribal Colleges and Universities provide access to high-quality postsecondary educational opportunities for—

- (1) American Indians;
- (2) Alaska Natives; and
- (3) other individuals that live in some of the most isolated and economically depressed areas in the United States;

Whereas Tribal Colleges and Universities are accredited institutions of higher education that prepare students to succeed in the global and highly competitive workforce;

Whereas Tribal Colleges and Universities have open enrollment policies, and approximately 13 percent of the students at Tribal Colleges and Universities are non-Indian individuals; and

Whereas the collective mission and the considerable achievements of Tribal Colleges and Universities deserve national recognition: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning February 5, 2024, as “National Tribal Colleges and Universities Week”; and

(2) calls on the people of the United States and interested groups to observe National Tribal Colleges and Universities Week with appropriate activities and programs to demonstrate support for Tribal Colleges and Universities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1387. Mr. Kaine (for himself, Mr. HEINRICH, Mr. VAN HOLLEN, Mr. MERKLEY, Ms. WARREN, Mr. WELCH, Mr. LUJÁN, Mr. DURBIN, Mr. SCHATZ, Mr. MURPHY, Mr. WARNOCK, Mr. CARPER, Mrs. SHAHEEN, Mr. REED, Ms. BUTLER, Mr. SANDERS, Mr. WHITEHOUSE, Ms. KLOBUCHAR, Mr. BENNET, Ms. BALDWIN, Mr. OSSOFF, Mr. BOOKER, Ms. DUCKWORTH, Mr. MARKEY, Ms. SMITH, Mr. CARDIN, and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 1386 submitted by Mrs. MURRAY (for herself and Mr. SCHUMER) and intended to be proposed to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1387. Mr. Kaine (for himself, Mr. HEINRICH, Mr. VAN HOLLEN, Mr. MERKLEY, Ms. WARREN, Mr. WELCH, Mr. LUJÁN, Mr. DURBIN, Mr. SCHATZ, Mr. MURPHY, Mr. WARNOCK, Mr. CARPER, Mrs. SHAHEEN, Mr. REED, Ms. BUTLER,

Mr. SANDERS, Mr. WHITEHOUSE, Ms. KLOBUCHAR, Mr. BENNET, Ms. BALDWIN, Mr. OSSOFF, Mr. BOOKER, Ms. DUCKWORTH, Mr. MARKEY, Ms. SMITH, Mr. CARDIN, and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 1386 submitted by Mrs. MURRAY (for herself and Mr. SCHUMER) and intended to be proposed to the bill H.R. 815, to amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; which was ordered to lie on the table; as follows:

On page 42, beginning on line 12, strike "Provided further," and all that follows through "United States:" on line 16.

AUTHORITY FOR COMMITTEES TO MEET

Mr. MERKLEY. Madam President, I have one request for committee to meet during today's session of the Senate. It has the approval of the Majority and Minority Leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committee is authorized to meet during today's session of the Senate:

SUBCOMMITTEE ON INVESTIGATIONS

The Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Tuesday, February 6, 2024 at 3:30 p.m., to conduct a hearing.

NATIONAL TRIBAL COLLEGES AND UNIVERSITIES WEEK

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 544, which is at the desk.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 544) designating the week beginning February 5, 2024, as "National Tribal Colleges and Universities Week".

There being no objection, the Senate proceeded to consider the resolution.

Mr. MERKLEY. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon table with no intervening action or debate.

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

The resolution (S. Res. 544) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

ORDERS FOR WEDNESDAY, FEBRUARY 7, 2024

Mr. MERKLEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 12 noon on Wednesday, February 7; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; that upon the conclusion of morning business, the Senate resume consideration of the motion to proceed to Calendar No. 30, H.R. 815.

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

ADJOURNMENT UNTIL TOMORROW

Mr. MERKLEY. Mr. President, if there is no further business to come before the Senate, I ask that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:49 p.m., stands adjourned until Wednesday, February 7, 2024, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate:

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. JAMES D. BURK
COL. ANDREW L. LANDERS
COL. BILL A. SOLIZ
COL. YOLONDA R. SUMMONS

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be brigadier general

COL. CRAIG M. HUNTER

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIG. GEN. DEAN A. PRESTON

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be brigadier general

COL. MICHAEL K. MORENI

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. VIVEK KSHETRAPAL

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. CARLOS E. GORBEA

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. NICK I. BROWN
COL. SHANNON M. BROWN
COL. TAMARA L. GCAMPBELL

COL. JAMES W. LIVELY
COL. SAMUEL L. MEYER
COL. MICHAEL R. NAKONIECZNY
COL. RALPH J. RIZZO, JR.
COL. DOUGLAS C. SANDERS
COL. MATTHEW W. TRACY

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO SERVE AS THE DIRECTOR OF THE COAST GUARD RESERVE IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 309(B):

To be rear admiral (lower half)

TIFFANY G. DANKO

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

DEBRA L. SIMS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

PETER S. JOO

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

AGATHA C. GRAVES

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

MARK D. JOHNSON
JOHN PAUL F. MINTZ

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 7064:

To be major

BRANDON D. HOWARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR ARMY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 716:

To be major

THOMAS P. GALLAGHER, JR.

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 7064:

To be lieutenant colonel

JEFFREY A. BANKS

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR ARMY UNDER TITLE 10, U.S.C., SECTION 531:

To be major

JONATHAN C. YOUNG

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 605:

To be lieutenant commander

DONNY L. JAMES II

CONFIRMATIONS

Executive nominations confirmed by the Senate February 6, 2024:

THE JUDICIARY

AMY M. BAGGIO, OF OREGON, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF OREGON.

DEPARTMENT OF STATE

NICOLE SHAMPAIN, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, FOR THE RANK OF AMBASSADOR DURING HER TENURE OF SERVICE AS UNITED STATES REPRESENTATIVE TO THE ORGANIZATION FOR THE PROHIBITION OF CHEMICAL WEAPONS.

KURT CAMPBELL, OF THE DISTRICT OF COLUMBIA, TO BE DEPUTY SECRETARY OF STATE.