

forward to going through the process with Brett Kavanaugh, who is an exceptionally qualified judge. He has been described as a judge of judges. He is one to whom judges look around the country to see what he has written and what his opinions have noted. In fact, historically, the Supreme Court has also looked to his opinions on the circuit court and has taken high notice of those and has quoted several of his opinions verbatim in Supreme Court opinions.

This person has had a lot of respect for what he has done and how he has done it in the process. I have enjoyed getting a chance to meet his family and to have been introduced to not only his personal faith but to his passion for people and his work with the homeless and other things that he has done for so many years.

This will be an interesting process. Over the next 2 months or so, this body should do as it has done before with Justice Gorsuch and Justice Sotomayor—about 66 days for both of them as we worked through their nomination processes until we actually got to the final votes.

We will see how this goes in the days ahead. I look forward to getting a chance to visit with Judge Kavanaugh in my office in the days ahead to ask him specific questions. I am reserving judgment on him until I have the opportunity to visit with him personally and to finish going through all the opinions he has written.

He seems like an exceptional candidate. I look forward to walking through this process judiciously.

IMMIGRATION

Mr. President, I did want to mention today, though—and to step back a little bit from the immigration conversation—there are a lot of issues with immigration that we deal with on a regular basis, but it is more conversation than it is solutions.

It has been my great frustration that we talk about H-2B visas, refugees in asylum, talk about overstaying visas, temporary protective status, illegal entry, quotas and diversity lottery, and families. We don't ever seem to resolve the issue. We talk about it.

The great frustration is, many of the issues we deal with right now on immigration are a direct result of Congress not fixing the issue. My encouragement to this body is to stop pointing the finger at the President and ask a very simple question: Why is there conversation about a zero tolerance policy and what does that really mean?

In its most simple form, I think we could agree that if someone illegally crosses the American border into the country, they should be stopped and at least asked: Who are you? Why are you here? Because in the last year, 1.1 million people became legal citizens of the United States. They made legal applications, worked through that process, received a green card, were evaluated with background checks, and became citizens of the United States.

Today, on the southern border between Mexico and the United States, there will be half a million legal crossings into the United States. The question is, for individuals who illegally cross the border, should we stop those individuals and ask: Who are you? What are you doing here? Why are you crossing into the country? Because not every person crossing into the country is just crossing for work that we would consider good work.

Today, U.S. Customs and Border Protection released an announcement that the officers referred a 38-year-old male for further inspection as he crossed into the United States. Following a positive alert from a K-9 unit, officers seized 21 pounds of cocaine from the vehicle's firewall. Not everyone who is entering the country is coming for a legal reason. Not everyone who is crossing our border is coming just to work. So the zero tolerance policy is really a question of should we stop individuals to evaluate someone who is illegally crossing the border—not one of the half a million people today who will legally cross the border? If you are one of the individuals not crossing the border legally, should we stop you, and should we prosecute you?

Previous administrations used what they called prosecutorial discretion. They have taken folks in, and they released them into the country until they determined who to prosecute and who to not prosecute. This administration has stepped up and said: Let's take a moment where we are going to prosecute everyone and try to slow down the process.

There has been a noticeable increase in something that a lot of people have not noticed, and that is the number of families coming across the border. Why would that be? It is not just individuals crossing the border as a family. It is individuals who are bringing children with them to cross the border because they have been treated differently over the past several years.

Over the first 5 months of this fiscal year, there has been a 315-percent increase in apprehensions of groups fraudulently claiming to be families. Let me run that past you again. This year, in the last 5 months, there has been a 315-percent increase in apprehensions of groups who fraudulently claim to be families—not a 315-percent increase in families. These are smugglers who bring a child with them because they know if you bring a child with you, then you are treated differently at the border. Historically, you have been released.

This administration has said to stop this. We are going to start prosecuting and try to figure out who is actually a family, who is not a family to figure out how to prosecute them because there has been such a dramatic change. The numbers are just increasing for family units that are coming.

Let me run some of the numbers past you. According to Customs and Border Patrol, there is a 407-percent increase

in the number of family units detained in June 2018 compared to June 2017. In May, it was a 600-percent increase. In April, it was an 863-percent increase. We are seeing a dramatic shift in the number of units that are coming at us.

No matter your view on immigration reform, increases of this kind of magnitude should cause us to slow down and ask simple questions. Are the loopholes in our law and the prosecutorial discretion to release families to show up later for a hearing causing more individuals to pretend to be families or more families to come? I think it is causing more individuals to come who are coming not as a family unit but who are pretending to be a family unit, though we also have, obviously, family units that are coming as well.

A key issue we need to address is pretty straightforward. Of the 1 million-plus people who come here legally, should we have greater respect for those individuals who have gone through the legal process? I believe we should. In fact, I had a small townhall meeting in Lawton, OK, just last week. There were lots of questions about keeping families together. I am one of those individuals who says, as often as we possibly can, the default position should be keeping families together, but for those individuals who were at this meeting in Lawton, all the questions were about what are we doing about immigration. How are we handling this? How are we prosecuting this? Are we treating people humanely? Those are reasonable questions for us as Americans.

At the very end of the townhall meeting, one gentleman asked me: What about legal immigration? He asked it in a very specific way. Are there issues we should deal with, with that?

I followed up with him and asked: Why do you ask that?

The reason he asked that is because he is a legal immigrant. He went through the process and is in his final stages. In fact, just the week before, he had received his green card. He is a little frustrated with people who are treated differently—who came into the country illegally versus people who are actually doing it the right way.

It has been interesting to me to watch this whole movement about abolishing ICE and saying maybe we shouldn't have ICE enforcement at all—no immigration and customs enforcement at all. The entity was created after 9/11 because the 9/11 terrorists were individuals who came into the country, overstayed their visas, and they were not stopped. ICE was created to help us with our immigration enforcement because we had just been penetrated by a group of individuals who were terrorists and killed thousands of Americans.

After that was created in 2003, there is now this big movement, as if we have lost all we have learned since 2001. Now there is a whole group saying maybe we just need to abolish ICE entirely.

Let me run through a few things on that. Last year, ICE seized 2,370 pounds of fentanyl. That may not seem like a lot—just over a ton of fentanyl that they seized—but according to the DEA, 2 milligrams of fentanyl is a deadly amount to take in. Fentanyl is laced into heroin or into cocaine to dramatically increase the high, but if you have up to 2 milligrams of it, it is not going to increase your high. It will kill you.

The amount of fentanyl that ICE seized last year is a deadly dosage amount for just over 537 million people; 537 million people could have been killed with just the amount of fentanyl that ICE seized last year. On top of that, ICE agents seized almost 7,000 pounds of heroin, and a total of 1 million pounds of narcotics were seized just in 2017.

We also know that ICE freed 518 victims of human trafficking. They freed 904 children from child exploitation. They picked up 800 MS-13 gang members as an arrest, and almost 5,000 gang members were taken off the street just by ICE.

We hear a lot about ICE raids, as if ICE is wandering around neighborhoods looking to pick people up. I would like to remind folks, the majority of what ICE does is detain individuals at the border. In fact, last year, ICE agents removed 62,913 more people who were detained at the border than arrested in the United States.

ICE agents are law enforcement. They are enforcing the law of our country. It is quite remarkable to me to hear some people, even in this Chamber, discuss with seriousness abolishing Federal law enforcement that is taking human traffickers off the street, has taken gang members off the street, that is taking legal doses of fentanyl off the street, and taking tons of narcotics off the street. Why don't we show them some respect?

If there are things that need to be done to reform it, the ICE agents would be the first ones to step up to this body and say: Here are some ideas and things that can be done to reform it. Abolishing ICE is a ticket to lawlessness in our country.

As a reminder, the President asked Congress 21 days ago to enact legislation that would allow families to stay together. This Congress has failed to act on that at all. As we all know, over the course of 1 month, roughly 2,000 children were separated from their parents and placed in HHS custody while the parents were referred to the Department of Justice for prosecution. A great deal of attention, rightly so, has been focused on HHS to ensure that those children are reunited with those parents, especially those children under age 5. To do this, HHS has to first verify that adult is actually the parent of that child. As I mentioned before, just in the first 5 months of this fiscal year, there was a 315-percent increase of family units coming in that pretended to be family units but are really not family units.

I heard a lot of criticism saying put that adult back with that child again. This should be easy, but it is not that simple. Many of those adults who came with that child are really not their parent. They were using them as a vehicle to get easy access into the country.

What does that really look like? Well, let me give you a couple ideas on this. As we talk through the different numbers that are related to some of these children and how many of these children were connected or not connected with the adults who were with them, let me give you a few of these stats: Of those children who are 4 and under, 14 of those are not eligible for reunification because their parents have major issues—or those individuals claiming to be their parents.

Let's just talk about the people who are parents whom we know are parents. Eight of those parents had serious criminal history discovered when they did the background check, including child cruelty, narcotics, and human trafficking. One had a warrant for murder and robbery. So as Americans, we are not reconnecting those eight. Five adults were found not to be the parent of the accompanying child at all. These were of the children 4 and under. One of those individuals faced incredible evidence of child abuse in the process. We are not reconnecting those.

I hear a lot in the news of individuals saying every one of those folks needs to be reconnected as fast as possible. I hear a lot of criticism, saying they are doing DNA testing of these individuals. They are trying to figure out if that adult is really the parent of that child or has that adult picked up a child somewhere through Mexico or Central America to use them as a tool to try to get into the United States? I only wish that wasn't happening. It is.

Reconnecting families is a major priority. I said before, and would say it again, our default position should be keeping families together, but part of our struggle is determining who are the actual families we can keep together and who are individuals who could very well do that child harm?

So let's do this: Let's keep the attention on the reunification of families. Let's continue to ask very fair and reasonable questions of the administration as they are reconnecting these families. But let's also make sure this Congress actually acts on the issues that need to be addressed on immigration.

Twenty-one days ago, there was a request in this body to deal with the issue of family reunification. It still has not been acted on.

In February of this year, this body had a vote on dealing with what is called the Flores settlement. That is what causes the separation of these families. It is a settlement that goes all the way back to 1997. Every single administration since 1997 has struggled with the Flores settlement because the Flores settlement says that if you arrest a family illegally entering the

country, the children of that family can be detained for only 20 days. That sounds reasonable, except that, on average, it takes 35 days just to have a hearing. So since that settlement all the way back in 1997, every administration has said: I either have to separate families, or I have to release those families into the country and hope they show up for a court hearing at a future date.

By the way, we called and checked on some of the future court dates. If you are in line to get a court date—if you are released into the country and told to come in for a court date—the longest period of time that you will wait, depending on the region you are headed to, is 4 years and 2 months from now. That is the next available date. So as a family unit, you are released into the country for 4 years, and then we hope you show up for your court date 4 years from now.

This body knows all these numbers, and we have not acted to solve the problem. We need to address these issues. We need to be a country that continues to be open to legal immigration. We need to be a country that is open to workers—even workers who cross the border on both sides, north and south. We need to be a nation that deals with things like H-2B visas and asylum and refugees. We need to continue to keep the promise that we are a nation built on a set of values and the American dream that says: If you want to come and live under the law and live in a land of freedom, where you can become anything you want to become, you are welcome to be here if you come legally.

We need to be that Nation, but we also need to not just ignore illegal immigration and assume there aren't real problems with gang violence, the movement of drugs, human trafficking, and child-trafficking, because they are real. Is it every family who comes across? Absolutely not. But are you OK with it happening at all? What if it is 1 in 10 who is child-trafficking or drug-smuggling? Is that an acceptable number, or should we know the people who are crossing the border and know the issues that are there?

We can do better than this. Let's solve this. Let's keep the debate going, and let's actually resolve this in the days ahead.

With that, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GARDNER). The clerk will call the roll. The bill clerk proceeded to call the roll.

Mrs. GILLIBRAND. 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 BRETT KAVANAUGH

Mrs. GILLIBRAND. Mr. President, I rise to speak in opposition to President Trump's nominee to the Supreme Court, Judge Brett Kavanaugh.