

EXECUTIVE CALENDAR

The clerk will report the nomination. The legislative clerk read the nomination of Greg Gerard Guidry, of Louisiana, to be United States District Judge for the Eastern District of Louisiana.

THE PRESIDING OFFICER. The Senator from Texas.

BORDER SECURITY

Mr. CORNYN. Mr. President, it doesn't matter whether you are watching FOX News or reading the editorial page of the New York Times, the media—indeed the Nation—is in broad agreement that there is a crisis on our southern border, and the responsibility lies squarely with Congress to fix it.

Month after month, the number of people crossing our border has ticked up and up and up, and the only people who seem unfazed by these mind-boggling numbers—144,000 last month alone—are House Democrats.

Despite continued pleading from officials at the Department of Homeland Security, the Department of Health and Human Services, and some of our Democratic friends in the House, the leadership in the House of Representatives is still trying to absolve themselves of any responsibility to act. Well, it is getting harder and harder for them to ignore this crisis that continues to get worse on our border. The record-breaking number of migrants who cross our border make a difficult and dangerous journey to get here. They travel in the company of human smugglers, appropriately known by most as coyotes. These criminal entrepreneurs do not view the migrants in their custody as human beings. They view them as cargo. It is really their meal ticket.

Coyotes get their customers to the United States, but a safe journey is not part of the deal. Migrants, especially children, often arrive at our border in poor health, suffering from dehydration, exposure, any one of a number of infectious diseases, and, unfortunately, sadly, many are left for dead by their smugglers.

Last week, Border Patrol found a young girl believed to be about 7 years old from India, dead and alone along the border in Arizona. The area where she was found is a rugged desert, and the temperature that day was 108 degrees.

Stories like this are heartbreaking and more common than many want to believe. Those who survive the torturous journey from Central America up through Mexico and into the United States often arrive in critical health. The national Border Patrol Council vice president, Jon Anfinsen, has been an agent for 12 years and is based in Del Rio, TX. He said the number of people in custody and the high rate of illnesses is “unprecedented.”

He has seen cases of scabies, chickenpox, mumps, measles, flu, body lice, and countless common colds. Over-crowded facilities make these illnesses

spread like wildfire, and even the Border Patrol agents and people offering assistance to these migrants are getting sick too. That is because Congress has not appropriated the money for the facilities, funding, and for the personnel to manage these record-breaking numbers. They are obviously in dire need of our assistance.

Last month, the administration requested \$4.5 billion for the Department of Homeland Security, Health and Human Services, the Department of Defense, and the Department of Justice to address this growing crisis.

Two weeks after this request, the situation had grown so much worse than expected that the Secretary of Health and Human Services notified Congress that the Department would soon be running out of funding and that another \$1.4 billion could be needed for humanitarian assistance alone. That brings the total to almost \$6 billion. Since the funding request was submitted, more than 144,000 individuals have illegally crossed our border, adding to the growing weight these folks are feeling.

Without providing the necessary funding, we are sending these dedicated law enforcement officials out on a losing mission. We are asking them to carry the weight of hundreds of thousands of migrants without giving them the tools they need to do so.

Enough is enough. It is high time Congress steps up and come to an agreement to get much needed and long overdue funding to the men and women struggling to manage this humanitarian crisis not of their making. This critical funding is needed along the entire southern border but particularly in the Rio Grande Valley and El Paso sectors, which have been disproportionately affected by the dramatic increase in crossings.

For months, communities in Texas have requested help in feeding, transporting, and sheltering these migrants. They have gone above and beyond the call of duty, diverting millions of dollars in local taxpayer funds that are traditionally intended for things like clean water and power for their own residents.

Today I am sending a letter to the Appropriations Committee and asking them to include assistance to these communities. The Appropriations Committee is holding a markup tomorrow, and I hope they can come to an agreement to provide the Departments, Agencies, and local communities in Texas struggling to manage this crisis with the resources they need to be successful. To borrow a saying from Border Patrol Chief Carla Provost, the current situation is akin to holding a bucket under a faucet. It doesn't matter how many buckets you have if you can't turn the water off. The emergency funding is a bucket, and hopefully it will be a sufficient bucket, but we still have to get to the source of the problem.

Last week, Acting Secretary of Homeland Security Kevin McAleenan

testified before the Judiciary Committee and said: “I want to make clear that this crisis is unlike anything we've ever seen at our border and it, in large part, is due to the gaps in our immigration laws that are driving it, causing a dramatic demographic shift in the flow of illegal immigration into the United States that is placing children at unique and critical risk.”

Of the more than 144,000 people who illegally crossed the border in May, 69 percent were either unaccompanied children or families. The number of unaccompanied children apprehended last month is larger than any monthly total from the surge in 2014, back when President Obama called it “a humanitarian and security crisis.” It is an understatement to say we lack the resources to properly care for these children.

In addition to providing more resources and better care, we need to get to the “why” of these rising numbers. I have no doubt this surge in humanity is being driven by the pull factors in the immigration system, most notably the Flores settlement agreement. By “pull factors,” I mean the thing that attracts the migrants to attempt to make this dangerous journey from their homes into the United States.

The Flores settlement agreement is one of them. In the beginning, the Flores settlement agreement provided additional standards of care for children, including a limit on the time they could remain in DHS custody, but a subsequent, flawed court ruling expanded this agreement, in effect applying it to families as well. That essentially turned children into a “get out of jail free” card for migrants, something which is now openly advertised by the coyotes in Central America.

In other words, the coyotes—the smugglers who earn money off of each person they bring into the United States—are letting these people know that if you just come as a child or if you come as a family, you are going to be able to make it successfully into the United States, and it is a money-making proposition, obviously, for them.

A recent Washington Post article quoted a man as saying the following:

That is the thing that everyone knows now. If you go, you need to bring a child.

This has gotten so bad that Acting Secretary McAleenan said the Border Patrol is now running DNA tests and is discovering significant numbers of adults who are claiming a biological connection to a child that is not theirs. This is the ultimate “get out of jail free” card: Bring a child—anybody’s child.

This loophole has turned into a major pull factor, and single adults are using it to their advantage. Rather than arriving at the border alone, they are bringing kids with them so they can pose as a family unit and be released in 20 days. These aren’t all legitimate families, as I said. It is no exaggeration to say that children are literally being kidnapped to serve as a

free ticket into the United States. That is a sad truth.

If we want to stop this abuse of our system and of these children and bring down the skyrocketing numbers that are flooding across our border, we have to fix this expansion of the Flores agreement when it comes to family units.

Last month, Congressman HENRY CUELLAR of Laredo, TX, a Democrat, and I introduced a bill called the HUMANE Act, which, among other things, would close this dangerous loophole—something Congress never enacted and never intended and which is being exploited by the coyotes.

Our bill would clarify that the Flores agreement only applies to children, not to families, and would remove that pull factor and prevent single adults from exploiting them in order to gain entry into the United States. The HUMANE Act would make additional, targeted reforms to make our immigration system more fair and efficient and provide better protection for the children who are brought here.

Perhaps the most important thing to note is that this bill already has bipartisan support—something that is tough to find when it comes to immigration reform these days. As our friend the majority leader said on the floor last week, “The crisis at the border hasn’t gone anywhere and neither has our resolve to address it.”

I appreciate my friend and colleague Congressman HENRY CUELLAR for working with me on this bill. I hope the border communities in Texas and along the entire U.S.-Mexico border will call and write or go see their Congressman and say: Get on board with Congressman CUELLAR in the House of Representatives.

Let’s vote on the HUMANE Act so the Senate can pass it and send it to President Trump for signature. I can’t imagine how people can be at peace with their own conscience knowing what is happening right now and simply sitting on their hands and doing nothing to address this humanitarian and security crisis. We owe it to the dedicated law men and women who work to manage this crisis along the border who now are being overwhelmed by this influx of humanity. Our resolve to help them remains as strong as ever. Now what we need is a strong bipartisan vote to get it done.

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.

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

The PRESIDING OFFICER (Mr. CASIDY). Without objection, it is so ordered.

NOMINATION OF MATTHEW J. KACSMARYK

Mrs. MURRAY. Mr. President, I come to the floor today to oppose Matthew Kacsmaryk’s nomination to the U.S.

District Court for the Northern District of Texas. Mr. Kacsmaryk is another example of an extreme choice by President Trump to jam courts with individuals who have put their political views above the law and use their positions of power to chip away at people’s rights. Not only are Mr. Kacsmaryk’s views hateful and out of the mainstream, but his history of attacking vulnerable communities shows me he will not be a fair and impartial judge. He has fought tooth and nail against any protections for LGBTQIA individuals and has devoted his career to stripping this community of these fundamental rights.

Mr. Kacsmaryk does not believe title XII of the Civil Rights Act includes sexual orientation and gender identity. He opposed the Supreme Court’s ruling in Obergefell, which affirmed that same-sex couples have the right to marry under our Constitution, and he opposes the Equality Act. He believes this bill will “weaponize Obergefell.” The Equality Act builds on existing civil rights laws to expand anti-discrimination protections, to ensure members of the LGBTQ community cannot be fired or evicted from their homes, providing them with the same protections afforded to those who are discriminated against based on their race, religion, age, disability, and more.

He believes healthcare providers should be able to discriminate—discriminate—against patients based on gender identity or sex stereotyping, and he even supports discrimination against our children. Mr. Kacsmaryk not only opposes protections for transgender students, he has even argued that being transgender is “delusional.” He has questioned whether States can ban conversion therapy practices, which are dangerous. They are discredited by the medical community, and they have led to depression and suicidal behavior in young people subjected to these practices.

Mr. Kacsmaryk claims that his hateful views have to do with religious liberty, but his own words show his true colors. When Republicans and Democrats in Utah agreed on employment and housing nondiscrimination protections based on gender identity and sexual orientation, Mr. Kacsmaryk opposed them, even as countless religious organizations supported that bill.

Was religious liberty his main point of opposition? No. Instead, he argued businesses should be able to discriminate based on a person’s sexual orientation or gender identity because, in his view, this community does not deserve the same protections as other communities who are often discriminated against.

Mr. Kacsmaryk has said there is a “clash of absolutes” between LGBTQIA rights and those who want to discriminate in the name of religious liberty. This is not a view of someone who can be impartial and fair. Not only are his views on nondiscrimination based on

sexual orientation and gender identity concerning, I am also very alarmed by his record as a fervent crusader against women’s reproductive rights and for the far-right position that someone else’s ideology is more important than a woman’s ability to make her own personal medical decisions.

If his arguments had won the day in court, a woman trying to get contraceptive care could face barriers thrown up at her by her employer or even by her pharmacy, all because someone else thinks that their beliefs matter more than a woman’s own personal decisions about her own healthcare.

Mr. Kacsmaryk’s extreme hostility to women’s reproductive rights is also on display in his own writings outside of the court. He wrote that the court cases affirming those rights—the historic rulings that have defended women’s access to birth control and their right to safe, legal abortion—were responsible for removing a “pillar of marriage law.”

Under any other administration, this truly disturbing ideological track record would be alarming. Unfortunately for President Trump and Vice President PENCE, it appears to be a prerequisite. The Trump-Pence administration has taken every opportunity to undermine women’s health and reproductive rights. And we have seen far-right Republicans across the country joining them, from State legislators working to pass extreme, harmful abortion restrictions to Republicans here in DC working to jam through extreme, harmful judicial nominees, like Mr. Kacsmaryk, who they hope will uphold blatantly unconstitutional restrictions on women’s rights to safe, legal abortion and ultimately take away that right by overturning *Roe v. Wade*.

I have also been inspired by the people around the country who are speaking up and taking a stand against those extreme views. If we keep making our voices heard against this nominee and Republican efforts to undermine women’s reproductive rights more broadly, we can stop these attacks and ensure that every woman has the ability to make her own decisions about her body. I am here today to urge my colleagues to join us in rejecting this nominee.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Ms. BALDWIN. Mr. President, I rise this afternoon to urge my colleagues to oppose the confirmation of Matthew Kacsmaryk to be U.S. District Judge for the Northern District of Texas.

I believe that every individual we consider for a lifetime appointment to serve on the Federal bench should have the demonstrated legal acumen and experience but also a commitment to ensuring fair treatment for anyone who might come before their court. With a troubling record of professional work and personal statements attacking lesbian, gay, bisexual, and transgender people, Mr. Kacsmaryk fails this test,