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Senate

The Senate met at 10 a.m. and was called to order by the Honorable RAPHAEL G. WARNOCK, a Senator from the State of Georgia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, show favor to our land and bless us with Your grace. Guide our lawmakers so that they will strive for complete honesty in their work for liberty.

Lord, empower them to give and not to count the cost, to strive and not to heed the wounds. Enable them to toil and not to seek rest, working for no reward except of knowing they are doing Your will. May each Senator strive to walk blameless, speak truth, and honor You.

We pray in Your righteous Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. LEAHY).

The senior assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 26, 2021.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RAPHAEL G. WARNOCK, a Senator from the State of Georgia, to perform the duties of the Chair.

PATRICK J. LEAHY,
President pro tempore.

Mr. WARNOCK thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

JUDICIAL NOMINATIONS

Mr. SCHUMER. Well, Mr. President, today is going to be a busy day on the floor of the Senate. Last week, I filed cloture on five of President Biden's nominees to serve as U.S. district judges, and today, we are going to begin working on these nominees.

Even as Senate Democrats proceed on our agenda to help working and middle-class families and tackle the climate crisis, we will not relent on speedily filling the vacancies in our Federal judiciary with qualified, mainstream, and diverse jurists.

Yesterday, we took a big step forward towards achieving that goal by confirming Myrna Perez to serve on the Second Circuit, one of the most important courts in the land, and the judges we will begin considering today continue that effort: more civil rights lawyers, more diverse candidates, more Federal defenders.

To date, the Senate has now confirmed 13 nominees to serve on our district courts, with 20 overall lifetime appointments to the Federal bench. Many of these individuals are knocking down longstanding barriers to the halls of justice: the first Native American judge, the first Muslim-American district judge. And among all of the President's nominees to date, over half—over half—are women. We are proud of that.

In a broader sense, President Biden's judicial nominees are also expanding and rewriting the rules of who merits consideration for the bench. Our Fed-

eral courts have long been presided over by former corporate lawyers and prosecutors and men. To be sure, many of these individuals have served admirably as judges, and I have been proud to support many of them over the years. But our Federal judges, more than ever—more than ever—are an essential component of our democracy, and they should better reflect the richness and diversity of our Nation—not just demographic and cultural diversity, as important as that is, but professional diversity, too.

We need more judges who know what it is like to defend people who normally can't afford attorneys. We need more judges who have fought for those who have faced discrimination in the workplace or because of the color of their skin. We need more judges who understand the economic hardship that so many people have and when they are forced to sign documents and other things that will hurt them economically. And we need judges who have been in the fight against these efforts—stronger than they have ever been, unfortunately—to undermine our democracy.

We need our Federal bench, in other words, to mirror our country as a whole. That is how we restore balance to the bench and strengthen people's trust in the Federal judiciary.

So, as a Democratic majority, we are going to keep working this week to make sure these nominees are confirmed by this Chamber. I hope both sides can work in good faith to move the process along quickly and in a bipartisan fashion.

BUILD BACK BETTER PLAN

Mr. SCHUMER. Mr. President, now on Build Back Better, this week, Democrats are continuing to make important progress toward finalizing President Biden's Build Back Better plan, and we remain confident that a final deal is within reach.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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When Democrats first set out to pass historic legislation to boost our economy and invest in everyday Americans, we knew that the task wouldn't be easy. The challenges that our country faces are manifold and they are severe—from the hardship of raising a family to securing a good-paying job, to affording something as basic as healthcare and the cost of prescription drugs.

Tackling these issues head-on was sure to be an immense challenge. Doing big things in Congress is always hard. But we didn't choose elected office just to pursue the easy things. We came here to do the hard things, the important things, the things that will impact Americans—working-class Americans, middle-class Americans, those struggling to get into the middle class and those struggling to stay there—that will impact those people for generations.

That is what these negotiations have been about: doing the hard work to deliver something big for the American people.

Nobody—nobody—is going to get everything they want, but we all know we need to keep our promise to the American people.

We need to tackle the climate crisis head-on, and the programs we are trying to enact will empower us to meet the President's emission goals.

We need to help working parents and give every child in America a chance to succeed in school and in life, and programs being discussed will help improve countless of lives.

And we need, I believe, to strengthen vital services, like Medicare—relied on by millions of Americans—and to make healthcare more affordable. I believe this is so important, and we are working to get it done.

Democrats will continue fighting until we are able to pass this transformational legislation. The progress of last week illustrated how, if we stick together, work towards finding that legislative sweet spot, then we can succeed.

That is worth a few hard days. In fact, it is worth many hard days. We have some more work to do, but we remain committed to forging ahead until we reward the trust the American people have placed in us.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

BORDER SECURITY

Mr. McCONNELL. Mr. President, 1.7 million people, that is the record-shattering number of illegal immigrants detained along our southern border in just the last 12 months. In 1 year, 1.7 million people tried to take advantage of the Biden administration's intentionally unsecure border and come here illegally. This is the most ever recorded.

There are 11 States whose populations are smaller than 1.7 million. Of the 1.7 million, more than 1 million were single adults. That is nearly two-thirds—not family units, not unaccompanied children, but adults on their own.

In many cases, this is not about escaping disaster or persecution; this is about wanting a better job in America. It is less about emergency refugees and more about economics. Legal immigration in pursuit of a better future is a core part of our country. It reflects our values, and it makes us stronger.

We are a generous country that wants to welcome ambitious new Americans who come here the right way. But it is beyond disingenuous for the Biden administration to pretend that huge numbers of people who simply want better jobs are emergency refugees. Those are two entirely different things.

In this 12-month span, authorities arrested people from 160 different countries. In this 12-month span, authorities arrested people from 160 different countries.

Think about that. The U.S. recognizes 195 countries in the entire world. Customs and Border Protection ran into people from all but 35 of the entire number of countries in the world.

On numerous occasions, these people have told reporters they are coming specifically—specifically—because of President Biden. His campaign rhetoric and his policy decisions have directly—directly—created this crisis.

Late last December, about a month before the President took office, he literally said “the last thing we need” would be if his administration pursued policy changes that caused us to “end up with 2 million people on our border.”

That was the President last December. That is how President-elect Biden himself defined failure on our border last December: 2 million people showing up.

Well, that is exactly what he has brought about, all because of the liberal misapprehension that a weak and porous border is a compassionate border. It is not.

Even now, even as President Biden faces the exact definition of failure, which he himself laid out, the administration won't change course. A few weeks ago, Secretary Mayorkas released radical new guidance that essentially tries to create amnesty by executive fiat.

This Mayorkas memo told ICE that, now, being in the country illegally

“should not alone be the basis” for making arrests—a baseline policy of no enforcement, with exceptions for certain extenuating circumstances.

Last week, before the Judiciary Committee, under questioning from Senator CORNYN, even the President's own nominee to CBP had to admit that non-enforcement policies are a magnet that make the problem worse.

Even before the new Mayorkas memo, over the whole last 12 months, immigration arrests in the interior of the country fell—fell—to their lowest level in more than a decade. ICE arrested half as many people this past year as they did on average in previous years.

Put two and two together: CBP encounters at the border are at historic highs, but ICE enforcement is down to a decade low—encounters at the border at a historic high, but enforcement down to a decade low.

This doesn't make any sense, unless we are looking at functional amnesty through nonenforcement.

But even now, Democrats keep pushing more new policies to incentivize illegal immigration. Their next reckless taxing-and-spending spree proposes to double down on Democrats' new monthly welfare deposits that can flow directly to people who are here illegally. This is a Democrat-created crisis from top to bottom.

THE ECONOMY

Mr. McCONNELL. Mr. President, now, on another matter. On the whole, the taxing-and-spending spree the Democrats want to ram through will hurt families and help China. But when you take a close look, there are some special groups of people here at home who would make out like bandits. There are specific special interests that Democrats take great pains to look after.

Let me give you an example. A whole chunk of money the Democrats' proposal supposedly sets aside for patient healthcare would actually finance ultragenerous benefits for members of the powerful leftwing union, the SEIU.

The Big Labor bonanza doesn't stop there. Democrats' tax plans would allow the expiration of Americans' above-the-line deduction for charitable and nonprofit donations. But in its place, they want to create a brandnew subsidy for—listen to this—union dues. Tough luck for the Red Cross and your church collection plate; Washington Democrats say Big Labor bosses come first.

Democrats also propose lavishing billions of dollars on something they call environmental and climate justice block grants—environmental and climate justice block grants. That sounds like a gift-wrapped giveaway to the universe of nonprofits and activist groups that seemingly exist to grift off of government grants.

They would spend billions more on tax credits to subsidize luxury purchases that are overwhelmingly made