

and we are failing for the worst and smallest and most dishonorable of reasons. So when we reignite work on a real climate bill, when we are starting to see real administration climate progress, I will see about sending this battered poster over to the Smithsonian, but if we don't, I will be back here again and again and again to call this Chamber to wake up.

I yield the floor.

The PRESIDING OFFICER (Ms. ROSEN). The Senator from Ohio.

Mr. PORTMAN. I ask unanimous consent that Senators BLUNT, BLACKBURN, and I be permitted to speak for up to 5 minutes each prior to the scheduled vote.

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

BORDER SECURITY

Mr. PORTMAN. Madam President, I am here today to discuss the crisis at the border. Unfortunately, it is not getting any better. In fact, it is getting worse by any measurement. The flow of illegal drugs and illegal migration continues to surge.

As the lead Republican on the Homeland Security and Governmental Affairs Committee, I recently traveled to the U.S.-Mexican border in Nogales, AZ, just south of Tucson, to learn firsthand from Border Patrol and Customs officials and Border Patrol agents who are on duty 24-7 trying to protect our Nation from illicit narcotics, unlawful immigration, and terrorism.

It was my third trip to the border in the last year, and, like other trips, what I saw was alarming. Officials at the port of entry told me about the increasing and more sophisticated efforts to smuggle illegal and deadly drugs into the United States. They showed me some of the x rays that have been taken of some of the vehicles where the smugglers are cleverly hiding these illicit narcotics into compartments.

By the way, this is deadly stuff. This is mostly now the illicit drug called fentanyl, which is a synthetic form of opioid that, according to the Centers for Disease Control, is probably killing two-thirds of the people who are dying from overdoses. The number of overdose deaths in this country is at record levels. During the year of 2021, we believe it is going to exceed 100,000 individuals—record levels.

So why aren't we scanning more of these vehicles for drugs and other contraband? The best numbers we have are that, currently, less than 2 percent of the passenger vehicles and less than 20 percent of the commercial vehicles coming into the United States are scanned for illegal drugs like this deadly fentanyl we talk about.

That is just unacceptable. A smuggler with multiple pounds of fentanyl concealed in hidden compartments needs to know that there is no chance of getting across our border without some kind of search. It is not just a gap in our security; it is a gaping hole in our security, and it is resulting in lives being lost in my home State of Ohio,

where we have a big issue with opioids, and also all across America. In a sense, every State is a border State now.

Last year, Customs and Border Protection seized nearly 10,000 pounds of deadly fentanyl. That is a 40-percent increase from 2020. But, as officers on the line told me when I was down there recently, most of it is getting through.

A year ago, Congress mandated that the Department of Homeland Security give us a plan and a strategy to scan all vehicles at the ports of entry for deadly narcotics such as fentanyl. Unfortunately, even with this crisis that demands these new approaches, the Biden administration has failed to deliver this report, which was due more than 6 months ago. Let's get that report done. Whether it is crystal meth or cocaine or whether it is fentanyl—sometimes pressed into pills to make it look like something else—it is flowing across the southern border. Let's have a plan to stop this.

We also face challenges between the ports of entry. In Nogales, the Border Patrol agent in charge rode with me to look at the border. What he described was an overwhelming, recordbreaking number of unlawful migrants and a recordbreaking number of drugs like fentanyl and these other drugs coming into the United States. He talked about the urgent need for more Border Patrol agents to be able to cover the border; new vehicles—vehicle maintenance is a huge issue for Border Patrol right now; and technology, particularly cameras and sensors.

There is a lot of discussion here always about the wall, but what is really important about a fence or a wall is the technology that goes along with it. When the Biden administration came in and they stopped construction of the wall, what they really did was they stopped the technology.

In the El Paso Sector where I have been, as an example, only about 10 percent of the technology had been completed for the fence that was being erected there. So they stopped building the fence—and you can see all the metal on the ground, which is very demoralizing for the Border Patrol because they have to fill the gaps 24-7 or figure out other ways to stop people—but most importantly, only 10 percent of the technology had been done, and they cut off all of that. We have already paid for it, by the way. Taxpayers have paid for all of that.

My thinking is, Democrats and Republicans alike talk about the need for technology—this is, again, monitors of some kind; there are various kinds out there that are very effective—cameras, and the ability to respond quickly.

I toured the border area that had huge gaps in the fencing, too, which I don't get. Why would you want to spend all this money to build the border barriers and then leave the gaps in the middle? I saw broken areas of fencing that need repairs. I saw the need for new fencing in some areas.

I walked up to one large gap only several miles from the city of Nogales.

There is 15- to 20-foot fencing on either side of this gap, and then there is about 40 feet with just a four-strand barbed wire fence to keep cattle from coming into the United States and vice versa. So that is where human smugglers go. They know about these gaps.

I saw lots of evidence of foot traffic, lots of plastic bottles and plastic bags discarded in the area from migrants who crossed right there.

Leaving these gaps is one of the reasons we face a crisis.

We just learned in December that the Border Patrol apprehended more than 170,000 unlawful migrants in December. That is the highest number ever in December. And the Biden people say: Well, this is seasonal so it will stop in December and January because it is colder and people aren't going to go or when it is really hot in July and August. That has not happened.

For the first time ever, we see a continual flow of people. It is not slowing down at all. These dramatic increases in unlawful entries and illegal drugs in the last year are clearly due to the policy changes, again, that were put in place on day 1 of the Biden administration—not just fewer deportations and a more lax approach to immigration generally but a specific issue of stopping the installation of this technology and fencing.

Also, they made a major change immediately with regard to asylum policy. So now people know if they claim asylum, they will be released in the United States pending a court date, which, on average, is going to be 5 or 6 years away. They say the backlog is at least 1.3 million people now—the backlog.

Now, is there any wonder that when people come to my home State of Ohio or go to my colleague's State in Missouri or go to Nevada, with 5 or 6 years ahead of them, that it is sometimes not possible to find them when the court date comes up, and that is happening, obviously, increasingly.

So we need a policy that just makes sense, that doesn't tell the smugglers, hey, if you get somebody in the United States, you can tell them that they can get in; they can work; they can get their kids in school. And that is what the smugglers do to people all over the world. It is not just Central America. In fact, there are more people coming from Ecuador now than there are from Honduras. I am told in the last week there were five Syrians who were apprehended coming across the border.

It is a lot of people from around the world who are being told by these smugglers who are exploiting them and their families, hey, just come on with me, and we can get you in. Pay me 10,000 bucks or whatever it is. That is one reason we have right now this pull factor because of a policy issue we have got to address.

The administration also chose to end the "Remain in Mexico" policy, which says to people, hey, you can come and apply for asylum, but you have got to

wait over in Mexico until we adjudicate this. That discouraged a lot of people. A lot of folks went home because they were trying, obviously, to come to the United States, but that policy was ended.

But, generally speaking, the right policy is adjudicate these cases immediately. Let people know, we don't want to have a 1.3 million backlog of people in the United States, 5 or 6 years waiting for a court case. It just doesn't make sense.

Anyway, with these policy changes since the President's inauguration, the southern border has faced the worst unlawful migration crisis in decades and the worst drug crisis ever. To help the Border Patrol do their job, we are working on bipartisan legislation to increase the number of agents, address retention challenges of the existing workforce, and respond faster to these humanitarian crises that come up by doing things like having a Border Patrol reserve that can respond to surges.

I am always impressed with the men and women of Customs and Border Protection and the Border Patrol that I meet on my trips. They have tough jobs right now—really tough jobs. A lot of them are overworked. A lot of them are being pressed into doing processing and other things that they weren't hired to do or trained to do. It is tough. And we are making it even tougher with policies that we are putting out here in Washington.

The ongoing crisis is clear and persistent, no longer seasonal. I urge the Biden administration to change course, stop the policies that send the green light to these human smugglers to be able to exploit migrants and families from all over this hemisphere and elsewhere now and stop giving a green light to the drug traffickers. Instead, provide Congress with a plan to deter illegal immigration, to detect and deny deadly drugs from crossing our border. America's national security depends on it. American lives depend on it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BLUNT. The ability to secure your border—to follow my good friend from Ohio, the ability to secure your border is actually one of the fundamental responsibilities of a legitimate government.

Even former President Obama, within the last few months, has looked at what was happening at the border, and I believe the word he used was "unsustainable." We cannot continue to let this happen. It is a border crisis, whether the administration is willing to call it a border crisis or not.

There are drugs coming across, and I know my friend from Tennessee is going to talk about that, as the Senator from Ohio did. More than 2 million people were apprehended trying to cross the border last year. Of that number, more than 171,000 were unaccompanied children. The year before it had been 37,000. In 2020, it was 37,000 people.

It should have been a warning sign. Thirty-seven thousand children is bad enough, let alone 171,000—almost four times the number who came the year before.

We need to ask ourselves, what are we doing to encourage that? Why would parents let their children come or send their children or why would children come on their own to the border at the numbers of 171,000?

Obviously, we don't know exactly how many people actually entered the country illegally. So if 2 million people were apprehended entering the country, some of them may have been making repeat efforts to come into the country, but there is no real evidence that very many people get sent back, but let's assume some do.

So some of the apprehended people may have been multiple offenders, if you will, of trying to violate our law by coming in. I think it is more reasonable to believe that more people weren't apprehended than were apprehended multiple times, so we have a huge problem here.

The policies have already been discussed. Why would the number—just over 2,035,000 last year—be 272 percent greater than the year before?

Things happening in the countries they come from aren't different, substantially, than they were the year before. The weather is not in crisis in any way different than it was the year before.

So let's look at day 1 of the Biden administration, where one of the first decisions is, we are going to stop building the barrier that is in the process of being built—not we are going to debate whether we should do more of it or not, but we are going to stop building the barrier that Congress has appropriated the money for, that the equipment has been bought for, that the necessary metal and fencing and other things have been bought for, and they are delivered, and after we get that up, let's decide if we need to do more.

I have never been of the view that every inch of the border needs to have a barrier, but I have always been of the view that a barrier or a fence or a wall, whatever you want to call it, has to be helpful, particularly if it has the technology that was going into this fence.

So, you know, just watching that great investment that the American people made sit there and not be completed is a problem. Some wall and fence had been torn down already so the new wall and fence could be put back up. We have areas that don't have the kind of fence they had 5 years ago or 10 years ago or under the Clinton administration because we said, no, we are just going to stop doing what the Congress has already provided money and the authority to do.

And then the "Remain in Mexico" policy, which, frankly, I thought was one of the most amazing things that our government got the Government of Mexico to agree to. It was a major step on their part to help us not only secure

our border but discourage people from needlessly coming all the way through Mexico. You know, most of our immigrants are not Mexican immigrants anymore; they are Central American immigrants; they are the immigrants whom others have talked about today from all over the world. But they come through Mexico, and Mexico doesn't like that either.

So why would "Remain in Mexico" work? "Remain in Mexico" was working because people, when they see that they are not going to be let loose in the United States or delivered somewhere in the United States and told to come back in 90 days or 5 years later, when they see that is not going to happen, and they talk to anybody who understands the law, 9 out of 10 of them know that they have no chance for an asylum claim.

And they are in Mexico. It is not that they have no chance for an asylum claim and they have arrived and been taken somewhere in the United States and told to return at a later date. It clearly just did not work. The "Remain in Mexico"—we could have put more money there. In fact, we put quite a bit of money there but then walked away from the facilities that were just about to begin to serve the purpose in the way that the American people—the most generous people in the world about people coming to our country and some of the, I think, most liberal immigration laws in the world for legal immigration.

We could have made an investment so that people could have safely and securely understood that you are not going to be able to advance this asylum claim.

The easiest thing in the world to do is show up at the border and say we are claiming asylum. The U.S. Government sends you somewhere in the United States to wait and come back later for a hearing. Now we see people—single adults—getting on planes in the middle of the night and being flown to other airports and getting off in the middle of the night.

I have even heard—surely this can't be really accurate—that you are told to use your arrest papers as your identification to get on the plane. If we have come to the point where our border policy is use the arrest papers to get on the plane so wherever we take you, you are able to then be part of our society until somebody catches you and tells you, you can't be part of our society, it is a huge problem.

The border is out of control. There is clearly a border crisis. I am a major supporter of legal immigration. I am a major supporter of kids who were brought here by their parents illegally, grown up in America and not gotten in trouble. I think they should be able to stay, and we should want them to stay.

I am not a supporter of this blatant violation of the law and sending a message to the whole world, here is how you get done what you want to get done, even though it is against the

laws of the United States to do what we are clearly helping you do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mrs. BLACKBURN. Madam President, it was such a joy to be in Tennessee last week and visit with so many of our local officials, and I had the opportunity to spend some time with some of our sheriffs. And one of the sheriffs made a point that I think deserves attention in this body today.

He said: Marsha, for years, we have measured the drugs we have apprehended in grams or ounces, but today everything is in pounds. That is the uptick in volume that our local law enforcement is seeing in our communities.

Now, the question is, Why is this happening? How is it that so much more is getting across that southern border? And my colleague from Ohio and my colleague from Missouri have each mentioned the problems that exists there—no “Remain in Mexico,” no wall.

And we are at a time here in this country where our supply chains are really being stressed, but the supply chains of the cartels seem to be doing just fine. Fortunately, our Border Patrol has been able to cause some blips and some problems with those supply chains, and they have been able to apprehend some of the drugs coming across our border.

In January, in a period of 7 days—1 week—our Border Patrol caught 47 pounds of methamphetamine in California, 3,800 pounds of marijuana in two raids in Texas, and 20 pounds of cocaine in Texas.

The street value was about \$7 million that they pulled off of the street, but this is, unfortunately, a blip for the cartels—just a blip on their radar. These thousands of pounds of drugs are a footnote in the long history of the “got-aways” and the drug mules who keep these cartel supply lines flowing from South and Central America and into the United States.

Now, as my colleagues have said, until this administration decides they want to get serious about protecting our Nation’s sovereignty and securing this southern border, this is going to continue.

Now, what does this cause in our country? What it means is every town is a border town, and every State is a border State. Until the Biden administration decides they are going to get serious on that border, it means that your town will function like a border town, your State like a border State. Nashville, Knoxville, Memphis are all experiencing some of the same problems that you are seeing on our Nation’s borders.

And whether the State is Maryland or Wisconsin or Nevada, whether these are other States—Illinois, Colorado—what you are seeing are these problems that are brought about by an open border: gangs, cartels, human smuggling, sex trafficking.

So I would ask my Democratic colleagues, and I would hope they would ask the President: Where else do they think these thousands of pounds of drugs are being headed?

That is right. It is a rhetorical question, but they are coming to your neighborhoods, and your local law enforcement agencies are going to find themselves dealing with this.

Now, the Biden administration has said, repeatedly, that they want to focus their border policy on finding the root causes of illegal immigration. So Vice President HARRIS recently took her second trip to the Northern Triangle so she could try and figure out what the root causes are.

But while she is there and meeting with diplomats, the cartels’ drug trade, along with their human trafficking trade, is booming. It is booming. The number of apprehensions across this southern border are at an alltime high.

And as my colleague mentioned, the “got-aways”—the hundreds of thousands of “got-aways,” the hundreds of thousands of “got-aways” that are now in your communities—the hundreds or maybe even thousands of pounds of different drugs are coming into your communities.

We have been down this road before. We have made investments in the Northern Triangle to try and beat back the poverty, the corruption, and we are having the same problems. They are the same that they were years ago.

There is no buy-in on a policy. The only buy-in that this administration has managed to earn is the buy-in of corrupt officials and drug lords who have invested in our wide-open border.

Why is it that you have to pay the cartel to come in? Why is it that the cartels are moving these sex trafficking rings onto U.S. shores? Why is it that the cartels are setting up distribution centers in our cities? It is because this administration has that border wide open, and they see the opportunity to make big bucks, to really enrich themselves.

How can we expect to fight corruption when we encourage them to set up these business operations?

I would encourage my Democratic colleagues to take a look at the numbers that are coming from that southern border, look at numbers that were there from 2021, look at the numbers of not grams and ounces but pounds of illicit drugs that are being apprehended, talk to their local law enforcement about what they are finding on their streets, and then ask themselves: Are you doing everything you can to keep our communities safe? Are you doing everything that you can to keep our children and our grandchildren safe in their communities?

If you had to answer that question today, if the administration had to answer that question today, the answer would be an emphatic, no, they are not because the border is open. That policy is failing the American people; it is failing our communities that are truly

struggling to keep drugs out of the hands of kids; and it is failing the thousands upon thousands of people who took you at your word—and then you have seen this border turned over to the cartels.

I yield the floor.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the Lopez nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Kenia Seoane Lopez, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

VOTE ON LOPEZ NOMINATION

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Lopez nomination?

Mr. CARDIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Mexico (Mr. LUJÁN) is necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from North Dakota (Mr. HOEVEN) and the Senator from Utah (Mr. ROMNEY).

Further, if present and voting, the Senator from North Dakota (Mr. HOEVEN) would have voted “nay”.

The result was announced—yeas 59, nays 38, as follows:

[Rollcall Vote No. 24 Ex.]

YEAS—59

Baldwin	Hickenlooper	Rosen
Bennet	Hirono	Rounds
Blumenthal	Kaine	Sanders
Blunt	Kelly	Schatz
Booker	King	Schumer
Brown	Klobuchar	Shaheen
Cantwell	Leahy	Sinema
Capito	Manchin	Smith
Cardin	Markey	Stabenow
Carper	McConnell	Tester
Casey	Menendez	Tillis
Collins	Merkley	Toomey
Coons	Murkowski	Van Hollen
Cortez Masto	Murphy	Warner
Duckworth	Murray	Warnock
Durbin	Osoff	Warren
Feinstein	Padilla	Peters
Gillibrand	Peters	Whitehouse
Hassan	Portman	Wyden
Heinrich	Reed	Young

NAYS—38

Barrasso	Fischer	Moran
Blackburn	Graham	Paul
Boozman	Grassley	Risch
Braun	Hagerty	Rubio
Burr	Hawley	Sasse
Cassidy	Hyde-Smith	Scott (FL)
Cornyn	Inhofe	Scott (SC)
Cotton	Johnson	Shelby
Cramer	Kennedy	Sullivan
Crapo	Lankford	Thune
Cruz	Lee	Tuberville
Daines	Lummis	Wicker
Ernst	Marshall	