

from Texas (Mr. CRUZ) and the Senator from Wisconsin (Mr. JOHNSON).

The result was announced—yeas 63, nays 28, as follows:

[Rollcall Vote No. 381 Ex.]

#### YEAS—63

Baldwin	Grassley	Peters
Bennet	Hassan	Portman
Blackburn	Heinrich	Reed
Blumenthal	Hirono	Romney
Blunt	Hyde-Smith	Rosen
Booker	Kelly	Rounds
Brown	Kennedy	Sasse
Burr	King	Schumer
Cantwell	Klobuchar	Shaheen
Capito	Leahy	Sinema
Cardin	Lujan	Smith
Carper	Manchin	Stabenow
Casey	Markey	Tester
Collins	McConnell	Tillis
Coons	Menendez	Toomey
Cornyn	Merkley	Van Hollen
Cortez Masto	Murkowski	Warren
Durbin	Murphy	Whitehouse
Feinstein	Murray	Wicker
Gillibrand	Ossoff	Wyden
Graham	Padilla	Young

#### NAYS—28

Barrasso	Hagerty	Risch
Boozman	Hawley	Rubio
Braun	Hoeben	Scott (FL)
Cassidy	Inhofe	Scott (SC)
Cotton	Lankford	Shelby
Cramer	Lee	Sullivan
Crapo	Lummis	Thune
Daines	Marshall	Tuberville
Ernst	Moran	
Fischer	Paul	

#### NOT VOTING—9

Cruz	Johnson	Schatz
Duckworth	Kaine	Warner
Hickenlooper	Sanders	Wernick

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 4:30 p.m.

Thereupon, the Senate, at 2:58 p.m., recessed until 4:30 p.m. and reassembled when called to order by the Presiding Officer (Ms. BALDWIN).

#### EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. The senior Senator from Texas.

#### BORDER SECURITY

Mr. CORNYN. Madam President, yesterday, President Biden traveled to Phoenix, AZ, to visit the site of a new semiconductor manufacturing plant.

I am a proud proponent of domestic semiconductor manufacturing because it has become a matter of economic and national security, and it enjoys broad bipartisan support here in the Senate through the CHIPS and Science Act.

It is exciting to see the sort of announcements that we were seeing in Arizona and these new chipmaking investments on American soil. But it is hardly the most pressing or most urgent matter on the minds of Arizonans or Texans or any other border State

communities as well as folks across the country.

It is only about 150 miles from Phoenix to the United States-Mexico border, which has been willfully neglected by the Biden administration.

Under President Biden's administration, we have broken one record after another when it comes to illegal immigration at the southern border, and the system is now near its breaking point with the expiration of title 42, which is the public health title which has given the Border Patrol the authority to repel people coming across the border—some of them, at least—using that tool. But when that goes away, Border Patrol, absent any change in administration policy, will not be able to return those individuals—mainly adult males—back across the border for illegally entering the United States.

So despite the President getting on Air Force One at Andrews Air Force Base, flying to Phoenix, AZ, a border State, the President's trip did not include a short trip and visit to the border. After all, the President has pretty good transportation. He has got Air Force One. Can you imagine? It would just take a quick hop to the border to give the President the opportunity to learn because he has not visited the border once since he took office.

He could have done what I have done and what other Members of the Senate have done when we visited the border. He could have asked the Border Patrol agents to share their challenges, ask what he could do to help.

He could have asked what can the Federal Government do to make your job easier in order to address this crisis.

He could have talked to Customs and Border Protection Office of Field Operation officers about their efforts to interdict the drugs that took the life of 108,000 Americans last year alone, virtually all of which comes across the southern border.

He could have just simply said thank you, thank you for your service to the countless men and women who are on the frontlines of this crisis each and every day.

Unfortunately, President Biden couldn't be bothered to make that trip.

As he was leaving Washington yesterday, a reporter asked the President why he would visit Arizona, a border State, and not go to the border.

The President responded:

Because there are more important things going on.

Talk about a slap in the face to every single person who is troubled by what is happening at the southern border.

Every day, migrants are being exploited by people who care nothing about their welfare but view them simply as a commodity to make money. The stories of the abuse of migrants who take the long and dangerous trip from their home across the southern border are legion. The President could have learned more about that and expressed concern and say: You know,

what can we do to discourage people from making that long and dangerous trip into the United States and being subjected to sexual assault and other forms of abuse?

He could have asked about the fentanyl, the synthetic opioids, and other dangerous drugs that are coming into our country and killing innocent people in our communities. We have had a number of teenage children, schoolchildren, killed when they consumed a pill that they thought was maybe a prescription drug like Xanax or Percocet, which was contaminated with fentanyl. It just takes a pencil lead portion of fentanyl to kill you. Unfortunately, that has been happening because of the border crisis and the drugs flowing across the southern border.

The cartels and criminal organizations are getting rich off the trail of death and destruction that they have created. But let it be known: President Joe Biden thinks there are more important things to do.

That is more outrageous than disappointing, but it is really both. It is outrageous and disappointing to hear the President of the United States admit this outright. But as dangerous, outrageous, and disappointing as it is to hear him say it, we really shouldn't be surprised by his inaction when it comes to addressing this crisis.

For nearly 2 years, President Biden and his administration have ignored the crisis at the border so he refuses to visit. You know, he might just learn something. He might find out that this is not about root causes, which is what Secretary Blinken and others, Vice President HARRIS, have said. They think illegal immigration is a result of root causes.

Well, there is a component of that—people experiencing violence or poverty in their home country who want to come to the United States—but it is also about drug smugglers. It is also about criminals who have been deported for endangering Americans, and yet they come back across the border to do it again and again.

So the President might have actually learned something if he had just taken a few minutes to talk to the people who work and live on the border.

So he refuses to visit; he avoids talking about it; he acts like there is nothing wrong when, in fact, we are experiencing an unprecedented humanitarian and security crisis.

Since President Biden took office, U.S. Customs and Border Protection has encountered more than 4 million—4 million—migrants at the southern border. During the full 8 years of the Obama administration, Customs and Border Protection didn't see that many migrants. In 2 years, we have seen more than they saw in 8 years during the Obama administration.

President Biden's policies have not only tolerated this situation, it has actually made it worse and encouraged more migrants to make the trip to our

border and successfully get into the interior of the United States.

Whether or not President Biden wants to admit it or not, there is a crisis at the southern border. Everybody who takes 30 seconds to learn about it understands it. And the truth is, this crisis, as bad as it is, is getting worse because of the President's open border policies.

From day 1, the Biden administration decided they needed to dismantle all of the policies of the previous administration that deterred illegal immigration. It is not just about catching people who come into the country illegally; it is also about discouraging people from making that trip in the first place. And the Biden administration's policies create the impression that anybody who can make it to the border can make it into the interior.

The administration has rolled out a steady parade of rhetoric, policies, and guidance that sent a clear message: Cross the southern border and you will be able to successfully make your way into the United States.

So it is no surprise that this message that has been sent by open border policies and a lack of enforcement, it is no surprise we have seen these unprecedented numbers.

For the first time on record, Customs and Border Protection logged more than 2 million border crossings in a single year. They encountered nearly 2.4 million migrants in fiscal year 2022.

In October, we logged the highest number of migrant encounters on record. This is 230,000 in a single month.

If this happened in any one of the States represented by my colleagues that are not border States, I wonder what their reaction would be. When Governor Abbott or Governor Ducey or Governor DeSantis had put some of these migrants on a bus and sent them to Washington or Chicago or New York, Mayor Adams said: This is a crisis. Mayor Bowser in Washington, DC, said: We need the National Guard to come out when just a few thousand migrants make their way into the interior. But when 230,000 show up on the border of Texas in a single month, they could care less.

As shocking as these statistics are, they don't tell the full story. Whether we are talking about migrant encounters, drug seizures, terrorist arrests, you have to remember, these are just the ones we know about.

When Border Patrol agents are asked to process and care for thousands of migrants a day, that means they are not on the frontlines securing our border. They can't stop the drug smugglers if they are filling out paperwork or providing formula to an unaccompanied child.

New reporting from FOX News shed light on how many individuals evaded Border Patrol just last month. Law enforcement refers to these as the "got-aways." But they don't pull that number out of thin air.

The United States-Mexico border includes an extensive network of physical and technological barriers. Some sections have 30-foot steel walls, others have vehicle barriers, others include sensors, cameras, and other surveillance equipment.

Known got-aways are those who are spotted by some form of surveillance but not apprehended by the Border Patrol, and last month, Border Patrol logged more than 73,000 got-aways.

Let's see, in October, we logged the highest number of migrant encounters on record, more than 230,000 in a single month. And during that same month, 73,000 more migrants were got-aways. These are 73,000 people who did not want to encounter Border Patrol. They weren't seeking asylum; they were trying to evade law enforcement and probably for a very good reason.

Of course, even that data doesn't tell the full story. These are just the known got-aways for a single month. There is no way of knowing how many actually evaded detection entirely, especially over the course of the last 2 years.

It is not just the people we are concerned about. It is dangerous drugs like fentanyl, heroin, methamphetamine, as well as illicit weapons and drug money.

The criminal organizations and cartels that take advantage of and exploit the administration's open border policies are, in two words, commodity agnostic. In other words, they will deal in drugs, weapons, or people as long as it makes them money—commodity agnostic.

President Biden and his policies are the best thing that ever happened to their dirty business.

It is making them rich while trading on human misery and death. I disagreed with President Biden's assessment that there are more important things than what is going on at the border. That is easy for him to say, sitting in the White House in Washington, DC.

The people I represent, who live and work along the border, are overwhelmed. And this is a Federal responsibility. This shouldn't be up to the States because this is an international border. By definition, it is a Federal responsibility.

This state of chaos is also hurting the migrants who are sold lies by the cartels and traffickers and are duped into paying thousands of dollars a head to come to the United States. And, you know what, you go to Houston, TX, and some of those same migrants are held hostage, working in prostitution or forced labor by the people who say they will turn them in to the authorities and reveal the fact that they are illegally in the United States unless they continue in that forced labor or that prostitution.

As I said, this is hurting our border communities, which are now apparently expected to carry the weight of feeding, caring for, and transporting thousands upon thousands of migrants.

And it is weighing on the men and women in our law enforcement community who put their lives on the line to secure the border and to protect the American people.

I wonder if President Biden knows that last month three Border Patrol agents took their own lives—two from Texas and one from New Mexico. It is absolutely heartbreaking to see the toll this crisis is taking on these brave men and women who have been begging the administration for support for nearly 2 years. This isn't asking them to do something over and above what is required because all they are asking is for the administration to enforce the law, to let them enforce the law, and to relieve them of the burden of this abdication of responsibility.

So if President Biden had taken a few minutes to hop down to the border in Air Force One when he was in Phoenix yesterday, he might have learned some of this. Over the years, I have had the pleasure of learning from and working with the men and women who live and work along Texas's 1,200-mile border with Mexico. We are talking about law enforcement officials, local officials like the county judges, the mayors, the private property owners, the small business owners, and folks who run nonprofits. They have provided an unvarnished view of how decisions in Washington impact their communities, the economy, and our national security.

And President Biden could have learned this—Vice President HARRIS, too. I have taken the opportunity, along with my colleague Senator CRUZ, to introduce dozens of our Senate colleagues to these people on the border that I am talking about so they could gain a better understanding of the challenges that they are up against and the things that we could do that would make their life and the conditions on the border better.

And I will just issue an open invitation, Madam President. I am happy to invite President Biden to come to Texas, to the border, and I would be delighted to introduce him to these people that I have talked about—law enforcement, small businesses, local elected officials, private property owners—that are being absolutely overwhelmed by this border crisis created by President Biden's open-border policies. If he would take the time to actually listen to their experiences, there is no way he would continue to believe that there are more important things going on.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

Mrs. CAPITO. Madam President, I ask that the vote begin now.

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

# CLOTURE MOTION

Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant legislative clerk read as follows:

# CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 1238, Jeffery Paul Hopkins, of Ohio, to be United States District Judge for the Southern District of Ohio.

Charles E. Schumer, Richard J. Durbin, Alex Padilla, Michael F. Bennet, Brian Schatz, Robert P. Casey, Jr., Mazie Hirono, Chris Van Hollen, Jacky Rosen, Margaret Wood Hassan, Sherrod Brown, Amy Klobuchar, Tina Smith, Debbie Stabenow, Elizabeth Warren, Kirsten E. Gillibrand, Tammy Duckworth.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Jeffery Paul Hopkins, of Ohio, to be United States District Judge for the Southern District of Ohio, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Illinois (Ms. DUCKWORTH), the Senator from Colorado (Mr. HICKENLOOPER), the Senator from Hawaii (Mr. SCHATZ), and the Senator from Virginia (Mr. WARNER) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Arkansas (Mr. COTTON) and the Senator from Texas (Mr. CRUZ).

The yeas and nays resulted—yeas 60, nays 34, as follows:

[Rollcall Vote No. 382 Ex.]

# YEAS—60

Baldwin	Heinrich	Reed
Bennet	Hirono	Romney
Blumenthal	Kaine	Rosen
Booker	Kelly	Rounds
Brown	Kennedy	Sanders
Burr	King	Sasse
Cantwell	Klobuchar	Schumer
Cardin	Leahy	Shaheen
Carper	Lujan	Sinema
Casey	Manchin	Smith
Collins	Markey	Stabenow
Coons	Menendez	Tester
Cornyn	Merkley	Tillis
Cortez Masto	Murkowski	Toomey
Durbin	Murphy	Van Hollen
Feinstein	Murray	Warnock
Gillibrand	Ossoff	Warren
Graham	Padilla	Whitehouse
Grassley	Peters	Wicker
Hassan	Portman	Wyden

# NAYS—34

Barrasso	Cramer	Hoeven
Blackburn	Crapo	Hyde-Smith
Blunt	Daines	Inhofe
Boozman	Ernst	Johnson
Braun	Fischer	Lankford
Capito	Hagerty	Lee
Cassidy	Hawley	Lummis

Marshall	Rubio	Thune
McConnell	Scott (FL)	Tuberville
Moran	Scott (SC)	Young
Paul	Shelby	
Risch	Sullivan	

# NOT VOTING—6

Cotton	Duckworth	Schatz
Cruz	Hickenlooper	Warner

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 60, the nays are 34.

The motion is agreed to.

# NOMINATION OF JERRY W. BLACKWELL

Mr. DURBIN. Madam President, today, the Senate will vote to confirm Jerry Blackwell to serve on the U.S. District Court for the District of Minnesota.

Mr. Blackwell will bring outstanding qualifications and deep experience to the Federal bench. He received his undergraduate and law degrees from the University of North Carolina at Chapel Hill before entering private practice and, eventually, establishing his own law firm. Mr. Blackwell has specialized in commercial litigation, including mass torts, and he has represented Fortune 100 and Fortune 500 companies in a variety of matters.

But in addition to his success in the private sector, Mr. Blackwell has also answered the call to serve. In 2021, he served as a special prosecutor in the trial of Derek Chauvin, who was convicted for the horrific murder of George Floyd. Mr. Blackwell has also committed himself to increasing diversity in the legal profession by serving as a founding member of the Minnesota Association of Black Lawyers and the Minnesota Equity and Justice Project.

Given his broad, extensive experience, it is no surprise that the American Bar Association unanimously rated Mr. Blackwell “well qualified” to serve on the district court. He also enjoys the strong support of his home State Senators, Ms. KLOBUCHAR and Ms. SMITH. I am proud to support Mr. Blackwell’s nomination, and I strongly urge my colleagues to do the same.

# EXECUTIVE CALENDAR

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the Blackwell nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Jerry W. Blackwell, of Minnesota, to be United States District Judge for the District of Minnesota.

# VOTE ON BLACKWELL NOMINATION

The ACTING PRESIDENT pro tempore. The question is, Will the Senate advise and consent to the Blackwell nomination?

Mr. KELLY. Madam President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient?

There is 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 Illinois (Ms. DUCKWORTH), the Senator from Colorado (Mr. HICKENLOOPER), the Senator from Hawaii (Mr. SCHATZ), and the Senator from Virginia (Mr. WARNER) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Arkansas (Mr. COTTON) and the Senator from Texas (Mr. CRUZ).

The result was announced—yeas 51, nays 43, as follows:

[Rollcall Vote No. 383 Ex.]

# YEAS—51

Baldwin	Grassley	Ossoff
Bennet	Hassan	Padilla
Blumenthal	Heinrich	Peters
Blunt	Hirono	Reed
Booker	Kaine	Rosen
Brown	Kelly	Sanders
Cantwell	King	Schumer
Cardin	Klobuchar	Shaheen
Carper	Leahy	Sinema
Casey	Lujan	Smith
Collins	Manchin	Stabenow
Coons	Markey	Tester
Cortez Masto	Menendez	Van Hollen
Durbin	Merkley	Warnock
Feinstein	Murkowski	Warren
Gillibrand	Murphy	Whitehouse
Graham	Murray	Wyden

# NAYS—43

Barrasso	Hoeven	Rounds
Blackburn	Hyde-Smith	Rubio
Boozman	Inhofe	Sasse
Braun	Johnson	Scott (FL)
Burr	Kennedy	Scott (SC)
Capito	Lankford	Shelby
Cassidy	Lee	Sullivan
Cornyn	Lummis	Thune
Cramer	Marshall	Tillis
Crapo	McConnell	Toomey
Daines	Moran	Tuberville
Ernst	Paul	Wicker
Fischer	Portman	Young
Hagerty	Risch	
Hawley	Romney	

# NOT VOTING—6

Cotton	Duckworth	Schatz
Cruz	Hickenlooper	Warner

The nomination was confirmed.

The PRESIDING OFFICER (Mr. OSSOFF). Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate’s action.

The Senator from Ohio.

# UKRAINE

Mr. PORTMAN. Mr. President, I come to the floor for the 27th consecutive week since the invasion of Ukraine to give another update to the American people on the brutal, illegal, and totally unprovoked attack by Russia on its neighbor Ukraine. This is at a time when brave Ukrainian freedom fighters continue to successfully fend off the third largest army in the world.

What Russia thought was going to be a weeklong invasion, successfully occupying Ukraine, is now past the 9-month mark. Against all odds, Ukraine has not only survived, but they have pushed back a much larger Russian army—more than half of the land that Russia occupied in Ukraine. Remember, they were all up here in the area of Kyiv and all down here. More than half of the land has been liberated already.