

Satellites have spotted the massive construction of suspected nuclear missile silos by China's People's Liberation Army, as well as the illegal build-up of PLA bases in the South China Sea—a brazen breach of international law and proof positive that the CCP's threat to Taiwan is real.

Satellites directly facilitate our communications, our critical infrastructure, navigation and banking systems, as well as countless other technologies that we use every single day without even thinking twice. There is no question that President Trump's decision to move Space Command to Alabama was political—no question. Don't take my word for it. President Trump said so himself on live radio.

Take it from Republican Mayor John Suthers, the former Republican attorney general of the State of Colorado who personally heard Trump say, in the presence of a four-star general, that he wanted to see how the 2020 election turned out before making a final decision on the location of Space Command.

That is politics interfering with military decisions.

Take it from our senior military leaders whose best professional judgment led them to all recommend Colorado. Colorado Springs is the best place for Space Command because it is already at work here with tangible results about which all of us should be proud.

We shouldn't risk our national security. We should keep Space Command in Colorado Springs where it belongs.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

BORDER SECURITY

Mrs. CAPITO. Madam President, I rise today to again speak on the multifaceted crisis that has defined our southern border and how the inaction and misleading rhetoric from President Biden and his administration has only exacerbated the continued fallout our country is experiencing.

Since the beginning of his tenure in the White House, President Biden's trademark has been border chaos with over 6.3 million illegal border crossings under his watch. Actions do speak louder than words, and President Biden continues to prove that his priorities are miles and miles away from the southern border. He has only visited the southern border once since becoming President. He has supported funding cuts to the Department of Homeland Security in his recent budget proposal; and that Department is charged with securing the border.

Our Border Patrol agents deserve needed support from the administration who has laid the crisis they face squarely at their feet. In this past week, according to the U.S. Border Patrol, there have been 67,759 apprehensions, 15,780 approximate "get-aways," 179 pounds of meth, 56 pounds of fentanyl, and 34 pounds of cocaine—all seized at our southern border in just 168 hours.

With our Border Patrol stretched inconceivably thin with little support from the administration, it is hard to fathom the true amount of illegal crossings, human trafficking, and illegal drugs that are currently entering our country through the southern border.

On top of all this, on Sunday, a person on the U.S. terror watchlist was arrested at the U.S.-Mexico border crossing in San Diego. This further proves the national security implications regarding this border crisis and the message displayed to the world about the State of our ports of entry.

The impact of the unprecedented amount of drugs entering through our southern border is certainly not lost on me either, nor anyone in this body. My State of West Virginia has seen the impact of this crisis directly, and it has created irreversible scars on our communities.

I just mentioned 56 pounds of fentanyl has been seized just last week alone. That is enough fentanyl to kill 12 million Americans. Recent data from the CDC shows that between 2016 and 2021, fentanyl overdoses have risen 279 percent in this country. Those between the ages of 24 through 44 have the highest overdose rates, and those involved fentanyl.

Through conversations I have had on this topic with the Biden administration officials, I have found their answers to be highly insufficient. This is a crisis that is killing a generation, and we know that these drugs are flowing across our southern border. The administration needs a better answer, and they must swiftly act to stop this killer.

Now as the title 42 authority has expired, it has added to the confusion on the southern border. The Biden administration is trying to reset a new normal based on failed policies as an attempt to redefine and hide their border failures. Trust me, the American people are not fooled by the recent victory lap taken by the Biden administration or their effort to claim success or progress. To the Biden administration, what they consider low numbers still far exceed the daily average of the prior administration. In fact, if illegal crossings continue at the levels that the administration is tallying, this White House is on track to break the previous record they set last year for the number of illegal immigrants caught at the border. This is not lost on the American people.

Unfortunately, this is a habit we have kind of seen from this President. We saw similar messaging antics from the administration regarding gas prices when they touted decreases that still put us above the average before President Biden even took office. The same goes for inflation, which saw record increases only after Democrats' supercharged spending. Yes, it came down, but it is still way, way too high.

Mitigating the border crisis is an ongoing effort and one we have to mon-

itor closely. For example, will the administration's actions of the past week create a massive backlog of asylum claims? What does that do to our system? It only adds to the issue of interior enforcement, something the Biden administration has clearly never prioritized.

Despite the President's too-little, too-late action, our border remains open. I know with certainty that once someone enters our country, the chances of them being expelled are very, very low. As we move forward, the situation of the border needs to be tightly watched, and it needs to be tracked over time if it deviates based on many different factors and changes to policies that we are currently experiencing. But above all else, we have to remain committed to policies that do secure the border, policies that protect our communities.

I don't know how these border communities are doing it. I really don't. Policies that support our Border Patrol officers and policies that prevent the unprecedented humanitarian tragedy that has become the custom over the past several years—whether it is the drug influx, the human trafficking, and just the human sorrow that we see that this has generated.

My Republican colleagues and I remain committed to this mission, and I encourage the Biden administration to do the same.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. Madam President, I am here today to join my colleague from West Virginia and others in, again, calling on the administration to secure our southern border.

Last Thursday, I traveled to Brownsville, TX, with my colleagues to show support for the Border Patrol agents and see firsthand the situation at the border as title 42 expires. I traveled repeatedly to the southern border; and each time I go, I see more and more people coming across illegally.

I have been to McAllen; I have been to Del Rio; I have been to Eagle Pass; I have been to El Paso, Mexico, Ecuador, Guatemala, Colombia—both sides of the border. As I go each time, more and more people are crossing the border illegally.

In the 3 days leading up to the end of title 42, Border Patrol reported 10,000-plus encounters each day and almost 83,000 for the week. In the first 6 months of fiscal year 2023, CBP encountered more than 1.5 million individuals—that is 6 months—1.5 million individuals in 6 months. That compares to about 2½ million crossings illegally last year. That means, at the pace we are on, it will be more than 3 million coming illegally this year.

This truly is a crisis, and it is one that has been caused by the Biden administration's unwillingness to enforce the law and reinstate policies that have been shown very clearly to work in the last administration.

In Brownsville, we saw the crisis firsthand. And we met with Border Patrol professionals who told us what needs to happen to stop the flow of illegal immigration. And we can get a handle on this right now if the Biden administration will simply enforce the law. We know this from our Border Patrol professionals, the experts on the frontline. They are the ones telling us this. That includes enforcing the migrant protection protocols—MPP—or the “Remain in Mexico” policy, which would require people seeking asylum at the southern border to wait in Mexico while their case is adjudicated, and enforcing the Safe Third Country protocols—again, as the prior administration did—so that individuals seeking asylum from El Salvador, Honduras, Guatemala, and other countries must wait for their claim to be adjudicated before they come into the country.

But instead of requiring individuals seeking asylum to remain in Mexico or to submit an asylum claim in the first safe country they cross into, the Biden administration is creating a demand pull for these individuals because they not only allow them to cross illegally and come into the country, but they allow them to stay in the country illegally, and they also provide a work permit and benefits.

So when Secretary Mayorkas says: Oh, the border is closed, that is not the message that goes to South America. And, now, actually, more than 100 countries where people are coming across our border illegally from more than 100 different countries. The message that the coyotes and others tell the people that they are trafficking across the border is: We will get you into the country. You will be able to stay. You will get a work permit and you will get benefits.

So, of course, they are going to come, and they continue to come. And what the Biden administration is doing is they just process them faster. They just process them faster. With the expiration of title 42, Alejandro Mayorkas says he is enforcing title 8, but he is not.

Here is what he is doing: When individuals come across the border illegally, initially, he is saying, under title 8: Well, you have to have an asylum claim, and that has to be adjudicated; so you can't stay.

All that individual has to do is say: I want to appeal that, and they get a preliminary hearing. They are given a phone number. They don't even have to go to the hearing. They are given a phone number. They call the court, and they say: OK. I am appealing the claim; I am here for asylum. And they are given an alien identification number, they get a work permit, and they get benefits. They don't have to go to the court. Their hearing is just calling up on the phone. Then they are scheduled for a court date 3 years, 5 years down the line while they are in the country. That is not enforcing title 8.

And that is why more and more people are coming. That is why 2½-plus

million came last year, and there will be 3 million-plus coming this year.

What are you seeing around the country? Now in New York, they are putting migrants who come here illegally in gymnasiums in schools. What is it, 20 schools? And Mayor Adams complains about Governor Abbott sending people up to him. Well, Mayor Adams should call the White House because the White House has sent up 10 times as many people as Governor Abbott has. So maybe he is complaining about the wrong person. But that is what is going on.

How about fentanyl? How about the drugs that are pouring into our country illegally, affecting every State? How about human trafficking? How about human trafficking? How about all the things that are happening to these people as they are coming up here in the hands of the coyotes? How about the people who don't have \$8,000 to \$12,000 to pay the coyotes, to pay the cartels to come here? What do you suppose happens when they get here, that the coyotes and cartels say: Oh, that is fine, don't worry about paying back that \$8,000 or that \$12,000—not only for you but for your kids. Or maybe they are indentured servants until they can pay off that debt.

And how do they pay off that debt? What do they have to do? What are they bound to when they are up here? That is the kind of human suffering that is being created by this border policy, and the reality is it can end right now. It can end right now.

The Biden administration says: Well, Congress needs to pass a law. Well, what good does it do for Congress to pass a law if the Biden administration won't enforce the laws they have right now? We are a compassionate country. We allow 1 million people—1 million people—to come here every year, legally. But we have got to enforce our border, and that is not being done. And every American needs to understand that the Biden administration doesn't need more tools or more laws to secure the border. They have the tools. They have the law to do it. They just won't; they want an open border.

Border security is national security. You are seeing that impact. You are seeing people come from more than 100 different countries. A lot of those people aren't vetted, and that doesn't even count the “got-aways,” the people who cross between the ports of entry whom our Border Patrol professionals don't have time to stop because they are so busy processing more and more and more migrants that come here illegally under the Biden administration's policies.

It is way past time to end the border crisis that the Biden administration has created. Border security is national security.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. MARSHALL. Madam President, “The border is not open.”

“The border is not open.” That is what DHS Secretary Mayorkas told the American people repeatedly. I guess that is pretty easy to say when you are sitting in your office in Washington, DC, but I rise to tell the truth to the American people.

Just recently, I led a group of Senators to the epicenter of this crisis in Brownsville, TX, on the eve title 42 was being lifted. Why Brownsville, you might ask, because that is where the cartel had moved the mass migration to. I reckon that was the easiest way to get all the people from Venezuela that they had recruited to come to America; that was the easiest, the most economical route to get them to the border was from Venezuela to Brownsville, TX.

I have to tell you, it is worse than I expected. The scene was bleak; the morale was at an all-time low. And there was no sign of this crisis ending anytime soon. At least that is what was going on, on our side of the border. On the other side of the border, these migrants were celebrating. They were having a party. The worst part of their journey was over.

We toured Camp Monument. Now, Camp Monument was a park just weeks before, but the Border Patrol had come in there and set up an emergency command post.

Now, again, the DHS Secretary is telling us the border isn't open, but this is what the Border Patrol told us: Just the day before, 11,000 illegal migrants had been recorded at this location alone and more than 3,000 “got-aways” the same day—3,000 “got-aways.” If you put those two together, that is the size of my hometown, Great Bend, America.

Now, we saw this week with the arrest of the Afghani on the Terrorist Watchlist in California, these “got-aways” undoubtedly include terrorists, convicted criminals, and the cartels' drug smugglers.

In fact, something, again, new on this trip—this was my fourth trip to the border—something new, they were averaging 90 Chinese military-aged nationalists crossing in the Rio Grande Valley every day, 90 Chinese nationalists every day crossing our border.

Probably the saddest thing I have heard about from the Border Patrol is they shared the horrific situation and the repeated sexual assault young women are enduring to come here. They compared it to a never-ending cycle of “sex slavery”—that was their term—sex slavery by the cartels. In fact, the cartel had made \$13 billion last year in the sex trade industry. And they told us that these young ladies enter a lifetime of debt to their criminal traffickers. So many other people turned into indentured servants.

These smugglers are also bringing in lethal fentanyl that is poisoning our children, 300 young adults dying every day in America from fentanyl poisoning brought across our southern border.

The data we received—and the briefing was given to us by the Border Patrol, by local law enforcement, and the CBP—do not reflect a border that is closed, far, far from being closed. It is a border that has been erased by failed leadership in the White House.

Under the current circumstances, only 10 percent of the Border Patrol agents are actually tasked with securing the border, only 10 percent of them are doing the job they were hired to do. The other officers, they are tasked with running the refugee camp, acting as nurses and social workers.

But it didn't have to be this way; it doesn't have to be this way. On every trip, I have asked the Border Patrol: What do you need? And in past trips, they have talked about, "We need more doctors; we need more dentists; we need more help, more cooks."

But this time, they didn't ask for more officers or resources. What they specifically asked for were policy changes from this administration. They asked for policy changes from this administration. These are people on the ground. These are the people who have been doing it—again, multigenerational officers whose fathers and grandparents had patrolled these same borders. They asked for policy changes.

Secretary Mayorkas has stripped them—the Border Patrol—of the tools they need to secure our border. What they asked was to reinstate the "Remain in Mexico" policy and end catch-and-release. It is that simple.

This could be all accomplished with the President's pen. He created this crisis. He can end it.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Indiana.

Mr. YOUNG. Madam President, "much better than you all expected." That is what President Biden said when asked about the conditions at the border after the expiration of title 42. "Much better than you all expected."

At the end of a week that saw a record 10,000 illegal crossings a day, he says, "much better than you all expected."

Those were just the ones that were stopped by the U.S. Customs and Border Protection. The President's statement is clearly disconnected from the on-the-ground reality at our border. Everyone knows that. And as far as I can tell, the Biden administration's policy, when it comes to the southern border, is largely to do the opposite of what the previous administration did.

This is the "Costanza" policy of border security. Whatever the previous President did, do the opposite. Within his first 100 days in office, President Biden stopped construction of the border wall, but he didn't stop there. He halted deportations, but he didn't stop there. He suspended the "Remain in Mexico" policy. As a result of these and other actions, there have been at least 6.4 million—6.4 million—illegal border crossings at the southern border since the President assumed office.

Now, to put that in perspective—and this is just the number of people whom we have seen and been able to track come across the border illegally, so we know there are far more—but I represent a State, the great State of Indiana, where the population is 6.8 million.

That is a whole lot of people. Since 2021, hundreds of thousands of children have been trafficked across the southern border. Eighty-five thousand unaccompanied children are now missing. Last year, overworked and underappreciated Border Patrol agents apprehended more than 12,000 illegal immigrants who had already been convicted of a crime. Again, just the ones we have been able to apprehend.

This year, this year so far, those agents have stopped 82 people, according to my most recent count, from crossing the border, and they are on the terror watchlist.

Fentanyl smuggled across the border from Mexico is now the leading cause of death for Americans between ages 18 and 49. Record numbers of migrants are dying, swept away in the currents of the Rio Grande. So many, in fact, that law enforcement has to keep refrigerated trucks at the ready to store the drowned bodies.

The administration pretends that its lax border policy is somehow humane. It is the benighted, ultra-MAGA conservatives, the mean Republicans, in this vision who are inhumane.

Well, I have to say, swamping our law enforcement officers, overwhelming our resources, allowing lethal drugs to spread through our communities, not discouraging migrants from a deadly journey to the border, this is inhumane.

And saying so and demanding a measure of border security is not anti-immigrant. It is pro-American.

These are not Republican talking points; these are the sentiments of regular Americans. The failure to plan for the end of title 42 to enforce our immigration laws to secure the southern border is a disaster. Americans, no matter their political party, know it. But the President of the United States does not seem to understand.

In New York City, where illegal migrants have displaced homeless veterans in hotels, Mayor Eric Adams said: "The President and the White House have failed this city."

The truth is, when it comes to the border, the President and the White House have failed this country.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Madam President, I am pleased to join with my colleagues to talk about a topic that I have talked about many times before on the floor of the U.S. Senate. Obviously, coming from a border State, the humanitarian, the public safety crisis occurring at our border, which has raged for the last 2 years under this President, has finally made every State a border State,

every city a border city because the entire Nation is feeling the impact of the open border policies of the Biden administration because migrants are being shipped to places like Chicago, New York, Washington, DC. And so the mayors are saying: Whoa, we can't take this, even though border communities in Texas have encountered 5 million migrants during the Biden administration.

(Mr. REED assumed the Chair.)

I am sympathetic, but there is no sympathy. And, actually, we don't really want sympathy; we want action to deal with this influx of humanity that will soon become a tsunami.

As I said, since the President took office, Customs and Border Protection have logged about 5 million border crossings. Because of COVID-19, there was a public health law in place, title 42, which we have talked about many times, which was applied by the Border Patrol to expel 2.4 million of those 5 million migrants.

I know the numbers get a little tricky here. But at the same time Border Patrol has said they encountered 5 million migrants during the Biden administration, they also say that perhaps as many as 1.2 million migrants got away. In other words, they were seen on sensors or cameras, but the Border Patrol missed them or they simply evaded Border Patrol because either they were involved in some sort of criminal activity or they did not want to get detained because perhaps they didn't qualify for asylum.

So up until last week, under title 42, the Border Patrol was able to quickly expel illegal migrants who had no legal basis to stay in the United States. Title 42 is gone, which means that nearly 50 percent of migrants whom Border Patrol actually encountered and were able to expel under that rule—they no longer are able to do that.

It is nearly impossible to get an explanation from the Biden administration about where the remaining 2.7 million migrants are. What we do know is that the Biden administration is releasing an unprecedented number of these migrants into the interior of the United States.

Some of them—if you have good vision, you can see the green part of these bars. These are people who are claiming asylum. It is really a rather small part of this total number. So far, in March, we are exceeding 100,000 migrants at the border.

A relatively small number are claiming asylum. So what happened to the rest of them? Well, there is something called parole, p-a-r-o-l-e. We may think of parole as something that—if someone has been in prison and they get parole, but this is different. This is something that Customs and Border Protection does. They claim the authority to do this on a categorical basis simply to relieve the load on law enforcement officials and customs officials at the border.

Effectively, what this means is even if people aren't claiming asylum—at least a small fraction we know would have an opportunity to present their case in front of an immigration judge, and a small fraction of the total number would perhaps be able to prove their right to asylum under the law.

The Biden administration has said: We don't really care whether people are seeking asylum or not. We are going to release them into the interior of the United States using parole and tell them to show up at an Immigration and Customs Enforcement office in a town near you and make arrangements for their case to be processed there at the local level.

There have been some recent developments. In Florida, a Federal judge has now enjoined Customs and Border Protection's ability to use parole or, I should say, abuse parole by releasing mass numbers of migrants, perhaps never to be heard from again. The judge has said essentially that parole should be used on a case-by-case basis, not to relieve the load at the border because so many people are showing up.

You know, charitably, maybe that is what Secretary Mayorkas means when he says the border is secure. In some sort of twisted way, he thinks 5 million people coming to the border and another 2.7 million of those people being released into the interior of the United States somehow means the border is secure. Well, not under any rational definition of "border security" is the border secure.

So what is the Biden administration supposed to do? Back when President Clinton was in office, he signed into law an authority called expedited removal. This would allow the Border Patrol to remove people on an expedited basis. But it takes a little time, so historically what has happened is those people have been detained until their expedited removal is accomplished. But this administration has dismantled the detention facilities necessary to keep people while their expedited removal process is going forward. Instead, they are released.

You heard people talk about catch and release. That is catch and release. That is the big hole in the bottom of the bucket through which this vast sea of humanity is flowing.

Truth be told, there is a lot the administration doesn't know or simply isn't telling the American people about where these migrants are today.

Recently, the New York Times did an investigative piece about some of the unaccompanied children who have been released by the Biden administration into the interior of the country and documented the fact that many of them are in positions where they are performing forced labor, violating child labor laws. Unable to protect themselves, unable to provide for themselves, they are simply being forced to work, in violation of child labor laws. They have no, apparently, adult supervision—no responsible adult supervision—to protect them.

In a strange sense, that may be the least bad thing that can happen to some of these unaccompanied children. Others, I am sure, have been recruited into gangs, have been neglected, abused, sexually assaulted, sold into sex slavery. It just boggles the mind.

I keep asking myself, what is it going to take? What has to happen before the Biden administration wakes up to its failures on the border and the human consequences associated with it?

I haven't even mentioned—the Senator from Indiana did mention the fact that across these same borders, while this flood of humanity is coming across, Border Patrol is distracted or preoccupied with administrative tasks. So the drugs that have killed 108,000 Americans have come across those borders, including 71,000 last year from synthetic opioids like fentanyl.

Well, now that title 42 has expired, the number of people coming across is going to skyrocket. I have been sort of strangely amused at some of the press reports that say: Well, the numbers weren't as bad as we expected. I think maybe that is what President Biden said—oh, it wasn't as bad as we expected.

Well, these criminal organizations that transport migrants to the border and that also smuggle drugs into the United States are not stupid, and they realize that the eyes of the world—certainly of our country—were on the border to see, OK, now that title 42 has gone away, what is going to happen? Well, they just simply restricted the number of migrants they transported to the border in order to make it look like there was not a surge. But we already know that 10,000 migrants a day are being encountered. One Border Patrol agent said he thought that would go up to 11,000 to 14,000 a day.

The Biden administration has gone to great lengths not to secure the border but to make it easier for migrants to be released into the interior of the United States. Earlier this year, for example, the administration announced a new plan to address a specific subset of the border crisis—the way migrants from Cuba, Haiti, Nicaragua, and Venezuela were treated. What the administration said is this: We are not going to secure the border. We are not going to prevent illegal immigration. We are actually going to confer legal status on 30,000 migrants from Cuba, Haiti, Nicaragua, and Venezuela each month—30,000 a month—and then we are going to take that out of the top number so it makes it look like we actually have less migrants coming into the country illegally.

Well, 30,000 a month, 360,000 a year, without Congress's consultation or consent. We are a coequal branch of government. The President has no authority to do that on his own.

Last week, the administration finalized a rule to funnel even more migrants into parole—which, as I said, is being abused; it is supposed to be done on a case-by-case basis—to release even

more migrants into the interior of the country.

It is interesting the way rules and laws are named here in Washington because frequently they are the opposite of what they claim to be. So the administration has issued a new rule called the circumvention of lawful pathways rule, framed as a way to promote orderly migration and ensure those who don't play by the rules are ineligible for asylum.

In addition to the fundamentally false premise that these parole programs constitute lawful pathways—they don't—the rule is brimming with loopholes that were designed to give migrants a clear and easy path into the United States. It is a roadmap. All migrants have to do is claim that they are illiterate or say they experienced technical issues with the CBP One app that the administration wants them to use to schedule their appearance at the border. Well, the administration says they can still be paroled into the United States and given a work permit. Talk about a pull factor.

You know, we hear a lot about the push factors of illegal immigration. Those are real—violence, poverty. We all understand that. People want a better way of life. But we admit—we naturalize or make American citizens out of 1 million migrants a year. But turning this process over to the criminal organizations and cartels that smuggle not only people but drugs into the United States has proven to be an absolute humanitarian disaster.

By outlining broad exceptions that are easily gamed, the Biden administration has provided migrants and the cartels that exploit them with a playbook. They can make the dangerous journey to the border, show up at a port of entry without an appointment, say the magic words, and be released into the United States courtesy of the Biden administration; or they can cross between the ports of entry and claim to face an imminent and extreme threat to their life or safety in Northern Mexico and be waved into the United States as well.

Day after day, the Biden administration is allowing more and more migrants to enter the United States despite the fact that the vast majority of these individuals have no legal basis to be here. At the same time, the administration is doing less and less to enforce the law and to remove those who have no valid asylum claims in the United States.

As you can see here, this is—Immigration and Customs Enforcement is the Federal Agency responsible for removing people who have illegally come to the United States. As you can see, in fiscal year 2019, it was over a quarter of a million. In fiscal year 2020, it was just under 200,000. In fiscal year 2021, it was just over 50,000. In fiscal year 2022, it was about 75,000. So not only has President Biden opened the front door, he has closed the back door when it comes to removing people who have no

legal right to be here in the United States.

Well, this isn't an accident. This is deliberate. This is a plan. And it is an outrage.

This is all part of a deliberate effort. I have tried to figure it out. OK, maybe the Biden administration doesn't understand or maybe we just have a different interpretation of the law, but I have come to conclude that that is not true, that it can't possibly be true. So my only conclusion is that this is part of a deliberate plan: You let more people in, and you remove fewer people who cannot legally be present here in the United States.

The circumvention of lawful pathways rule is dangerous, and it is not a serious effort to secure the border; it is a figleaf. And I will be introducing a Congressional Review Act resolution to strike it down.

This rule is part of the Biden administration's shell game to conceal the unprecedented level of illegal immigration on their watch. Because of the loopholes, it will fail to deliver the serious consequences that the administration claims, and it will fail to deter people from making the long and dangerous journey to our border when they have no legal claim to enter our country.

So I hope the Senate will soon vote to strike down this rule and send a clear message to President Biden that his job is to enforce the law as written.

I agree with the Senator from North Dakota, Senator HOEVEN, when he says the President has the tools. I mentioned expedited removal, which President Bill Clinton signed into law. The President just simply refuses to do the job he took an oath to do—to uphold and defend the Constitution and laws of the United States. He has no authority to rewrite the laws through executive actions or rulemaking, and I hope the Senate will say so when we vote on the congressional resolution of disapproval.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. MORAN. Mr. President, I ask unanimous consent to speak for up to 10 minutes prior to the scheduled roll-call vote.

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

Mr. MORAN. Mr. President, I, too, rise to make known my concerns with the administration's decision to terminate the use of title 42 authority to protect our borders. I particularly make this point at a time at which it is clear that what was to follow the use of title 42 is not in place.

I visited the southern border with the Senator from Texas, who was just speaking, in January. I had several additional visits to that border while title 42 was in place. It was useful and valuable for me to see the nature of the problem and the challenges over the last several years. But it is also true that I can see the consequences of what

is taking place on our borders in my own home State of Kansas.

When I was at the border, I talked with Federal law enforcement officials. They have risen to the challenge of apprehending and vetting and documenting hundreds of thousands of migrants. However, the situation at the southern border has been made more difficult for the DEA to interdict the cartels and drug smugglers and for the FBI to vet national security threats.

Repealing title 42 without having a robust plan of action has left our law enforcement agents with a disastrous situation at the border. Our Border Patrol agents and officers are being asked to be caretakers, law enforcement, medical professionals, and so much more.

The fact of the matter is that our country does not have operational control of the border, and it will continue to fail to do so if we continue down the current path.

The U.S. Border Patrol apprehended more than 1 million migrants who crossed illegally between just October and March, and it detained more than 2.2 million migrants during all of fiscal year 2022. Agents have been averaging about 1,100 arrests a day this month at the El Paso sector, and on Wednesday of last week, more than 2,000 migrants were arrested in the one section alone. Often, we think of border challenges as being someone coming to take our jobs. Perhaps there is a component of that, but we ought to be focused on terrorism, national security, drugs, law enforcement, and human trafficking.

Fentanyl seizures at the southern border increased 48 percent in April of 2022 compared to April of 2021. The situation at our southern border is a danger to our national security as border agents are pulled away to deal with the record number of migrants and are left without the manpower to try and stop drug trafficking and human trafficking.

President Biden must act to ensure a stricter enforcement of our immigration laws, reinstate the construction of a wall or fencing in areas that are largely unprotected, and the administration must send a message loud and clear that our border is closed to unlawful entrants.

The United States is a nation of migrants, and we are a nation of refugees, but we are also a nation of law and order. Migrants who are camping on the streets of El Paso, in scorching heat; mothers wading across rushing rivers, clinging to their infants; and girls caught by traffickers and cartels out in the desert are consequences of a disastrous border policy.

The President's and his Secretary's handling of this crisis at the southern border is unacceptable. Congress must work together to deliver lasting solutions that secure our border, keep our communities safe, and ensure the humane treatment of people.

Securing our southern border isn't a Republican or a Democratic issue. It

isn't a Texas or an Arizona issue. It isn't just a U.S. or a Mexico issue. Every State is a border State, including my own of Kansas.

If we truly want to help migrants, then we need to create a fair and humane asylum process, and we need to stop the illegal crossings at the southern border that undermine our laws and jeopardize our national security. Americans—Kansans—are tired of paying the cost of inaction to make any serious policy changes at the southern border.

The administration has made it clear that it is unwilling to take the meaningful action necessary. While it is easy to criticize the administration, let me also say that it also means that it is up to this Congress, this legislative body, to work together to find solutions in this regard—solutions that ensure our national safety, establish a humane asylum process, and end the crisis at the southern border.

I yield the floor.

NOMINATION OF JEREMY C. DANIEL

Mr. DURBIN. Mr. President, today the Senate will vote to confirm Jeremy C. Daniel to the U.S. District Court for the Northern District of Illinois.

A native Chicagoan, Mr. Daniel received his bachelor's degree from Illinois Wesleyan University and his law degree from Loyola University Chicago School of Law. Mr. Daniel has served his country in more ways than one. As an undergraduate student, he served as a U.S. Marine Corps Reservist. After he graduated, Mr. Daniel served as a first lieutenant in the Marine Corps and completed tours in Japan and South Korea.

Following law school, Mr. Daniel worked in private practice on intellectual property cases for several years before clerking for Judge Virginia Kendall on the Northern District of Illinois. In 2014, Mr. Daniel returned to public service, becoming an Assistant U.S. Attorney in the Northern District of Illinois. In this role, he has prosecuted a wide range of Federal crimes, including violations of drug and firearm laws, gang cases, and financial crimes. Since 2019, Mr. Daniel has served as deputy chief of the Narcotics and Money Laundering Section. In addition to prosecuting his own cases, he supervises other attorneys in the section. The American Bar Association rated Mr. Daniel unanimously "well qualified."

Given his breadth of experience practicing in the Northern District of Illinois and his expertise in intellectual property and criminal law, Senator DUCKWORTH and I strongly support Mr. Daniel. He will be an outstanding judge. I urge my colleagues to support his nomination.

VOTE ON DANIEL NOMINATION

The PRESIDING OFFICER (Ms. SMITH). Under the previous order, the question is, Will the Senate advise and consent to the Daniel nomination?

Ms. WARREN. Madam President, I ask for the yeas and nays.