

Step 1, the President acts outside of his legal authorities to extend status to a massive population of undocumented immigrants. He is applauded by the left for taking the action even though it is based on the shakiest of legal grounds, which, by the way, has been held illegal by a Federal district judge in the Southern District of Texas.

To take from that same Obama DACA—or Dreamers'—playbook, the Biden administration's step 2 watches more and more people take advantage of the program as lawsuits are brought against the government.

The debate will wind its way through the courts as tens or even hundreds of thousands of people put down roots in the United States, which is where we are now. And step 3 will come later down the road.

Mr. President, I used to, at one point, just think this was mere incompetence, but now I think it is actually part of a plan because we have seen this play out before, and we know where this ends.

So step 3 will come later down the road. At that point, the individuals who came to the United States through this program will likely have been here for many years. They will have jobs, homes, probably even American-citizen children. Our Democratic colleagues will then point to them and say it is unfair for them to live in a second-class status so we need to provide an amnesty so that they can enjoy the benefits of full American citizenship. They will say it will be cruel to force these individuals to return to their home countries after years of living and working in the United States, and they will frame anyone who refuses to go along as just plain heartless.

So we have seen this movie before, and I can guarantee you that migrants who enter the United States under this new, made-up program of the Biden administration will experience the same level of uncertainty and fear as the DACA recipients currently are. Their legal status is the result of Executive overreach. And as legal challenges are considered, these individuals will be left to wonder whether they will be able to remain here in the United States.

For a party that talks so much about compassionate immigration, this is not compassionate. It is cruel and manipulative and dishonest. The Biden administration is cooking the books in order to make the American people think the border crisis isn't so bad after all. It is deceiving migrants by offering legal status that the Biden administration has no authority to offer, and it is unfair to the individuals who follow the law and who are naturalized as American citizens each year.

I have said it before; I will say it again. We should celebrate the fact that we are a nation of legal immigrants. It is what has made our country so strong and resilient and prosperous. But what is happening at the border is not legal immigration; it is

simply hiding the ball, pretending that things aren't so bad, and hoping that the press will move on to look at something else.

And it is unfair to those migrants, to those immigrants, to those would-be American citizens to say: I am sorry; we can't process your legal immigration application because we are too busy taking care of this flood of humanity coming across the border through these made-up programs like the Biden administration is foisting on the American people. And, of course, finally, it is setting the table for another battle over how to handle a massive population of immigrants with legally dubious immigration status.

So, Mr. President, it may appear superficially that the Biden administration is making progress on the border crisis, but it is just an illusion. It is deception. It is manipulation. It is dishonest. And it won't last forever. So the simple answer, as the Presiding Officer knows, is that at some point things are going to get so bad that we are actually going to have to do the hard work. After all, immigration law is Congress's prerogative and bailiwick.

But as long as the Biden administration can take a crisis at the border with title 42 in place—once it expires—and substitute essentially a green light for anybody and everybody who wants to come to the United States outside of a legal immigration process, they are going to say: What problem? We don't have a problem at the border.

Meanwhile, States like mine continue to experience a flood of humanity coming across, overwhelming not only the capacity of Border Patrol to deal with it but diverting those resources away from their primary job, which is to enforce the law, including our drug laws.

Again, I don't know what it is going to take. Almost 7 million migrants during the Biden administration's tenure—that doesn't seem to bother them. What about the 108,000 Americans who died last year due to drug overdoses—71,000 of those from synthetic opioids like fentanyl.

I have been in very emotional settings with parents who have lost their children because they thought they were taking a Percocet or a Xanax or some other more relatively innocuous pharmaceutical drug, when, in fact, it was laced with fentanyl, and they didn't wake up the next morning. These parents are distraught at losing their child who had so much potential and such a wonderful future, only to be killed because the administration is unwilling to do what it should do to be able to stop more of those drugs, including synthetic opioids, from making their way across the border. But apparently that is not enough: 7 million border encounters, 108,000 dead Americans.

We know where the drugs are coming from, and we know how to do a better job of stopping it, but the Biden administration looks the other way. And now we will talk more about this. The facts

are coming into view with the 300,000 unaccompanied children whom the Biden administration has welcomed into the United States. And once they are placed with sponsors—people who are maybe not even their family members—they simply say: We are done. We have no responsibility.

The New York Times and other established news organizations have reported these children are subject to labor exploitation, recruitment into gangs, being neglected or abused. And the Biden administration said: It is not our responsibility. Once these children are placed with sponsors—300,000 of them—we have nothing left to do.

Well, as I said, we will talk more about that later, but we do know that in 85,000 of those cases, when Health and Human Services, the Office of Refugee Resettlement that is responsible for getting the sponsors—in 85,000 of those 300,000 cases, when the U.S. Government official calls the sponsor to check in on that child, there is no answer—no answer at all.

I think this constitutes abandonment of these children who are welcomed into the United States as unaccompanied children, placed with sponsors, then simply abandoned by the U.S. Government—unacceptable. If you were to do that with an American citizen child, you would be in prison. You would be charged and convicted of child endangerment or worse. But that is what the Biden administration is doing almost on a daily basis, and it needs to be held to account.

The PRESIDING OFFICER (Mr. PADILLA). The Senator from Delaware.

Mr. CARPER. Mr. President, I ask unanimous consent that I be permitted to speak for 5 minutes and that Senator STABENOW be permitted to speak for 5 minutes prior to the scheduled votes.

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

NOMINATION OF XOCHITL TORRES SMALL

Mr. CARPER. Mr. President, it is good to see you, and it is good to see my colleague JOHN CORNYN here in the Senate today, all the pages, and folks who came back to go to work. There is a lot of work to do.

One of the first items of business before us is a critical nomination, a nomination for the Department of Agriculture—and not just any job at the Department of Agriculture but the No. 2 job, the Deputy Secretary of Agriculture.

The person who has been nominated is a woman who serves currently as the Under Secretary at the Department of Agriculture, and she has been nominated to be the Deputy Secretary for the Department. She has a hard name to pronounce, and it is a name I have never seen before. It sounds something like this: So-cheel, like S-O, cheel, like C-H-E-E-L. You look at it down on paper, and you say: How would you pronounce that name? That is the way to pronounce it.

But the rest of her name is Torres Small. She is somebody I have known

for a relatively brief period of time. You know who knows her really well? It is a guy who used to serve with us for many years, a Senator from New Mexico, Tom Udall. In fact, as I recall, I think she actually worked for Tom Udall when he was a U.S. Senator.

Agriculture is a hugely important part of our economy in Delaware. I see Senator STABENOW is going to speak immediately after me. I know it is hugely important in Michigan. As she is the chairman of the Ag Committee, she knows that much better than I do.

The Department of Agriculture, the No. 2 job—huge industry, important in every State in our country. This is a big deal. This is a big deal. As it turns out, the administration has given us a terrific nominee.

The Department of Agriculture plays a critical role in ensuring that people from every corner of this country have something to eat—hopefully, something nutritious to eat—and also helps us with respect to farming and farming agriculture and farming economy, public health, broadband, and a whole lot more.

And the role of the Deputy Secretary of the Department is a big deal, a very big deal. It requires someone who is diligent. It requires someone who is sharp. It requires someone who ultimately understands the Department. It is a big department. It requires someone who is diligent, and I know that Under Secretary Torres Small possesses all of those qualities and a whole lot more. In her current position as the Under Secretary of Agriculture for Rural Development, she has been involved with every function of the Department, including overseeing the deployment of \$2 billion for rural broadband that was secured in the bipartisan infrastructure law that we passed here by almost a unanimous vote more than a year ago.

This month, we saw States across our country receive this significant funding to expand broadband access for literally millions of people in many parts of our Nation—rural parts of our Nation—including Delaware's own Sussex County, one of the largest counties in the country. We only have three counties in Delaware. The second largest is Sussex. It is one of the top counties in the country for growing corn and soybeans, and it is one of the top counties in the country for growing chickens. We have, in Delaware, over 200 chickens for every person. So it is a big deal for us, big deal for us.

Prior to serving at the Department of Agriculture, Under Secretary Torres Small has had a history of serving her country. She was a U.S. Representative for New Mexico's Second Congressional District, where she grew up as—get this—a granddaughter of farmworkers.

As a U.S. Representative, she served as a member of the House Agriculture Committee, among other committees, and previously spent time on the ground in New Mexico, as I mentioned earlier, as a field rep for our old friend

and colleague Senator Tom Udall, who is now the U.S. Ambassador to New Zealand.

I talked to him about a month ago, and, I say to Senator STABENOW, he thinks he has the best job on the planet. If the Senator talked to him, she will know what I mean.

But Xochitl is also an accomplished attorney, practicing water and natural resources law, and served as a former clerk in the U.S. District Court for a fellow named Judge Robert C. Brack. All these experiences help make her well suited to take on the role of Deputy Secretary because I know that she understands our Nation and understands this on a human level as well.

That was made especially clear during her nomination hearing. Under Secretary Torres Small spoke of her goals to better communicate through the role of the Department across our country so that programs are deployed more efficiently, more effectively, more humanely. She also highlighted how she will work to support underserved producers and small farmers by raising awareness of the Federal resources that they may be eligible for.

So, in closing, before yielding to Senator STABENOW, I strongly urge our colleagues to confirm Under Secretary Xochitl Torres Small as the Deputy Secretary for the Department of Agriculture. She will make us proud. She will make New Mexico proud. She will make our country proud.

With that, I will just stop talking and yield the floor to Senator STABENOW.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I have to first note—and I appreciate so much Senator CARPER's comments—but from the smallest State that claims agriculture to our distinguished Presiding Officer from the largest State that has agriculture, to my State of Michigan, which is second only to California in the diversity of crops that we grow, I think we all stand here committed to the importance of growing things in America, this economic engine, supporting small towns, supporting rural development and quality of life.

So I am really pleased, as chair of the Agriculture, Nutrition, and Forestry Committee, today, to know that we will be confirming Xochitl Torres Small as the Deputy Secretary of Agriculture. Ms. Torres Small's impressive and wide-ranging resume makes her an ideal appointee to help lead the more than 100,000 public servants at the U.S. Department of Agriculture, and they are stationed in over 4,500 locations all across the country and all across the world.

Her predecessor in this role, Jewel Bronaugh, was instrumental in helping to restore one of the Department's key functions: serving our constituents on the ground in the communities in which they work, live, and farm. A trailblazer like Ms. Torres Small, Ms.

Bronaugh was the first woman of color to hold the Deputy position at the USDA, and we very much appreciated her leadership. I have every confidence that Ms. Torres Small is up to the important task and will lead with great skill and competence.

The granddaughter of farm workers, Ms. Torres Small grew up in the borderlands of New Mexico. She began her career working for Senator Tom Udall, clerking for a U.S. district court judge, and practicing water and natural resources law.

Ms. Torres Small was the first woman and first person of color to represent New Mexico's Second Congressional District, which is the fifth largest district in the country.

She has most recently served as the Under Secretary for Rural Development, a position to which she was confirmed unanimously by the Senate just 2 years ago. As Under Secretary, Ms. Torres Small proved herself to be a staunch advocate for rural communities.

It was through her leadership that USDA Rural Development secured \$2 billion to support rural broadband through the bipartisan infrastructure law, making USDA the first Federal Agency to invest these funds in physical infrastructure for high-speed internet. I want to stress that they were the first dollars out the door in terms of taking dollars to small communities across the country for critically needed high-speed internet. By moving swiftly to make rural development funding available, USDA reduced energy costs for farmers and small businesses.

Last year, Congress made the largest investment in rural electric since the New Deal. Under Ms. Torres Small's stewardship, USDA has been a leader in delivering those benefits to our local communities. She worked tirelessly to increase rural communities' access to programs and improve customer services at regional offices across the country. And, importantly, she championed USDA's workforce, improving staff morale and building out data and technology.

Ms. Torres Small enjoys broad support from over 80 stakeholders, including the American Farm Bureau Federation, National Farmers Union, National Council of Farmer Cooperatives, National Grocers Association, Western Growers, National Association of State Departments of Agriculture, U.S. Apple Association, the Rice Association, and on and on, as well as the Congressional Hispanic Caucus.

I am also pleased that Ms. Torres Small enjoys broad support in this Chamber, and she was advanced unanimously out of our committee.

The role of Deputy Secretary of Agriculture is not only critical to overseeing the Department's efforts to improve its workforce but also improving customer service, which I know she is laser-focused on. The Deputy Secretary position is also vital to our work as we continue to draft a bipartisan farm bill.

Ms. Torres Small's confirmation is a great opportunity for the Senate to show that we can work together in a bipartisan manner.

Ms. Torres Small has a proven track record as a strong leader with deep knowledge of farm, food, and rural policy. I know she will serve the Department and the American people well in her new position, and I urge my colleagues to support her confirmation.

I yield the floor.

VOTE ON TORRES SMALL NOMINATION

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the Torres Small nomination?

Ms. STABENOW. 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 legislative clerk called the roll.

Mr. SCHUMER. I announce that the Senator from Illinois (Mr. DURBIN), the Senator from Pennsylvania (Mr. FETTERMAN), the Senator from Maine (Mr. KING), and the Senator from New Hampshire (Mrs. SHAHEEN) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Wyoming (Mr. BARRASSO), the Senator from Nebraska (Mr. RICKETTS), the Senator from Alaska (Mr. SULLIVAN), and the Senator from North Carolina (Mr. TILLIS).

Further, if present and voting: the Senator from North Carolina (Mr. TILLIS) would have voted "yea."

The result was announced—yeas 84, nays 8, as follows:

[Rollcall Vote No. 174 Ex.]

YEAS—84

Baldwin	Gillibrand	Murray
Bennet	Graham	Ossoff
Blumenthal	Grassley	Padilla
Booker	Hagerty	Peters
Boozman	Hassan	Reed
Braun	Heinrich	Risch
Britt	Hickenlooper	Romney
Brown	Hirono	Rosen
Budd	Hoeben	Rounds
Cantwell	Hyde-Smith	Sanders
Capito	Kaine	Schatz
Cardin	Kelly	Schumer
Carper	Kennedy	Scott (SC)
Casey	Klobuchar	Sinema
Cassidy	Lankford	Smith
Collins	Lee	Stabenow
Coons	Lujan	Tester
Cornyn	Lummis	Thune
Cortez Masto	Manchin	Tuberville
Cotton	Markey	Van Hollen
Cramer	Marshall	Warner
Crapo	McConnell	Warnock
Cruz	Menendez	Warren
Daines	Merkley	Welch
Duckworth	Moran	Whitehouse
Ernst	Mullin	Wicker
Feinstein	Murkowski	Wyden
Fischer	Murphy	Young

NAYS—8

Blackburn	Paul	Scott (FL)
Hawley	Rubio	Vance
Johnson	Schmitt	

NOT VOTING—8

Barrasso	King	Sullivan
Durbin	Ricketts	Tillis
Fetterman	Shaheen	

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.

CLOTURE MOTION

The PRESIDING OFFICER. 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. 56, Rosemarie Hidalgo, of the District of Columbia, to be Director of the Violence Against Women Office, Department of Justice.

Charles E. Schumer, Ben Ray Lujan, Peter Welch, Tina Smith, Tammy Duckworth, Tim Kaine, Richard J. Durbin, Alex Padilla, Raphael G. Warnock, Christopher Murphy, John W. Hickenlooper, Catherine Cortez Masto, Tammy Baldwin, Benjamin L. Cardin, Edward J. Markey, Jack Reed, Mazie K. Hirono.

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 Rosemarie Hidalgo, of the District of Columbia, to be Director of the Violence Against Women Office, Department of Justice, 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. SCHUMER. I announce that the Senator from Illinois (Mr. DURBIN), the Senator from Pennsylvania (Mr. FETTERMAN), the Senator from Maine (Mr. KING), and the Senator from New Hampshire (Mrs. SHAHEEN) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Wyoming (Mr. BARRASSO), the Senator from Nebraska (Mr. RICKETTS), the Senator from Arkansas (Mr. SULLIVAN), and the Senator from North Carolina (Mr. TILLIS).

Further, if present and voting: the Senator from North Carolina (Mr. TILLIS) would have voted "nay."

The yeas and nays resulted—yeas 50, nays 42, as follows:

[Rollcall Vote No. 175 Ex.]

YEAS—50

Baldwin	Cortez Masto	Klobuchar
Bennet	Duckworth	Lujan
Blumenthal	Feinstein	Manchin
Booker	Gillibrand	Markey
Brown	Graham	Menendez
Cantwell	Hassan	Merkley
Cardin	Heinrich	Murkowski
Carper	Hickenlooper	Murphy
Casey	Hirono	Murray
Collins	Kaine	Ossoff
Coons	Kelly	Padilla

Peters	Sinema	Warnock
Reed	Smith	Warren
Rosen	Stabenow	Welch
Sanders	Tester	Whitehouse
Schatz	Van Hollen	Wyden
Schumer	Warner	

NAYS—42

Blackburn	Fischer	Mullin
Boozman	Grassley	Paul
Braun	Hagerty	Risch
Britt	Hawley	Romney
Budd	Hoeben	Rounds
Capito	Hyde-Smith	Rubio
Cassidy	Johnson	Schmitt
Cornyn	Kennedy	Scott (FL)
Cotton	Lankford	Scott (SC)
Cramer	Lee	Thune
Crapo	Lummis	Tuberville
Cruz	Marshall	Vance
Daines	McConnell	Wicker
Ernst	Moran	Young

NOT VOTING—8

Barrasso	King	Sullivan
Durbin	Ricketts	Tillis
Fetterman	Shaheen	

(Mr. HICKENLOOPER assumed the Chair.)

The PRESIDING OFFICER (Mr. LUJÁN). On this vote, the yeas are 50, the nays are 42.

The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Rosemarie Hidalgo, of the District of Columbia, to be Director of the Violence Against Women Office, Department of Justice.

Thereupon, the Senate proceeded to consider the nomination.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 1:18 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. LUJÁN).

EXECUTIVE SESSION—Continued

CLOTURE MOTION

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

The bill 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. 33, Kymberly Kathryn Evanson, of Washington, to be United States District Judge for the Western District of Washington.

Charles E. Schumer, Richard J. Durbin, Richard Blumenthal, Christopher A. Coons, Benjamin L. Cardin, Tina Smith, Christopher Murphy, Mazie K. Hirono, Tammy Baldwin, Margaret Wood Hassan, John W. Hickenlooper, Sheldon Whitehouse, Catherine Cortez Masto, Brian Schatz, Gary C. Peters, Alex Padilla, Michael F. Bennet.