NOT VOTING—5

Brown	Cramer	Vance
Casey	Fetterman	

The nomination was confirmed.

The PRESIDING OFFICER (Mr. PETERS). 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 actions.

The majority leader.

LEGISLATIVE SESSION

Mr. SCHUMER. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SCHUMER. Mr. President, I move to proceed to executive session to consider Calendar No. 16.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Jamar K. Walker, of Virginia, to be United States District Judge for the Eastern District of Virginia.

CLOTURE MOTION

Mr. SCHUMER. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

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. 16, Jamar K. Walker, of Virginia, to be United States District Judge for the Eastern District of Virginia.

Charles E. Schumer, Richard J. Durbin, Sheldon Whitehouse, Martin Heinrich, Tim Kaine, Tammy Baldwin, Ben Ray Luján, Tammy Duckworth, John W. Hickenlooper, Amy Klobuchar, Jack Reed, Jeanne Shaheen, Benjamin L. Cardin, Edward J. Markey, Alex Padilla, Margaret Wood Hassan, Catherine Cortez Masto.

LEGISLATIVE SESSION

Mr. SCHUMER. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SCHUMER. Mr. President, I move to proceed to executive session to consider Calendar No. 17.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Jamal N. Whitehead, of Washington, to be United States District Judge for the Western District of Washington.

CLOTURE MOTION

Mr. SCHUMER. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

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. 17, Jamal N. Whitehead, 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.

LEGISLATIVE SESSION

Mr. SCHUMER. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SCHUMER. Mr. President, I move to proceed to executive session to consider Calendar No. 14.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Araceli Martinez-Olguin, of California, to be United States District Judge for the Northern District of California.

CLOTURE MOTION

Mr. SCHUMER. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

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. 14, Araceli Martínez-Olguín, of California, to be United States District Judge for the Northern District of California.

Charles E. Schumer, Richard J. Durbin, Jack Reed, Robert P. Casey, Jr., Mark Kelly, Patty Murray, Tim Kaine, Jeff Merkley, Sheldon Whitehouse, Elizabeth Warren, Tammy Baldwin, Benjamin L. Cardin, Jeanne Shaheen, John W. Hickenlooper, Christopher Murphy, Brian Schatz, Debbie Stabenow, Alex Padilla.

LEGISLATIVE SESSION

Mr. SCHUMER. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SCHUMER. Mr. President, I move to proceed to executive session to consider Calendar No. 13.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Margaret R. Guzman, of Massachusetts, to be United States District Judge for the District of Massachusetts.

CLOTURE MOTION

Mr. SCHUMER. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

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 the debate on the nomination of Executive Calendar No. 13, Margaret R. Guzman, of Massachusetts, to be United States District Judge for the District of Massachusetts.

Charles E. Schumer, Richard J. Durbin, Jack Reed, Robert P. Casey, Jr., Mark Kelly, Patty Murray, Tim Kaine, Jeff Merkley, Sheldon Whitehouse, Elizabeth Warren, Tammy Baldwin, Benjamin L. Cardin, Jeanne Shaheen, John W. Hickenlooper, Christopher Murphy, Brian Schatz, Debbie Stabenow, Alex Padilla.

Mr. SCHUMER. Mr. President, finally, I ask unanimous consent that the mandatory quorum calls for the cloture motions filed today, February 16, be waived.

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

Mr. SCHUMER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

ABORTION

Mr. WYDEN. Mr. President, on the first floor of the Federal building in

Amarillo, across the street from a grassy park and a few blocks away from the local minor league baseball stadium, is a U.S. District Courtroom for the Northern District of Texas.

Presiding over that courtroom is a lifelong rightwing activist, a partisan, an ideologue, an anti-abortion zealot who was handpicked by Donald Trump and the Federalist Society to pretend to be impartial on the bench. Instead, what he is doing is delivering favorable rulings on the cases his fellow rightwing ideologues funnel his way.

His name is Judge Matthew Kacsmaryk. He was confirmed in 2019 on a party-line vote. In a matter of days, he is going to issue a ruling on a case so absurd and so meritless that it doesn't deserve a single breath of argument in his courtroom. The case is the so-called Alliance for Hippocratic Medicine vs. U.S. Food and Drug Administration. If we allow it, Kacsmaryk's ruling could deal the next devastating blow to the right to privacy in America and the right of all women across the country to control their own bodies, not just in Texas, but all 50 States—every single one.

So this afternoon, I am going to describe this dangerous new political scheme playing out in the courtroom, and I call this scheme ''courtwashing.'' I am going to talk about what the President and the Food and Drug Administration must do when this judge's ruling comes down.

The lawsuit in Texas aims to undo the Food and Drug Administration's 2000 approval of a medication called mifepristone, one of two drugs that is used in a medication abortion. The drug has a record of being very safe and effective. It is used in more than 50 percent of abortions nationwide. It has been on the market and used for this important treatment for three decades. Anyone who calls its safety into question is just ignoring the factual record.

I have a long history of working on policy relating to mifepristone. I was one of the first elected officials to advocate for its use in our country. In 1990, I chaired the first-ever congressional hearing on mifepristone before the House Small Business Committee.

But then, like today, rightwing extremists pulled out all the stops to keep the drug from being approved. They campaigned on the politics of fear, threatened lives, and just lied about the drug's safety. They even once deployed a small bomb at a conference where the chemist behind this medicine was scheduled to speak.

Their efforts worked at first. The Food and Drug Administration imposed an import alert on the drug that hindered research on its uses outside of abortion. I fought that import alert and introduced a bill to remove the restriction. The Food and Drug Administration finally approved the drug in 2000. My advocacy around this issue and this drug has never been based on some political agenda but just science and fact.

So let's look at the facts, not the fiction you hear from the plaintiffs in this case.

It is a fact that this medication is key to ensuring fundamental rights, including the right to privacy and the right to make your own reproductive choices. Medication abortions allow for women to end a pregnancy at home in a way that is safe.

It is a fact that mifepristone has fewer complications than Tylenol. A wealth of evidence demonstrates the drug's safety and effectiveness.

It is a fact that Republicans on the Supreme Court have said the issue of abortion should be returned to the States, that the country shouldn't have a one-size-fits-all policy on this issue.

So the question to ask is: How did it become possible for one single judge in Texas to be on the verge of blocking access to a drug that a duly-authorized Federal Agency has said is safe for over 20 years, and yet that judge could very soon block access to the drug nationwide?

To answer that, it is appropriate to tell a little history. Congress long ago empowered the Food and Drug Administration made up of scientists to approve or disapprove the use of new drugs—not the States and certainly not activist judges. The Food and Drug Administration approved mifepristone 23 years ago. For those looking to challenge that approval, it is a little late. The statute of limitations allows challenges to food and drug procedures for 6 years.

If that wasn't clear enough, Congress cemented its approval again in 2007 as part of an amendment to the Food and Drug Act. Any drug—any drug—previously approved by the Agency was deemed to be in compliance with new rules governing the Food and Drug Administration. Mifepristone is covered by that amendment made by the legislative branch. There is no reasonable argument to the contrary.

Nevertheless, the plaintiffs in this case want Judge Kacsmaryk to reach back through time, bust through the statute of limitations and congressional intent, and toss out the FDA's legal approval.

Furthermore, the plaintiffs in the case have no standing to bring this suit. To establish standing, the plaintiff has to show actual harm or injury to demonstrate a direct impact by the actions of the defendant. The plaintiffs are extreme anti-abortion groups and their doctors.

Here is the absurd claim they are putting forward. They argue—defying science and fact—that some unknown future patient may take mifepristone, experience a highly unlikely side effect, and then somehow find their way into one of their exam rooms for treatment.

If a standing claim that ridiculous and overly broad passes muster, than I just think it is time to rip up the legal textbooks in America and start over. That would mean that anybody could wander into Federal court and seek relief against anybody based on wild, dreamed-up scenarios, hypothesizing that somehow, someway, somebody might be injured in the future.

Legal logic be damned, the plaintiffs know that Judge Kacsmaryk is sure not going to let pesky obstacles like precedent or science or standing get in the way of the agenda that they share. That is because Donald Trump and conservative activists planted him to be on that bench in the Amarillo courtroom right now. They know he has spent his whole career fighting shoulder to shoulder with them against LGBTQ equality, abortion, and contraception.

He is there for one reason, and I call it ''courtwashing.'' In the ''courtwashing'' scheme, the judge has the role of giving the appearance of judicial legitimacy—judicial legitimacy—to the outcomes that the rightwing activists know they are going to get as soon as their cases show up on his docket.

In the few years that Judge Kacsmaryk has been on the Federal District Court, he has earned the title of the most lawless judge in America. It is tough to earn that kind of infamy in such a short time, but his rulings have justified it. He has issued constitutionally dubious and extraordinarily contentious opinions. He has defied precedent in protecting LGBTQ employees and attacked the right to contraception by restricting minors' access to it.

Now he has got a case on access to abortion medication that is directly intertwined with the rights of privacy and choice.

The plaintiffs who have no legitimate standing have handpicked him to hear this case that has no merit because they know what they are going to get with Judge Kacsmaryk.

They have gone to him for ''courtwashing.''

The plaintiffs want mifepristone outlawed in every single State in America, and with this judge, they found a way to make it happen. Because of how judges in this Federal district in Texas are assigned, the plaintiffs could use a procedural loophole and hot-wire the judicial branch. They could ensure Kacsmaryk was the only judge who would get the case—no shot of it getting assigned to anybody else.

To make this more frightening, if and when Kacsmaryk tosses out FDA approval, Americans cannot count on the appellate courts to step in and do what is right, do what is constitutional.

The appeal would land at the activist Fifth Circuit Court of Appeals. This is the same court that allowed Texas bill SB 8—effectively an abortion ban—to go into effect before the Supreme Court ruled on Dobbs.

From there, any appeal would presumably head to the very same Republican majority on the Supreme Court that overturned Roe. The Roberts

Court doesn't even wince at revoking constitutional rights and upending decades of precedent on legal grounds that are flimsy.

By the way, at this point, I want to note it is a fairly recent phenomenon that a single judge even had the authority to issue a nationwide injunction. Until 1976, three-judge courts were required to enjoin Federal and State laws. Even after that, it was no longer required, it was relatively uncommon until about a decade ago to see Federal laws and policies blocked in their entirety by the ruling of one district court judge.

Now, it is true that these types of injunctions have been used against both Democratic and Republican administrations. The difference here is that the appellate courts, and particularly the Supreme Court, are aiding these polarization efforts, but only for one side.

So, some numbers. On 41 occasions, the Trump administration asked the Supreme Court to put on hold an adverse lower court ruling for the duration of the Government's appeal. In 28 of those cases, the Supreme Court granted the Trump administration relief. In comparison, the Biden administration has sought emergency relief from the Supreme Court nine times. The Supreme Court granted it on only two occasions. And, incredibly, the Court has granted emergency relief against the Biden administration four times, something that didn't happen during the lawless days of the Trump administration.

So what does that mean for the case in Texas? Well, if and when Judge Kacsmaryk issues a ruling that he was handpicked to deliver, the ''courtwashing'' is on.

The Fifth Circuit, which has little respect for precedent, will almost certainly uphold his ruling. Then the Roberts Court will almost certainly leave the ruling in place through the long and arduous appellate process.

All the while, millions of women will suffer grave danger. The harm that will result from this decision can't be overstated. Cut off from care they need, women will die. While this wouldn't be the first time a judicial decision has caused irreparable harm, this case is particularly offensive. It will come from a lawless judge picked by the litigants with no standing to bring a case that should be barred by the statute of limitations and has absolutely no merit.

So I am here to sum it all up.

Americans and their leaders must look at circumstances like this and say, ''Enough,'' not ''We will see what Congress might do'' or ''how the appeals process is going to play out.'' What is needed now is to just say, ''Enough.''

The power of the judiciary begins and ends with its legitimacy in the eyes of the public. It doesn't have the military backing of the executive branch or Congress's powers of the purse. A judge's ruling stands because elected leaders and citizens have agreed that abiding by them is right and necessary to uphold the rule of law. It is part of our social contract, but the judiciary must uphold its end of the social contract too. It has got to follow the rule of law and earn the confidence of the American people every single day.

Recently, that confidence has eroded—no secret why. Look at the Dobbs decision in overturning Roe. Look at what is happening in Texas now. Parts of the judiciary seem to have morphed into a mob of MAGA extremists, conspiring with and willing to do the bidding of every rightwing group or former President that appears before it, no matter the cost to life and liberty.

The awful reality is, from the moment this case landed in front of Judge Kacsmaryk, it has been a rigged game, illegitimate. The case is an affront to the Constitution and to the rule of law in our country.

So here is what must happen if and when Judge Kacsmaryk issues his nationwide injunction—nationwide. As to all of this business that the States have rights, uh-uh. This has nationwide implications to halt access to mifepristone. My view is that President Biden and the Food and Drug Administration must ignore a nationwide injunction from Judge Kacsmaryk. Don't give in to the ''courtwashing.'' Protect the fundamental rights and well-being of all women in America.

The Food and Drug Administration ought to go on just as it has for the last 23 years since it first approved mifepristone. The Food and Drug Administration needs to keep this medication on the market, without interruption, regardless of what this ruling says.

Doctors and pharmacies should go about their jobs like nothing has changed.

American leaders who care about the right to privacy and the lives of women in this country must not let an illegitimate ruling in this case stand.

It is just not possible to hide from this fight any longer. Let the rightwing extremists stand up and explain why they lied—why they lied—to the people of this country when they said the Dobbs case was just going to be about returning abortion law to the States.

In the face of a ''courtwashing'' strategy, whose outcome is almost certainly predetermined, we can't possibly say we are just going to wait around and see what happens with Congress and the appeals process. Too much is at stake, and this case will not be in the hands of public servants who are staying true to their oaths of office.

Women in America need to know that they are not going to be cut off from their privacy rights and the care that they seek and that they have a legal right to obtain—not for a year, not for a month, not for a day. If that is what the ruling would do, the answer is to ignore it, at least until there is a final ruling on the underlying matter by the Supreme Court.

I do not say this lightly, and I have never said anything quite like this before. I believe in the three branches of government and respect the role of the judicial branch. I have had the honor to represent Oregon in the U.S. Congress for more than 40 years—first in the House and, for the last 27 years, in the Senate. I have raised my hand and taken an oath to uphold the Constitution of the United States. I do not intend to dishonor that oath, which is why I am standing here this afternoon.

This judge is not upholding the oath he took. He is not adhering to the Constitution. He is stomping all over the privacy rights of millions of women in this country and ignoring the rule of law, and something needs to be done about it.

Let me close by saying this wouldn't be the first time a political leader or an elected official has called on others to ignore a court ruling. Abraham Lincoln did it after the Supreme Court issued the historically egregious Dred Scott ruling, which held that Black people could never be citizens of the United States. Lincoln called the decision erroneous, an abomination. He pointed to the partisan bias in the opinion in that it was based on assumed historical facts which weren't true and that it was one opinion that couldn't be considered precedent.

Sound kind of familiar?

Lincoln's directive in response to the case was that it is the constitutional duty of elected officials to resist unconstitutional decisions of the courts, even the Supreme Court, if the rulings will harm the Nation and its people.

Now, these cases are, obviously, different, with very different circumstances, and nothing—nothing—compares to the horrors of slavery. Nevertheless, these cases do have something in common. It is a question of the advancement of rights versus the deprivation of rights. The advancement of individual rights is at the core of our national character and history.

This case before Judge Kacsmaryk rejects that. It is clearly part of an effort to backtrack on a century of progress for American women and to deprive them of fundamental rights—the right to privacy, the right to control their own bodies, and, stemming from that, the right to live and work and participate in American life fully and equally.

That will be the outcome if the ''courtwashing'' strategy succeeds. If Judge Kacsmaryk can violate his oath to deliver the outcome his fellow rightwing activists are after and if the Fifth Circuit and the Supreme Court bless such a ruling as legitimate, we are going to see an affront to the Constitution.

As Lincoln told his fellow Americans, the Supreme Court is not the Constitution—neither is Judge Kacsmaryk. The Constitution and the rights it affords

American women are what this country must defend. I am here to say, ''Enough,'' and to defend it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I ask unanimous consent that the scheduled vote occur immediately.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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 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. 6, Maria Araujo Kahn, of Connecticut, to be United States Circuit Judge for the Second Circuit.

Charles E. Schumer, Richard J. Durbin, Margaret Wood Hassan, Brian Schatz, Tina Smith, Elizabeth Warren, Tim Kaine, Ron Wyden, Patty Murray, Richard Blumenthal, Chris Van Hollen, Martin Heinrich, Jack Reed, Christopher A. Coons, Alex Padilla, Christopher Murphy, Sheldon Whitehouse, Benjamin L. Cardin.

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 Maria Araujo Kahn, of Connecticut, to be United States Circuit Judge for the Second Circuit, 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 Ohio (Mr. BROWN), the Senator from Pennsylvania (Mr. CASEY), the Senator from Pennsylvania (Mr. FETTERMAN), and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Kansas (Mr. MORAN) and the Senator from Ohio (Mr. VANCE).

Further, if present and voting, the Senator from Ohio (Mr. VANCE) would have voted ''nay.''

The yeas and nays resulted—yeas 50, nays 44, as follows:

[Rollcall Vote No. 24 Ex.]

YEAS—50

Baldwin	Durbin	Klobuchar
Bennet	Feinstein	Luján
Blumenthal	Gillibrand	Manchin
Booker	Graham	Markey
Cantwell	Hassan	Menendez
Cardin	Heinrich	Merkley
Carper	Hickenlooper	Murkowski
Collins	Hirono	Murphy
Coons	Kaine	Murray
Cortez Masto	Kelly	Ossoff
Duckworth	King	Padilla
Peters	Sinema	Warnock
Reed	Smith	Warren
Rosen	Stabenow	Welch
Schatz	Tester	Whitehouse
Schumer	Van Hollen	Wyden
Shaheen	Warner	

NAYS—44

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

NOT VOTING—6

Brown	Fetterman	Sanders
Casey	Moran	Vance

The PRESIDING OFFICER (Mr. SCHATZ). On this vote, the yeas are 50, the nays are 44.

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 Maria Araujo Kahn, of Connecticut, to be United States Circuit Judge for the Second Circuit.

The PRESIDING OFFICER. The Senator from Nebraska.

SOUTHERN BORDER

Mrs. FISCHER. Mr. President, in April, Border Patrol agents encountered an unaccompanied 2-year-old boy at the southern border of Texas. Let me read you part of what the Customs and Border Protection released:

The boy, a Honduran national, who had lost his shoe in the mud while crossing, was traveling within a group of 38 individuals. Agents questioned the group to obtain any information on the boy—however, no one claimed to know the child.

In 2022, CBP arrested at least six dozen convicted violent sex offenders—many of them child sex abusers—according to media releases. Vulnerable, unaccompanied children, as well as young women traveling alone, draw criminals like these to our country. They want to take advantage of the chaos overwhelming our border.

Our border has become a hotbed of criminal activity, especially of trafficking helpless women and children.

Last month, I came before you to address the deadly effects of drug trafficking across our border on American citizens. But the out-of-control situation at our border puts migrants in danger too. The effect of these numbers on children is just heartbreaking.

And 2022 beat the record for the number of unaccompanied migrant children encountered by Border Patrol, an overwhelming 152,057. The State Department reported this year that child sex tourism is expanding in the border cities of Mexico.

The Biden administration claims that its laissez-faire border policies stem from valuing immigrants, but the choices it has made have worsened conditions for those trying to migrate to the United States.

On his first day in office, President Biden ended the national emergency declaration at the border, halted construction on the border wall, and scaled back ICE enforcement. The very next month, the President canceled the Trump administration's asylum procedures, a move that aggravated the rush at the border. President Biden reinstated wide-scale catch-and-release practices, requiring border officials to release unprocessed migrants into our country while they await court hearings.

Since President Biden's inauguration, 4.5 million people have arrived at our border. Last week, the President of the National Border Patrol Council told me he estimates that 7 million more migrants will arrive by the time Biden's term ends.

Folks, that would mean a total of 11 million migrant encounters during the Biden administration. That number is larger than the population of 43 of the States in our Union.

Despite the damage that the President has done at the border, he dedicated a total of 1 minute out of last week's 75-minute State of the Union Address to discussing immigration—1 minute. President Biden didn't even present any substantive solutions to our border problems.

This administration is unable to manage the surges of immigrants it has welcomed to our border, so the President has cut corners left and right. Biden officials have weakened vital safety measures, including waiving certain background check requirements for the adult sponsors of unaccompanied migrant children. People entrusted with the care of unaccompanied children no longer have to undergo public record and sex offender registry checks, all in the interest of moving migrants into our country and out of Federal custody more quickly. The Department of Health and Human Services also has no way to track these children or ensure their well-being after they are placed with sponsors. The President's indifference to border safety and security means that abusers and traffickers have easy access to helpless kids.

From the very beginning, President Biden's campaign promises to loosen border security rallied waves of migrants to make that treacherous trip north. Biden promised hope, but let's be clear—the reality is that this journey is one of suffering, whether it is forced labor, sex trafficking, or death. It has encouraged more criminals to take advantage of that frenzy.

The Biden administration has yet to resecure the border, and it has yet to form a serious plan to remedy the problems it has created. It has taken 2 full years for the administration to produce what I think is a silly smartphone app, funded by your taxpayer dollars, to