

a few amendments of my own to that subpoena authorization. Well, those amendments proved to be a little bit too politically inconvenient for the Chairman. So here are the amendments that I proposed and things Tennesseans have wanted answers to.

Now, this summer, we learned that Justice Sotomayor's staff had been pressuring the public institutions that host her speaking engagements to buy her books. She got a \$3 million book advance—not reported. She has made \$4 million on the sale of the books.

We also know she has refused to recuse herself in not one but two copy-right infringement cases that involve the publisher of her book. So I filed an amendment issuing subpoenas to her staff and her publisher so we can get to the bottom of this ethical conundrum.

I also proposed we subpoena Jeffrey Epstein's estate to provide the flight logs for his private planes. Given the numerous allegations of human trafficking and sexual abuse surrounding the late Mr. Epstein, I believe the committee has an interest in identifying everyone complicit, no matter their political affiliation.

And we also need to get to the bottom of the investigation into Elon Musk. We know that the Biden administration gets nervous at the thought of conservatives speaking freely online. So, it is no surprise they are trying to weaponize multiple Federal Agencies against Mr. Musk and his company. I proposed a subpoena to compel the DOJ and the FTC to turn over all documents related to that sham investigation.

The far left is the enemy of free speech, and their hostility toward conservatives is on display in the form of their repeated efforts to take down President Trump. So I filed a subpoena amendment for all documents related to any political donations made by Special Counsel Robert Mueller's staff.

And for the executive branch, we have a couple of amendments that I have filed. The first would authorize a subpoena for Secretary Becerra to come before the Committee and explain to us how his Agency has lost track of 85,000 unaccompanied children—migrant children—who have come to this country. I have talked about this several times on the floor.

How can you lose track of 85,000 migrant children? They did it. We need to know. So that is why they are getting a subpoena.

The second would subpoena the DOJ to provide all documentation concerning the termination of the China Initiative. Now that was one of the best tools we have had to fight against Chinese espionage and Chinese spies on U.S. soil.

Now, if I were Chairman DURBIN, I wouldn't want to debate those subpoenas either because they strike at the heart of one of the Biden administration's most dangerous governing principles.

There are two tiers of justice in this country. Obviously, that is the way

this administration wants it. There is one tier of justice for people the Democrats need to protect and for their cronies and buddies and friends and one for people that the Democrats need to destroy to maintain their hold on power.

Tennesseans are deeply afraid of what this means because they know where they stand in this new approach of two tiers of justice.

I don't know if or when Chairman DURBIN will reconvene to discuss these subpoenas, but I hope that, when the time comes, he will abandon this latest assault on the Supreme Court and allow the committee to pursue real accountability.

#### BORDER SECURITY

Madam President, I came to the floor back in June to talk about Biden's border crisis, and I called for my Democratic colleagues to join me in passing legislation to stop the invasion occurring at the southern border. That month, Border Patrol recorded almost 145,000 enforcement encounters with illegal immigrants.

I had hoped that the numbers would convince my colleagues across the aisle and this administration to step up and do something about it, but, over the last 5 months, it seems that my colleagues across the aisle have put their heads in the sand and that the border crisis has reached catastrophic levels.

In September, Border Patrol reported almost 270,000 enforcement encounters. Think about that—270,000 enforcement encounters.

My colleague from Texas was just on the floor a few minutes ago, talking about this very issue.

Now, as wars rage on two continents, we have more to worry about than just drug smugglers and gun runners and human traffickers, who are exploiting our open border. Suspected terrorists are infiltrating our southern border at unprecedented rates. Thousands of people from Russia, China, Iran, and other nations aligned with the new "axis of evil" have tried to enter this country undetected. If something doesn't give, an attack on our homeland is inevitable. It is not a matter of if it will happen. It is a matter of when.

I am truly at a loss for what will finally convince my Democratic colleagues to take back control of our border. It is wide open. But, today, I want to appeal to them using an idea I hope everyone can agree on, and it is all about protecting children.

Children are being used, abused, and trafficked by the cartels at the southern border. These sick individuals view these precious children as cargo, and the stories you hear from survivors are unimaginable. I think my Democratic colleagues are well aware of this practice of child recycling. Adults at the border who want an easy way into the United States will rent or buy children and present themselves as family. So the children are then dragged across the border with that unrelated adult who is often a single male. When they

are no longer useful to the disgusting criminals, they are taken by the cartels and smuggled back into Mexico to be used again and again and again. Border Patrol says there are some children who have been recycled eight and nine times. The Border Patrol sees them coming across. They have identified some of these children.

This is a completely disgusting practice, and I have proposed two pieces of legislation to stop this evil practice.

Earlier this year, I introduced the End Child Trafficking Now Act, which would criminalize child recycling, reinstate the DNA testing program, and create harsh penalties for migrants who want to skirt the law. This legislation would require DHS to deport illegal aliens who refuse to take a DNA test. If the DNA test proves that the migrant is lying and that there is no proof of a family relationship, then HHS would step in and process that child as an unaccompanied minor, and the trafficker would face a maximum 10-year prison sentence for falsely posing as a family.

Now, my colleagues and this administration wanted to stop DNA testing. They said it took too much time. It takes 45 minutes—45 minutes. This is something that is common sense. We need to get that bill to the President's desk and test for that DNA.

Last Tuesday, I led 17 of my Senate Republican colleagues in introducing the PRINTS Act. Currently, Federal law prohibits Border Patrol from fingerprinting children under the age of 14. This doesn't make any sense, and experts agree that fingerprinting these children would make it easier to investigate and eliminate these trafficking rings. It would also help the Federal Government keep track of the unaccompanied migrant children entrusted to their care. The legislation is simple. It would give our law enforcement at the border the authority to fingerprint noncitizens under the age of 14.

Like the End Child Trafficking Now Act, it would finally criminalize this horrific practice of child recycling, and it would remove the authority of unelected bureaucrats to waive fingerprinting requirements for illegal immigrants. This legislation would save lives. This would protect children. It would help cut into all of this human trafficking and sex trafficking that is exploding in this country.

You have heard the Governor of New York and the mayor of New York City talk about prostitution rings that are popping up all over the city—the same for Chicago, the same for Minneapolis, the same for Boston, the same for Denver. We are hearing it from these big sanctuary cities. So it is important that we pass the PRINTS Act and that we save these lives. I think this is an important step—both of these pieces of legislation—to protect children who are coming to our border.

#### CHINA

Madam President, this week, President Biden plans on meeting with

President Xi Jinping, and I would ask the President and his advisers: What have we gotten out of previous talks with the Chinese Government? Do they have any goal other than appeasement?

Several American officials have already sat down for this same photo op. So we know exactly what we are going to get out of it—not much.

What we do know is that Chinese drug lords will continue killing Americans with the fentanyl they are smuggling across our southern border via all of the drug cartels that are bringing it in. The Chinese military will continue menacing our partners in Taiwan and the Pacific island nations, and the Chinese spies who control TikTok will continue pushing terrorist propaganda at our American teenagers and college students.

We should not reward this behavior by lending legitimacy to the Chinese Communist Party, and we certainly should not allow this latest diplomatic charade to lure the country into a false sense of security. China is our adversary. We ought not to be sitting down with China until they stop shipping fentanyl into this country, until they stop participating as a part of the “axis of evil,” and we need to make certain that we treat them as an adversary, not as an ally.

#### NOMINATION OF ANA DE ALBA

Mr. DURBIN. Madam President, today, the Senate will vote to confirm Judge Ana de Alba to the U.S. Court of Appeals for the Ninth Circuit. Born and raised in California’s San Joaquin Valley, Judge de Alba attended the University of California, Berkeley as an undergraduate and law student, receiving her B.A. with highest honors in 2002 and her J.D. in 2007.

Judge de Alba began her legal career as an associate at Lang, Richert & Patch, PC. There, her practice spanned business, employment, construction, and personal injury law. Within just 5 years, she became a partner. While at the firm and in honor of the challenges her own family faced while working as migrant farmworkers, Judge de Alba established a monthly worker’s rights clinic to help low-wage workers understand their employment rights.

In 2018, she began her service on the bench as a superior court judge for the Fresno County Superior Court. Last year, after this body confirmed her by a vote of 53–45, Judge de Alba joined the Federal bench as a judge on the U.S. District Court for the Eastern District of California.

The American Bar Association unanimously rated Judge de Alba as “qualified,” to serve on the Ninth Circuit Court of Appeals. The late Senator Feinstein strongly supported her nomination, as does Senator PADILLA. With significant judicial experience and an unwavering dedication to equal justice under law, Judge de Alba will serve honorably on the Ninth Circuit.

I am proud to support her nomination, and I urge my colleagues to do the same.

Mrs. BLACKBURN. I yield the floor.

#### VOTE ON DE ALBA NOMINATION

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

Mrs. BLACKBURN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Vermont (Mr. SANDERS) and the Senator from Vermont (Mr. WELCH) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: The Senator from Wyoming (Mr. BARRASSO), the Senator from Indiana (Mr. BRAUN), the Senator from Tennessee (Mr. HAGERTY), the Senator from Louisiana (Mr. KENNEDY), the Senator from Oklahoma (Mr. LANKFORD), the Senator from Oklahoma (Mr. MULLIN), and the Senator from South Carolina (Mr. SCOTT).

The result was announced—yeas 48, nays 43, as follows:

#### [Rollcall Vote No. 308 Ex.]

#### YEAS—48

Baldwin	Hassan	Peters
Bennet	Heinrich	Reed
Blumenthal	Hickenlooper	Rosen
Booker	Hirono	Schatz
Brown	Kaine	Schumer
Butler	Kelly	Shaheen
Cantwell	King	Sinema
Cardin	Klobuchar	Smith
Carper	Lujan	Stabenow
Casey	Markey	Tester
Coons	Menendez	Van Hollen
Cortez Masto	Merkley	Warner
Duckworth	Murphy	Warnock
Durbin	Murray	Warren
Fetterman	Ossoff	Whitehouse
Gillibrand	Padilla	Wyden

#### NAYS—43

Blackburn	Graham	Risch
Boozman	Grassley	Romney
Britt	Hawley	Rounds
Budd	Hoeven	Rubio
Capito	Hyde-Smith	Schmitt
Cassidy	Johnson	Scott (FL)
Collins	Lee	Sullivan
Cornyn	Lummis	Thune
Cotton	Manchin	Tillis
Cramer	Marshall	Tuberville
Crapo	McConnell	Vance
Cruz	Moran	Wicker
Daines	Murkowski	Young
Ernst	Paul	
Fischer	Ricketts	

#### NOT VOTING—9

Barrasso	Kennedy	Sanders
Braun	Lankford	Scott (SC)
Hagerty	Mullin	Welch

The nomination was confirmed.

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

The majority leader.

#### NOMINATIONS RETURNED TO COMMITTEE

Mr. SCHUMER. I ask unanimous consent that the following nominations be returned to the Committee on the Judiciary: Calendar Nos. 405 and 406.

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

#### LEGISLATIVE SESSION

#### MORNING BUSINESS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to legislative session and be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

#### ARMS SALES NOTIFICATION

Mr. CARDIN. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of certain proposed arms sales as defined by that statute. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Senate Foreign Relations Committee.

In keeping with the committee’s intention to see that relevant information is available to the full Senate, I ask unanimous consent to have printed in the RECORD the notifications which have been received. If the cover letter references a classified annex, then such annex is available to all Senators in the office of the Foreign Relations Committee, room SD-423.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### DEFENSE SECURITY COOPERATION AGENCY, Washington, DC.

Hon. BENJAMIN L. CARDIN,  
Chairman, Committee on Foreign Relations,  
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 23-71, concerning the Army’s proposed Letter(s) of Offer and Acceptance to the Government of Romania for defense articles and services estimated to cost \$2.53 billion. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,

JAMES A. HURSCH,  
Director.

Enclosures.

#### TRANSMITTAL NO. 23-71

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) Prospective Purchaser: Government of Romania.

(ii) Total Estimated Value:  
Major Defense Equipment \* \$0.97 billion.  
Other \$1.56 billion.  
Total \$2.53 billion.

Funding Source: National Funds.

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:

Major Defense Equipment (MDE):  
Fifty-four (54) M1A2 SEPv3 Abrams Main Battle Tanks.