

Last month, I was in Jamestown, ND, to stand with the 817th Engineer Company of the North Dakota National Guard as they prepared to deploy for a yearlong mission to assist CBP in securing our southern border.

So now we have the National Guard down there trying to secure the border. But, again, they can't get the job done if they aren't given the enforcement authority to do it.

DHS writ large, as well as any other support down there, has to be given the authority to enforce the law. And the administration will not do it because the administration wants an open border policy.

As we continue to debate the upcoming supplemental appropriations package, we must include real, enforceable steps to secure our border. This should include benchmarks so we know the administration is enforcing the law and reducing the number of encounters and illegal entries.

The administration's current policies prioritize processing migrants who illegally come across the southern border and then providing them with housing, transportation, and other services once they enter the United States.

The administration is turning CBP into one of the most well-funded, government-run travel agencies in the world. Any supplemental funding must secure our border—our own border. That means ensuring that the administration reinstates the Migrant Protection Protocols—or the “Remain in Mexico” policy; enforces third safe country agreements; and resumes construction of the border wall.

Those things are all in place now. It doesn't require legislation from Congress. Those are measures that are in law now. The administration refuses to enforce them because the administration wants an open border policy.

And we need to include benchmarks to hold the administration's feet to the fire and ensure that these policies get enforced.

The Biden administration must address the border crisis, enforce the laws that kept monthly encounters to lower numbers under the prior administration—we are not guessing about this; we saw that it works under the prior administration—and take border security seriously, because, again, border security is national security.

I yield the floor.

**THE PRESIDING OFFICER.** The Senator from New Jersey.

**Mr. MENENDEZ.** I ask unanimous consent that my remarks be completed prior to the vote.

**THE PRESIDING OFFICER.** Without objection, it is so ordered.

#### NOMINATION OF JAMEL SEMPER

**Mr. MENENDEZ.** Madam President, I rise today to proudly vote for the confirmation of Jamel Semper to the U.S. District Court of New Jersey.

**Mr. Semper,** whom I personally recommended to President Biden, is exceptionally well-qualified for this position, and you don't have to take my

word for it. **Mr. Semper** received strong, bipartisan support on the Judiciary Committee. So there is no reason he shouldn't enjoy that same bipartisan support here on the Senate floor.

For more than 15 years, **Mr. Semper** has tirelessly sought justice for the residents who call New Jersey home. Indeed, it is the central theme that runs throughout **Mr. Semper's** career—an unwavering commitment to the rule of law and to the communities the law is meant to protect.

He began his career as an assistant prosecutor in Union County, handling a wide range of cases across the appellate, juvenile, and adult trial units. Then, in Essex County, he went after carjackers and murderers, including the first prosecution of a homicide under New Jersey's domestic terrorism statute.

In 2018, he was sworn in as an assistant U.S. attorney in Newark, climbing the ladder and ultimately serving as chief of both the violent crime and organized crime units. Today, he is the deputy chief of the criminal division, a role in which he is responsible for supervising all phases of criminal investigation and prosecution.

In each of these positions, **Mr. Semper** has demonstrated unflinching fidelity to the rule of law. Time and time again, **Mr. Semper** has kept New Jerseyans safe, while also building bridges between residents and those who have sworn an oath to protect them.

This community-focused approach to law enforcement has earned **Mr. Semper** plaudits from individuals and organizations representing diverse interests, especially those who advocate for communities of color in the Garden State.

Consider the words of Rev. Ron Slaughter, the pastor of St. James AME in Newark. He said:

“Semper has touched all the bases, stayed connected to the community, and remained patient. This is a great day for New Jersey, America, our judiciary, and my community.”

Truer words haven't been spoken.

**Mr. Semper's** confirmation today not only furthers our collective goal of addressing judicial vacancies across our country; it also advances our efforts to diversify the Federal bench. It brings us one step closer toward ensuring that our most hallowed institutions reflect the rich tapestry of America.

For nearly 18 years, I have always taken my constitutional duty to provide advice and consent on judicial nominees seriously. It is one of the most solemn obligations as U.S. Senators that we have, and it is one of the most consequential impacts we have on our democracy as Senators—confirming judges who interpret and shape the law and our Constitution for decades to come.

So I am a firm believer that our independent judiciary must reflect the very best of America's values and its citizens, which is why I can honestly say

that **Jamel Semper's** relentless commitment to public service, combined with his temperament and the trust he has built with New Jerseyans—all this is exactly what we look for in a Federal judge.

He will, no doubt, be an asset to New Jersey's Federal bench, and I encourage all my colleagues to support **Jamel Semper** to be in his rightful place on the District Court of New Jersey.

#### IMMIGRATION

**Madam President,** before I yield the floor, I would like to take a moment to forcefully oppose ongoing efforts to attach harmful immigration proposals to the national security supplemental package we are considering. It is the height of absurdity to claim that the price for assisting our international allies is gutting our asylum and humanitarian parole laws.

Democrats should not and cannot stand idly by while asylum seekers and immigrant families are imperiled by a handful of Senators operating in total darkness, without any meaningful feedback from a broader coalition of Hispanic, Black, and Asian legislators, advocates, and others who should be helping shape these negotiations.

For all those who care about the future of immigrants in this country—indeed, our very identity as a beacon of hope for those seeking a better life—now is the time to make your voice heard. Now is the time to make it clear that we will not allow our asylum and humanitarian parole laws to be gutted, while undocumented immigrants, including Dreamers, TPS recipients, farm workers, and essential workers are forced to stay in the shadows. Now is the time to make it clear that we will not stand by as some try to fundamentally change our immigration system without any transparent, deliberative process. This is the time to make it clear that we should not be codifying asylum and transit bans into law—failed policies that will do nothing to mitigate the flow of migration to the United States.

Moreover, now is the time for my Democratic colleagues in both the Senate and the House to meet the moment. This is our clarion call. We must find the moral courage to do what is right. Otherwise, what are we doing here? How are we supposed to face our constituents and immigrant families across the Nation, some of whom are doing the most difficult jobs in our country in order to help us, and argue that we are the party that stands with immigrants? We cannot capitulate to the extremes in the Republican Party that are more interested in demonizing and hurting immigrants than working together in good faith to fix our immigration system.

We must reject the notion that playing our role as the defender of freedom and democracy around the world comes at the cost of our own identity as a nation of immigrants. We are the United States of America. Let's ultimately start acting like that.

## NOMINATION OF MICAH W.J. SMITH

Mr. DURBIN. Madam President, today, the Senate will vote to confirm Micah Smith to the U.S. District Court for the District of Hawaii.

Mr. Smith attended Lock Haven University of Pennsylvania and Harvard Law School before completing two prestigious clerkships—first, for Judge Guido Calabresi on the Second Circuit Court of Appeals and, later, for Justice David Souter on the U.S. Supreme Court.

He then entered private practice and focused on complex civil litigation, including intellectual property, labor law, product liability, and the False Claims Act. In 2012, Mr. Smith joined the U.S. Attorney's Office for the Southern District of New York as an assistant U.S. attorney in the office's criminal division. As a line prosecutor, he handled cases including racketeering, murder-for-hire, drug trafficking, tax fraud, and money laundering. For 2 years, he also supervised 20 line prosecutors in the office's violent and organized crime unit. Mr. Smith is now a Federal prosecutor in the U.S. Attorney's Office for the District of Hawaii and currently serves as the deputy chief of the office's criminal division, as the criminal civil rights coordinator, and as the chief of appeals and legal strategy. Throughout the course of his career, he has tried 10 cases to verdict.

The American Bar Association unanimously rated Mr. Smith "well qualified" to serve on the district court. Senators SCHATZ and HIRONO recommended him to the White House and strongly support his nomination.

Mr. Smith is a seasoned practitioner with significant litigation experience in federal court, and he will be an asset to the District of Hawaii. I will be supporting this outstanding nominee, and I urge my colleagues to do the same.

Mr. MENENDEZ. I yield the floor.

## VOTE ON SMITH NOMINATION

The PRESIDING OFFICER. All postcloture time has expired.

The question is, Will the Senate advise and consent to the Smith nomination?

Mr. MENENDEZ. 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 senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Colorado (Mr. HICKENLOOPER) is necessarily absent.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Texas (Mr. CRUZ).

The PRESIDING OFFICER (Ms. BALDWIN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 41, as follows:

## [Rollcall Vote No. 320 Ex.]

## YEAS—57

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

## NAYS—41

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

## NOT VOTING—2

Cruz  
Hickenlooper

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 actions.

## 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 assistant 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. 378, Jamel Semper, of New Jersey, to be United States District Judge for the District of New Jersey.

Charles E. Schumer, Richard J. Durbin, Tina Smith, Alex Padilla, Jack Reed, Patty Murray, Christopher A. Coons, Sheldon Whitehouse, Mazie Hirono, Peter Welch, Richard Blumenthal, Jeanne Shaheen, Margaret Wood Hassan, Chris Van Hollen, Brian Schatz, John W. Hickenlooper, Robert P. Casey, Jr.

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 Jamel Semper, of New Jersey, to be United States District Judge for the District of New Jersey, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Colorado (Mr. HICKENLOOPER) is necessarily absent.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Texas (Mr. CRUZ).

The yeas and nays resulted—yeas 54, nays 44, as follows:

## [Rollcall Vote No. 321 Ex.]

## YEAS—54

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

## NAYS—44

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

## NOT VOTING—2

Cruz  
Hickenlooper

The PRESIDING OFFICER (Ms. BUTLER). On this vote, the yeas are 54, 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 Jamel Semper, of New Jersey, to be United States District Judge for the District of New Jersey.

The PRESIDING OFFICER. The Senator from Washington.

## CHILDCARE

Mrs. MURRAY. Madam President, as you well know, because we have talked about it, our childcare system is simply broken. It is not working for families across our country, and we face a crisis now that continues to grow worse.

I have said that many times—many times—and I will say it again and again and again until we fix this broken system for good. And I am not the only one here in Congress who feels that way. Earlier this month, 48 of my Senate colleagues sent a letter to me and Vice Chair COLLINS, Leader SCHUMER, and Leader MCCONNELL urging us to include childcare funding in any emergency supplemental.

Today, many of them are joining me here on the Senate floor to lift up the