

Let me give you a couple of examples of this abuse. One was a pedophile who apprehended, kidnapped a 14-year-old girl who was deaf. So this pedophile kidnaps a 14-year-old girl and he takes her across the State line into Vermont and he takes her to an abandoned motel and he rapes her. This is what the guy did.

Now, the second one he let off, that he went for leniency, was a 3-year-old child that he repeatedly raped.

Now, showing you that this pedophile had planned all this out, he befriended the parents of the 3-year-old girl and then he abused that friendship and he raped this child. This guy was sick.

The sentencing guidelines for each of these two pedophiles and their crimes—the sentencing guidelines call for life in prison. That makes sense. You go out, you kidnap a 14-year-old girl; you take her across State lines; you take her to an abandoned motel, and you rape her—and this is a 14-year-old who is deaf. You take a precious little 3-year-old girl, after you have befriended her parents, knowing you are going to do this because you have got a record, and you rape a 3-year-old child and then you produce videos of yourself carrying out these crimes—these are sick, sick, sick animals.

But, no, Mr. Aframe, he goes for leniency. Instead of going for life in prison, he wanted that sentence lowered. He got his way.

Now, here is what he said about the pedophile who had raped the 14-year-old girl who was deaf. Of that pedophile, he said—following his sentencing and giving him the lower sentence—that by the time he got out of prison, he should be over 60 years old and maybe his desire would have passed. This is sick.

These people are not qualified, and I am going to continue to talk about these judges who are not qualified.

BORDER SECURITY

Madam President, last week, border encounters with illegal immigrants reached 12,000 in a single day, the first time that has ever happened in our Nation's history.

This border is not closed; this border is wide open, and the cartels, fentanyl, and terrorists are streaming across it in record numbers—yes, 12,000 in a day.

In fact, 279 terrorists have been caught at the southern border since President Biden took office. More than 160 suspected terrorists have been apprehended in fiscal year 2023 alone, a number larger than the last 6 years combined.

And since October, more than 6,500 Chinese nationals, 700 Afghans, and dozens of Iranians have also been encountered at the border. Do you think these people have gotten the message that the Biden administration has thrown down the welcome mat and said: Come on over. We are going to let you in. Of course, that is what they are being told by the cartels—of course—because we have got a DHS Secretary who does not stand up and secure the

border. How about that? A Homeland Security Secretary who does not believe in securing the homeland. You can't make it up.

But instead of cracking down on border security, the Biden administration is cracking down on American businesses, including in my home State of Tennessee. They are cracking down on them for ensuring that their employees are eligible to work in our country.

Late last month, Biden's Justice Department fined a Chattanooga-based trucking company \$700,000 for simply checking whether job applicants had permanent resident cards or their immigration documents. They want to see a permanent resident card. They want to see immigration documents.

According to the Justice Department—you are not going to believe this one—according to the Justice Department, these documents are “unnecessary.” Their choice of words.

You know what, you just can't make it up. This administration continues to try to find ways to make illegal legal. They are constantly trying to circumvent the rule of law. They have got two tiers, two standards, two tiers of treatment, two tiers of justice, and it has caused massive amounts of confusion.

So this administration believes open the border, let them run all over, don't document them, doesn't matter if they are a terrorist, doesn't matter what they are coming here for. But if you are a company and you are going to check for permanent residency cards and immigration documents—which you are required to do by law, by the way—then this DOJ is going to tell you: Give it up. We are not checking who is complying with the law. We just want things done our way.

This needs to stop.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Madam President, I ask unanimous consent to complete my remarks before we break for the vote.

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

GUATEMALA

Mr. MERKLEY. Madam President, it was bullets not ballots. Bullets were the way that policies were set when I visited Guatemala in the spring of 1980: a soldier with a gun on every corner of Guatemala City, the army going village to village killing indigenous young men, rebels attacking government officials, and rightwing death squads assassinating professors and students.

I had the unfortunate experience of coming around a street corner just after a death squad had assassinated a professor at San Carlos University and left his body lying in the street.

Well, four decades ago—that is a long time ago—and, fortunately, Guatemala has come a long way since I visited as a young man. Now, the battles over the country's future are being fought not with bullets but with ballots.

But maintaining the integrity of balloting, the peaceful transfer of power, which are the hallmarks, the foundations of representative democracy, is not inevitable. And in Guatemala, the system is being stressed. In Guatemala, the system is being tested.

The ballot box is beautiful because it creates the opportunity for citizens to call on their leaders to change direction, actually, to select leaders who are calling for a change in direction.

If the government isn't serving the people, the people can change the government. And every now and then, one of these elections is particularly exciting, and Guatemala's recent Presidential election has certainly been exciting.

The current Guatemalan Government is mostly a government by and for the powerful, rather than by and for the people, and the powerful blocked several candidates that they didn't want as the next President from even running in the election.

But one person they didn't stop was Bernardo Arevalo and his Semilla or “Seed Movement” Party. This gray-haired academic and anti-corruption advocate was running far back in the pack, virtually unnoticed, some eighth place just a couple weeks before the election, a campaign staff of only five people, so certainly not a serious contender—not a serious contender until he was a serious contender, and that happened because of two factors: The first was young people on social media. Nearly two-thirds of Guatemala's 17 million citizens are under the age of 30, and young people on TikTok flocked to the honesty of the man often referred to as “Uncle Bernie” and his campaign against corruption.

Soon Semilla's seedlings were spreading across social media. And one of the Semilla's leading advocates on social media was a young woman whom our delegation met this last weekend named Marcela Blanco. Ms. Blanco is a 23-year-old influencer who was arrested in November by the government for a tweet, arrested for her campaign activities, held for 11 days, and then released under house arrest and allowed to come to a meeting at the Embassy, which was fortunate because we were able to meet her.

She was a threat to the government because she was effective in spreading a message, a message of support for a man running for President who was running against the corruption of the existing government, her support for a democratic movement of development that was inclusive, meaning that it would support healthcare and housing and education, clean water, not just for the cities but also for the rural indigenous villages.

Well, when that first round of Presidential balloting was held on June 25, Mr. Arevalo came in second, which in the Guatemalan system is very important because first and second place have a runoff, assuming nobody got a majority in the first round. So that runoff was on August 20.

In the August election, that first and the second round, Mr. Arevalo didn't just barely win, he won by more than 60 percent of the vote, defeating the establishment candidate, Sandra Torres.

So a 20-percent victory is a pretty powerful message being sent from the people about whom they want to guide them in the future. And then what happened was the existing government went to work to try to invalidate the election, coming up with a series of spurious claims, and that triggered the indigenous communities to shut down roadways—so a protest—and it forced business leaders to call on the government to recognize the results.

So people, young people, indigenous people, Guatemalan people won a victory.

But they only won a victory if they can keep it. And Mr. Arevalo was here in Washington, DC, to talk about his upcoming service that would start on January 14 of next year, and he noted that he was still under intense attack—both him and his Vice President—and he wasn't sure if he would ever make it to be installed as President.

So a couple of us asked him whether it would be helpful to show that the United States was standing for the ballot box, standing for the peaceful transfer of power to come down before the election. And so a group of us went down this last weekend, led by Senator TIM KAINE, who is the chair of the Subcommittee on Latin America for the Foreign Relations Committee. And we were accompanied by Senator BUTLER, who is in the chair right now—and I gather this was her first congressional delegation—and by Senator DICK DURBIN and myself and then two members of the House who are themselves of Guatemalan descent, which was enormously powerful.

So we advocated there in Guatemala to maintain the recognition of this election, which had a huge amount of oversight, which was certainly conducted with integrity, and to ensure that there was a peaceful transfer of power on January 14.

But in the morning, on Saturday morning, as we were meeting with members of the President's Cabinet and they were telling us everything is just fine, one member of the Cabinet who was not there, which was the attorney general, was preparing to release a statement that afternoon. And that statement she released declared that the election of President-elect Arevalo and Vice-President-elect Herrera and the party's—that is the Semilla party's—parliamentarians was null and void.

Wow. So the attack on democracy by the existing government was still in full force this weekend. We responded by holding a press conference to stress the integrity of the election, underscore the need for democratic continuity, recognizing that the message carried by the President had been supported by an overwhelming majority of

the country. And other organizations and other countries condemned the decision too. The Organization of American States called it an attempted coup d'état that constitutes the worst form of democratic breakdown and the consolidation of a political fraud against the will of the people. And the Supreme Electoral Tribunal declared that the results are validated, formalized, and unchangeable. And Mr. Giammattei, the current President, called for the passage of power to Mr. Arevalo in January.

We have to admit that decades ago, it was not unusual for the United States to undermine democracy in a number of countries in the world—a couple of examples: In 1953, the United States helped engineer a coup against a democratically elected Prime Minister of Iran, Mohammad Mosaddegh, to install the Shah to power. Some 20 years later, Henry Kissinger in the Nixon administration supported and helped a coup d'états by the military against the democratic-elected President of Chile, Allende; and what followed were the worst kinds of repressive regimes with unforeseen consequences, including the Islamic Revolution in Iran and terrible oppression in Chile.

So I was pleased to be part of a team from this Chamber in Latin America working to support and defend democracy, defend the ballot box, defend the will of free peoples. That is the stand we should always be taking when their election is held with integrity.

And right now, it is important that the United States and the international community continue to stand arm in arm with the people of Guatemala, arm in arm with President-elect Arevalo, arm and arm with Vice-President-elect Herrera and their campaign for democracy, their campaign for the rule of law.

Madam President, 44 years ago when I arrived in Guatemala, it was governed by bullets; and 4 days ago, I arrived in a country governed by ballots. But their democracy is at risk. We must continue to do all we can to support the will of the Guatemalan people, the Guatemaltecos, and the will of democratic people around the world. Let's ensure that the form of government that triumphs is that of representative democracy, channeling a government of, by, and for the people, not the powerful.

NOMINATION OF RICHARD E.N. FEDERICO

Mr. DURBIN. Madam President, today, the Senate will vote to confirm Richard E.N. Federico to the United States Court of Appeals for the Tenth Circuit.

Born in Richmond, IN, Mr. Federico earned his B.A.J. from Indiana University in 1999, his J.D. from the University of Kansas School of Law in 2002, and his L.L.M. from Georgetown University in 2012.

Since 2003, Mr. Federico has served the Navy in various positions both in the United States and abroad. More specifically, he has served as: trial

counsel in Trial Service Office East of Naval Station Norfolk; director of military justice and trial counsel in the U.S. Regional Legal Service Office of Europe and Southwest Asia in Naples, Italy; defense counsel in the Office of the Chief Defense Counsel in the Office of Military Commissions; executive officer, senior defense counsel, and officer in charge at Naval Station Mayport in Jacksonville, FL; appellate defense counsel in the Appellate Defense Division of the Office of the Judge Advocate General in Washington, DC; military judge in the Navy-Marine Corps Trial Judiciary; and trial counsel for the Navy Reserve Region Legal Service Office Southwest at Navy Base San Diego.

Between 2015 and 2017, he served as an assistant federal public defender in the Federal Public Defender's Office for the District of Oregon. In 2019, Mr. Federico was designated and certified by the Judge Advocate General of the Navy as a military judge. Throughout his naval career, on Active Duty and in the Reserves, he has also been detailed to serve in a quasi-judicial capacity as a preliminary hearing officer. Mr. Federico has been detailed to preside over 11 court-martial cases. Since 2020, Mr. Federico has served as senior litigator in the Federal Public Defender's Office for the District of Kansas. He previously served the office as an assistant Federal public defender and as a research and writing specialist. Throughout his career, Mr. Federico has tried dozens of cases to verdict in U.S. district courts and in military courts-martial, and he has also filed and argued several appeals.

The American Bar Association unanimously rated Mr. Federico as "well qualified," and his nomination is strongly supported by his home State Senators, Mr. MORAN and Mr. MARSHALL.

I am confident that Mr. Federico will serve honorably on the Tenth Circuit. I proudly support his nomination.

VOTE ON FEDERICO NOMINATION.

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

Mr. MERKLEY. 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 assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Maryland (Mr. CARDIN), the Senator from Pennsylvania (Mr. FETTERMAN), the Senator from New Mexico (Mr. HEINRICH), the Senator from Hawaii (Mr. SCHATZ), the Senator from Rhode Island (Mr. WHITEHOUSE), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Wyoming (Mr. BARRASSO), the