

crossings during a single year. During 1 month alone, the Agency encountered more than a quarter of a million migrants.

The scope and scale of this crisis is absolutely unprecedented, and it is having a major impact on our border security missions. When highly trained and professional Border Patrol agents are spending their time passing out meals and doing administrative tasks, they aren't able to do what they train for, what they want to do, which is to stop drugs like fentanyl, which killed more than 70,000 Americans last year alone.

I was able to meet with some parents who lost their teenage children to fentanyl poisoning last week in Hays County school district right outside of Austin, TX. It was among the most emotional events I have ever attended, because these parents had happy, healthy teenage children going to high school, who took something they thought was a relatively innocuous pill, only to find out it was contaminated with a minute amount of fentanyl, and it took their lives. These parents want us to stop the flow of these drugs across the southwestern border.

When the Border Patrol is not on the frontlines, they are not able to stop the transnational criminals, the cartel members, or other people on the terrorist watch list from sneaking into the United States.

A few weeks ago, I traveled with a bipartisan delegation of Senators to El Paso and then to Yuma—Yuma, AZ, a southwestern part of Arizona—a sleepy, little agricultural community. The Border Patrol Sector Chief told us that they encountered people speaking as many as 200 languages from 176 different countries at that little, sleepy border community in southwestern Arizona.

As it turns out, there is a major airport in Mexicali, in northern Mexico, just across from Yuma, and people were literally flying there from around the world and turning up at the Border Patrol sector and claiming asylum, people from 176 different countries. These are people who are exploiting the vulnerabilities in our asylum system—something we can and we should fix, but so far, there has been no cooperation in order to fix our broken asylum system.

Over the years, I have had the pleasure of taking a number of colleagues to the Texas southern border to see these dynamics up close and learn from the experts on the ground.

The distinguished Presiding Officer comes from a border State. I must say, my impression is that for many people who don't live in a border State or have the experience we have as border State Senators, most of what they think they know about the border they have learned in the movies or by reading novels; in other words, it is not reality. That is why it is so important to go to the border.

As I mentioned, in January, a bipartisan group of seven of our colleagues joined me in El Paso and then Yuma. But in El Paso, a place where President Biden finally visited the day before we got there, the circumstances were so severe that migrants were sleeping on city sidewalks in freezing temperatures because shelters were at capacity. They have been overwhelmed like everything else on the border. My colleagues were able to see for themselves the impact of this crisis on law enforcement and on the nonprofit organizations like Catholic Charities and others, which were trying to help these migrants in very difficult circumstances.

It was a busy and productive trip. But I am eager to return this evening to the Texas southern border with another group of colleagues. Senator THUNE from South Dakota, Senator WICKER from Mississippi, Senators FISHER and RICKETTS from Nebraska, and Senator BRITT from Alabama will join me for a series of tours and meetings in the Rio Grande Valley starting this evening. We will receive a tour of the border from some of the dedicated law enforcement officials who protect it. We will get an up-close look at one of the Border Patrol's processing centers and learn more about the challenges they are facing due to the sheer volume of migrants crossing the border every day.

One reason for this increased volume is not because of increased poverty or violence in communities in Mexico or Central America; it is because of what the Border Patrol calls the pool factors—that is, the impression that you can come to America's doorstep, and you can make your way into the United States and live the rest of your life because there are no consequences to coming to the United States outside of a legal, orderly, humane process. That is why we are seeing this unprecedented border crisis as a result of those policies and that perception, which is reality.

We will talk to local law enforcement officials as well—the sheriffs—and the private land owners on how this flood of humanity is impacting their communities. We will receive briefings from Federal, State, and local law enforcement about efforts to secure the border.

We had Attorney General Garland testify in front of the Judiciary Committee yesterday, and we asked him about the 108,000 Americans who died as a result of overdoses from drugs that come across the southwestern border. He said: Well, we are doing everything we can. Then eventually he said: Well, we need more money. Then he said: Well, this isn't really my job. He said that is the job of the Department of Homeland Security. In other words, he was passing the buck. Meanwhile, the flood of humanity continues, and the flood of deadly drugs continues as well.

It is important that as many Senators as possible see and understand

the dynamics of what has happened. If we are going to have a shot at fixing this mess, which can only happen on a bipartisan basis, then everyone needs to know what we are up against.

I appreciate my colleagues—these colleagues, as well as other colleagues—who have taken the time to visit the border and learn from the people who know it best. They are the true experts. I am grateful for everything they do to promote the security and prosperity of our border communities.

I am especially thankful that they take the time to share their perspective with our other Senate colleagues so we can work together to, hopefully, finally address this crisis.

TEXAS INDEPENDENCE DAY

Mr. President, on another matter, today is Texas Independence Day, a day for Texans to celebrate our unique history and honor the brave men and women who shaped it.

It was 187 years ago, on March 2, 1836, that Texas adopted its Declaration of Independence from Mexico. If you read that Declaration of Independence of 1836, it bears a lot of similarities to what our Founding Fathers declared when they declared their independence from England.

But independence from Mexico happened in the context of the struggle that is perhaps best remembered by the Battle of the Alamo, which laid some of the groundwork for eventual victory. One courageous defender of the Alamo was a man named William Barret Travis, a lieutenant colonel in the Texas army. During the battle, his fellow soldiers were outnumbered 10 to 1—10 to 1—by the forces of Mexican dictator Antonio Lopez de Santa Anna.

On February 24 of that year, with his position under siege, Lieutenant Colonel Travis wrote a letter pleading for reinforcements, and I would like to read it. It was addressed “To the People of Texas & All Americans in the World.”

Fellow Citizens & compatriots—

I am besieged, by a thousand or more of the Mexicans under Santa Anna—I have sustained a continual Bombardment & cannonade for 24 hours & have not lost a man—The enemy has demanded a surrender at discretion, otherwise, the garrison are to be put to the sword, if the fort is taken—I have answered the demand with a cannon shot, & our flag still waves proudly from the walls—I shall never surrender or retreat. Then, I call on you in the name of Liberty, of patriotism & everything dear to the American character, to come to our aid, with all dispatch—The enemy is receiving reinforcements daily & will no doubt increase to three or four thousand in four or five days. If this call is neglected, I am determined to sustain myself as long as possible & die like a soldier who never forgets what is due to his own honor & that of his country—Victory or Death.

Signed by William Barret Travis.

Well, the Travis letter is one of the most treasured documents in Texas history, and it lays bare the ideals and character of the people who founded our State, people characterized by their courage, by their sacrifice, by

their devotion, by their fortitude, and a deep and strong and enduring sense of independence.

Here in the Senate, both Democrats and Republicans from Texas have had the honor of reading the fabled Travis letter over the years. This tradition actually goes back to Senator John Tower, who began his career in the Senate in 1961. I am glad that tradition continues today to ensure that the words of William Barret Travis live on and that generations of Texans and Americans can appreciate the courage and sacrifice they demonstrated at that time.

So, today, I would like to express my gratitude for these Texas patriots, many of whom would later serve in the U.S. Congress, including Sam Houston, whose Senate seat I am honored to now occupy. Their courage and sacrifice will never be forgotten.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

NOMINATION OF GORDON P. GALLAGHER

Mr. BENNET. Mr. President, I wanted to come to the floor and share a few words about an upcoming vote we are going to have this afternoon. I guess it will be now, on Gordon Gallagher, President Biden's nominee for the U.S. District Court for the District of Colorado.

Judge Gallagher comes to this floor with a stellar reputation in Colorado and nearly 25 years in service to others, as a defense attorney for both indigent and paying defendants, a prosecutor in Mesa County, and as U.S. magistrate judge for the District of Colorado.

The judge credits his devotion to public service to his grandfather, who served as an air navigator during the Second World War and was shot down over Eastern Europe on his 49th mission. After the war, Gordon's grandfather came home to continue the fight for America's highest ideals, working to integrate housing in his local community.

And his example stuck with Gordon. So when he did a family trip to Colorado when Gordon was just 8 or 9, like everybody who comes to our State, he fell in love with it and fell in love with the Rocky Mountains. And years later, as a student at Macalester, he fell in love with a Coloradoan, his wife Christine. Gordon would eventually follow Christine back to Colorado, where he earned a law degree from the University of Denver.

After graduating, Gordon practiced at a law firm representing small businesses and served for nearly 4 years as a deputy district attorney for Mesa County, CO. Later, Gordon launched his own firm as a defense practitioner and began working with the Office of the Alternate Defense Counsel, representing clients who couldn't afford their representation. He spent over a decade in this role, fighting for the American ideal that everyone, no matter what their means, deserves equal

representation before the law. In 2012, Gordon was appointed as a part-time magistrate judge for the U.S. District Court for the District of Colorado, a position he holds to this day.

Senator HICKENLOOPER and I recommended Judge Gallagher to this position because, unlike anyone currently on the district court, he has spent the majority of his career on the Western Slope of Colorado, a rural, mountainous part of our State with a specific perspective on issues that range from public lands to natural resources, to Federal regulation.

We need that perspective on the Federal bench. It has been too long. We haven't had an appointee from the Western Slope of Colorado in over 30 years, and Judge Gallagher is the perfect nominee to bring that perspective to the bench.

Over his career on the Western Slope, Gordon's work ranged from representing a young man charged with the manslaughter of his best friend to securing rehabilitative services for members of the Southern Ute and Ute Mountain Ute Tribes, to hearing traffic complaints in smalltown courts because sheepherders had blocked the local highway.

I know I am not saying anything that the Presiding Officer hasn't seen in New Mexico.

And, as a presiding judge, Gordon has presided over most stages of a felony docket, from substantive motions through pleas, postconviction proceedings, and sentencing—a level of participation in Federal criminal cases far beyond a typical magistrate judge.

He has also worked on a vast array of issues including criminal, civil, patent, pro se, and environmental litigation, including many cases with difficult tradeoffs between natural resource extraction, conservation, and recreation.

These issues are common for the U.S. District Court for Colorado, and they require someone with Judge Gallagher's deep and direct experience. More than that, everyone we have spoken with tells us how much Judge Gallagher enjoys being on the court and how he cherishes the opportunity to serve our country, just like his grandfather.

Judge Gallagher's entire career has prepared him for this position. He has proven his character, his integrity, and his legal acumen over a distinguished 25-year career. He has my full and enthusiastic support.

I want to thank my fellow colleagues on the Judiciary Committee for advancing his nomination with overwhelming bipartisan support. They saw what an exceptional judge he would make, and I wholeheartedly agree. I hope we will have a large bipartisan vote to support Judge Gallagher in his confirmation.

I yield the floor.

VOTE ON LAWLESS NOMINATION

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

Mr. SCHATZ. 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 California (Mrs. FEINSTEIN), the Senator from Pennsylvania (Mr. FETTERMAN), the Senator from Oregon (Mr. MERKLEY), and the Senator from Rhode Island (Mr. WHITEHOUSE) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Idaho (Mr. CRAPO), the Senator from Louisiana (Mr. KENNEDY), and the Senator from Alabama (Mr. TUBERVILLE).

The result was announced—yeas 51, nays 41, as follows:

[Rollcall Vote No. 37 Ex.]

YEAS—51

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

NAYS—41

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

NOT VOTING—8

Crapo	Fetterman	Tuberville
Durbin	Kennedy	Whitehouse
Feinstein	Merkley	

The nomination was confirmed.

The PRESIDING OFFICER (Mr. HENRICH). 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 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. 40, Gordon P. Gallagher, of Colorado, to be United States District Judge for the District of Colorado.