

border crisis. During his State of the Union last month, President Biden even said:

America's border problems won't be fixed until Congress acts.

But that myth is easy to debunk. Just compare what we are seeing now to what we saw during the previous administration.

During President Biden's first 2 years in office, Customs and Border Protection encountered nearly 4.7 million migrants at the southern border, an absolutely unprecedented and astonishing figure. But during the first 2 years of the Trump administration, the Agency reported fewer than 950,000 encounters. From one administration to the next, we saw from 950 to 4.7 million. Congress did not pass any sweeping immigration laws in the interim. There hasn't been any major legislation that might have caused this dramatic increase or restricted the administration's ability to respond to it.

Despite the fact that President Biden was dealt the exact same hand when it comes to his authorities at the border, we have experienced nearly 4½ times as many border crossings under his Presidency—4½ times.

So this crisis wasn't created by Congress, and Congress is not the problem when it comes to solutions. It is the Biden border crisis, and only he can fix it.

We don't need to completely rewrite our immigration laws in order to fix the humanitarian and security crisis at the border. President Biden needs to do what other administrations have done: enforce the laws already on the books. The administration needs to get serious about things like expedited removals and ensure that those with invalid asylum claims are quickly removed from the United States. The administration needs to increase detention space so frontline personnel have the capacity to actually carry out their job. They need to stop paroling or essentially waving people into the United States to wait for an appointment with Immigration and Customs Enforcement that is years away because of the backlog.

Time and time again, the Border Patrol tells me that what is missing now that existed previously were consequences—consequences with coming to the United States illegally or by exploiting our asylum system. There were consequences, and that offered a deterrent effect on millions of people who are now coming to the border.

By taking a few simple actions, the Biden administration could send a clear message to anyone considering crossing our border: Unless you have a legitimate reason to be here, you will not be able to stay. That is the very essence of consequences. Deterrence is a key component of a safe and secure border, and until the administration starts deterring would-be migrants with frivolous asylum claims from crossing the border, we will remain in a constant state of crisis.

To be clear, I am not suggesting Congress should just sit on the sidelines. We have an important role to play too. For one thing, there is obviously a need to improve border security. We need to strengthen the combination of technology, infrastructure, and boots on the ground that is the recipe for closing the security gaps that are being exploited every day.

Last week, law enforcement told us, in no uncertain terms, that they need additional resources, and providing those resources should be a top priority. But Congress also needs to address the glaring problems with our asylum system that are being exploited massively.

In the Yuma sector, where I traveled with the bipartisan delegation just weeks ago, the Border Patrol Sector Chief told us that 17 people from 176 countries, speaking 200 languages, were coming through the Yuma Border Patrol Sector and claiming asylum because they knew they would be released to the interior of the United States.

That is a broken asylum system, especially when, once people ultimately do appear in front of an immigration judge, no more than 15 percent to 20 percent of those will have those asylum claims validated, which means 75 percent to 80 percent or so are staying in the country awaiting a future asylum hearing without any legitimate claim to asylum.

One of the places we visited was a Border Patrol processing center. You can see that here. We saw just how overwhelmed the Border Patrol is by the number of people they have to process. We discussed the growing backlog of cases and the fact that it will be years, if ever, that these cases will ultimately appear in front of an immigration judge. That is unfair to the individuals and families with legitimate asylum claims who have to live in a constant state of uncertainty for years because this system is simply so underwater and dysfunctional. It is also unfair to those who do not qualify for asylum and whose claims will ultimately be rejected. They will end up spending years living and working in the United States only to be told at some point in the future that they have to leave.

But the dirty secret—and it is not a secret—is that many people will simply not show up for that future court date, knowing that, thanks to the Biden administration's open borders and non-enforcement policy, they will likely be able to stay in the United States, even though they don't appear in front of an immigration judge at some point in the future.

There are a lot of problems that Congress can and should solve, but the current border crisis does not hinge on all those reforms.

I appreciate my colleagues coming to Texas to visit our southern border, the ones who did last week and the many others who joined recently on a bipar-

tisan basis. I think it is important for every Senator to see what is happening at the southern border. But the constant refrain I hear is because of the drugs being imported into the United States that are being distributed virtually throughout the country—what I keep hearing people say is every State is now effectively a border State, and every city, including Washington, DC, New York, and Chicago, where many of these migrants have been bused because that is where they requested to await their future hearing—all those are border cities, in effect, as well. The problem does not stay at the border. The problem is all across the country, thanks to the message that the Biden administration is sending that there is no reason not to come. In fact, if you do come, you are likely to be successful in staying.

It is simply unfair to the professionals who work on the border who are overwhelmed by the burden they have been asked to carry and frustrated beyond belief by the lack of support that they receive from this administration. Essentially, what the Border Patrol has been told, in so many words, is: You hired on to do a job, an important law enforcement job, but we are going to shackle you and prevent you from actually doing the job that you entered the Border Patrol to do because we are not going to embrace the right policies, and we are not going to provide enough resources for you to actually do your job and succeed in doing your job.

Communities across the U.S.-Mexico border are dealing with the fallout from the administration's policy failures and, as I said a moment ago, the Biden administration has tools at its disposal to address this crisis without any action from Congress, and it is time to put those to use.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mrs. BLACKBURN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### NOMINATIONS

Mrs. BLACKBURN. Madam President, in the months leading up to the 2020 election, Joe Biden distanced himself from the far-left wing of the Democratic Party and pitched himself as a moderate, and for the most part, the media happily played along right until day 1 of the Biden administration—when Joe Biden handed the reins to the most radical slate of nominees this country has ever seen.

The Democrats claim that this administration is transformative, but that is not what Tennesseans believe. All they see is a President who is not in control of his government and a host of unelected bureaucrats on a mission to rip apart this country and to rebuild it in their image. That is the kind of

transformation they are carrying out in this country.

This complete disregard for the American people was on display last week during Attorney General Merrick Garland's testimony before the Senate Judiciary Committee. It became clear to me from listening to his testimony and reviewing his tenure as our Attorney General that he has truly created a two-tiered system of justice in this country—two systems of justice, two different types of investigations.

Now, under these two separate tiers of investigations and response and justice, there is one standard that applies to people of faith, to parents, to conservatives—really, the heartland of America—and then there is a separate standard for the liberal political elite—people who are after power, people who want to control your life.

Since the Dobbs opinion leak, violence and threats of violence have increased among far-left groups but not among pro-life and conservative groups. Still, the Garland DOJ has targeted pro-life advocates for investigation, prosecution, and even full-scale FBI raids. Let me give you some examples of this. Over 70 pro-life pregnancy centers have been targeted by leftwing activists; yet only 2 individuals have been indicted. Compare that with 25 pro-life advocates indicted under the FACE Act just in the last 5 months.

The Attorney General has been keeping very close tabs on the pro-life community. As I said, there are 25 who are being prosecuted while only 2 are being prosecuted after having carried out 70 acts of vandalism against pro-life pregnancy centers and churches. But he is watching this pro-life community very closely, so I admit I was a little taken aback when he claimed in his testimony that he was completely unaware of a widely reported attack on a crisis pregnancy center in Nashville.

The far-left abortion advocacy group Jane's Revenge appears to have claimed responsibility for the fire-bombing attempt on the Hope Clinic for Women, but the Attorney General is still unwilling to classify this group as a domestic terrorist organization. You heard me right. They fire-bombed a pro-life pregnancy center—a center there to help women with healthcare, to provide diapers for newborns, formula for babies. This group, Jane's Revenge—they were so proud of their work that they spray-painted their name on the walls and took credit for it.

Now, Mr. Garland likes to throw around the label "domestic terrorist" when it comes to parents who are concerned about what their children are being taught in school, but he will not use it to condemn far-left radicals who attempt to burn down a crisis pregnancy center. The American public should find this appalling and completely unacceptable. Tennesseans find this unacceptable.

It is also unacceptable that he won't enforce the Federal law that explicitly

prohibits protesters from intimidating our Supreme Court Justices. That is right—there is a Federal statute against this, but he is not prosecuting these individuals. Five Justices and their families have endured unimaginable harassment from the constant protesting outside of their private homes. One Justice has even fallen victim to an assassination attempt, but no one—not one, zero, no one—has been indicted or prosecuted. This is a Federal crime. It is a law on the books.

This is two tiers of justice at work. The American people can see this, and when I am at home in Tennessee, I hear a lot about this. It doesn't matter what side of the political spectrum someone sits on. I hear complaints about this two tiers of justice from Republicans, Democrats, Independents. The reason you do is that people know, sometimes when you establish such a precedent, that it leads to areas you don't want to go and seeing that continue. We are a nation of laws that believes in the rule of law.

Here are more examples of this two tiers of justice. Pro-life advocates are being targeted for prosecution and arrest while far-left, pro-abortion radicals are free to commit violence in our communities. Concerned parents are labeled domestic terrorists. Our Supreme Court Justices, who are subject to relentless protests outside of their homes, are not being protected, and there is not a bit of concern from the country's chief law enforcement officer. I ask you, does that sound like normal conduct to you? Of course not.

It was, as Chairman DURBIN said after another recent meeting of the Judiciary Committee, a rough hearing.

Conditions weren't much better over in the Commerce Committee last week, where my Republican colleagues and I truly struggled to see why President Biden had nominated someone with only a year and a half of aviation experience to lead the FAA. That is right—a year and a half of aviation experience to lead our Federal Aviation Administration. Phil Washington's only relevant experience amounts to a year-and-a-half stint at the Denver Airport. He is totally unqualified to lead an Agency that is desperate for true leadership.

The FAA's main mission is to protect and ensure the safety of the flying public, but instead of prioritizing safety, what has Mr. Washington chosen to prioritize in Denver? Well, Mr. Washington's goal is to enshrine diversity, equity, and inclusion policies at the Federal level.

During his hearing, I asked him why he included DEI policies in Denver Airport's procurement process. That is right—procurement. The FAA's current process, which is already terribly long and convoluted, would nearly collapse under the effects of a DEI mandate, but Mr. Washington made it clear he believes that, while the FAA should, indeed, focus on problems like the NOTAM incident and making sure

planes don't crash into each other, he would redirect needed attention toward a controversial and unpopular, woke crusade that would do nothing to improve the safety of the flying public.

The administration needs to go back to the drawing board and send the Senate a nominee with true aviation safety experience.

Unfortunately, a lack of experience was the least of our concerns in the case of another Biden nominee who moved through the Senate last week. On Thursday, the Finance Committee voted to advance the nomination of Danny Werfel to be Commissioner of the IRS.

The IRS has a long history of doing whatever it decides it wants to do, from the Lois Lerner scandal, which Mr. Werfel is very familiar with, to last year when the IRS decided to destroy 30 million taxpayer documents—something we only know about because the Treasury's inspector general alerted us. The IRS did not alert Congress.

The IRS has been out of control for too long, and the fact that we have seen this Agency move forward on a so-called transformative agenda without a confirmed Commissioner in charge is proof that in this administration—you have people in that White House who are not sending forward nominees who have the relevant experience and who are qualified to do the job to which they are being appointed.

While I commend Mr. Werfel for being willing to serve our country, his responses during the confirmation hearing and the information he submitted in writing did little to inspire confidence in his willingness to take back control of this Agency.

Tennesseans have serious concerns about how the IRS plans to use that \$80 billion blank check that the Democrats gave them this year. They know that under the current regime, this will lead to more audits and more harassment not of big corporations but of—guess what—small businesses, gig economy workers, and Main Street merchants. Meanwhile, taxpayers are sitting ducks for hackers and other bad actors who have found it far too easy to access and steal data from the IRS's own systems.

The American people are entitled to know how any nominee, asking to lead this Agency, will approach the job. The last thing they want to be told is, well, just wait and see.

And there you have it—1 week of damage and disregard for the American people, courtesy of President Joe Biden and the Senate Democrats.

There is only one way that the Biden administration will be able to earn back the confidence of the American people, and that is to start respecting the norms and institutions that our great Nation is built upon. This will require everyone from the President on down to discipline themselves and show the same common sense that Tennesseans show every day as they stretch their budgets to try to deal with high inflation, the prices at the

grocery store, and the price at the pump as they try to work through dealing with crime in their communities courtesy of the gangs coming in over the southern border and with drugs running into our communities—again, coming over that open southern border.

I am not optimistic that President Biden and the Democrats are going to buckle down and be serious about securing our border and about bringing forward nominees who are competent and ready to serve in this administration or judges who have the relevant experience to serve on a Federal bench, but I welcome the Democrats to buckle down, get serious, and take governing seriously. Let's make certain that they bring forward people who are going to do the job with respect for the American people.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. HIRONO). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

NOMINATION OF ROBERT STEWART BALLOU

Mr. KAINÉ. Madam President, I rise today in support of Magistrate Judge Robert Ballou of Virginia, nominee to be U.S. district judge for the Western District of Virginia. In about 10 minutes, we will move into a cloture vote to advance his nomination, and I am proud to stand in support of this great jurist.

Judge Ballou has deep and abiding ties to the Commonwealth. He was born in Roanoke, VA, just like my wife, and he graduated from the University of Virginia and then from UVA Law School.

Other than a judicial clerkship for the late Judge Peter Beer on the U.S. District Court for the Eastern District of Louisiana, Judge Ballou has spent his entire 35-year legal career in Virginia. Following that clerkship, Judge Ballou worked in private practice in both Richmond and Roanoke from 1988 through 2011. He built a successful civil litigation practice, and he regularly appeared in State and Federal courts.

Judge Ballou became a U.S. magistrate judge for the Western District of Virginia in 2011. Madam President is a lawyer and, I know, understands the role that magistrates play in the Federal court system. First, they usually have to go through a fairly rigorous application process where they are chosen by the sitting article 3 judges in the court to serve in the magistrate's role. And, second, once they are on, they have a wide variety of responsibilities in criminal procedure, in pretrial practice in civil cases, in mediations to try to help litigants find a path forward without the need for trials.

Judge Ballou is extremely well-regarded for his 12-year service as a magistrate judge. And one of the things

that being a magistrate gets you is it gets you the opportunity to be before so many litigants and practitioners in the court—in this case, the Western District of Virginia—that, when you are up for consideration for a judgeship, there are a whole lot of reviews out there about whether or not you have got the judicial temperament, the work ethic, the fairness to be a good article 3 judge.

In over a decade as a magistrate, Judge Ballou has developed a sterling reputation on the bench. He is well-known. He is respected in the Western District of Virginia for running his courtroom in a fair and efficient manner while ensuring that all parties, even low-income people who might be unrepresented—often there are pro se cases before Federal courts—all parties are respected and heard.

The American Bar Association unanimously granted to Judge Ballou its highest rating of "Well Qualified" for this nomination.

Judge Ballou enjoys broad and deep support across the Virginia legal community. For example, former U.S. attorneys for the Western District of Virginia, who served under both Democratic and Republican administrations for the last 20 years, wrote that Judge Ballou "enjoys the highest reputation in the legal community for his intelligence, thoughtfulness, and preparation. Judge Ballou has consistently displayed the temperament, character and work ethic necessary to make an outstanding judge."

The observation is echoed in the letters of support from civil and criminal attorneys practicing in the Western District of Virginia, representing a wide range of litigants.

One other thing that I just want to say about Judge Ballou that impressed me: This is the second time that Senator WARNER and I, following a process that we use where we pull together lawyers from the district to interview candidates—it is the second time we have recommended him to the White House for a nomination to be an article 3 judge.

The first time, the White House went a different direction. Sometimes that happens, and people say: OK, well, I am not interested anymore.

I give credit to Judge Ballou that, after we recommended him—and you recommend multiple candidates, and not everybody gets it—he hung in there. That has been the case with some of the other nominees that Senator WARNER and I have recommended. The ones that hang in there and who eventually get to the bench do a great job, and I am absolutely convinced that Judge Ballou, who received wide bipartisan support in the Judiciary Committee when he was up before the committee—I am absolutely confident he is going to do a great job in this position.

I urge my colleagues to confirm him. With that, Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, I want to thank my friend—is it 43 years?—Senator KAINÉ for his comments.

I apologize to the Presiding Officer and folks up front that I didn't hear all his comments. So you may be hearing from me a bit of repetition of what TIM has already said, but I think, in terms of Judge Ballou, who Senator KAINÉ has already mentioned, a little bit of repetition might be appropriate.

I also join with Senator KAINÉ in urging all my colleagues, in about 8 minutes, to support President Biden's choice to serve as a U.S. District Court judge for the Western District of Virginia. He really is—Bob Ballou is a pillar of the Virginia legal community.

I want to start with where Senator KAINÉ left off. He went through our whole vetting process under the Trump administration. And the fact that someone has, at least in terms of our criteria, I think, qualified as an extraordinarily competent, well-suited individual under both President Trump and President Biden is a real credit. And I give the White House credit for moving forward and putting his name forward.

I think Senator KAINÉ has already mentioned the fact that he got bipartisan support in committee, something that, unfortunately, is becoming rarer and rarer; but, as probably has already been indicated, this is the kind of individual who has both the legal acumen and the temperament, I think, to be a great judge.

He is a Virginia native, originally from Roanoke, a two-time UVA graduate. Following his time at UVA and UVA Law School, he originally clerked for Judge Peter Beer of the U.S. District Court for the Eastern District of Louisiana.

Following this brief stint outside of Virginia, he returned to private practice in Richmond and Roanoke, where he litigated complex civil issues.

In 2011, he was selected by the article 3 judges of the Western District to support as a magistrate judge. Over the past 12 years, Judge Ballou has continued earning the respect and admiration of those article 3 judges that, hopefully, after the next few days, he will actually serve with and, I think, will do, again, a great job.

He will be replacing retiring Judge Jones. Senator KAINÉ and I both have had the pleasure—and I think Senator KAINÉ actually may have practiced with him occasionally. But they are big shoes to fill, and he will do that.

Again, as has been mentioned, Judge Ballou has been really known as a magistrate judge for his temperament, the fact that lawyers who appear in his courtroom indicate that he works diligently, he always has an open mind, and he has a real sense of fairness.

He loves Southwest Virginia. His father had served as a State court judge. He has been very involved in community and charitable activities throughout the whole region.