

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. KAYNE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.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. KAYNE. 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 KAYNE 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 KAYNE has already mentioned, a little bit of repetition might be appropriate.

I also join with Senator KAYNE 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 KAYNE 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 KAYNE 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 KAYNE and I both have had the pleasure—and I think Senator KAYNE 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.

This is, I think, a man whose time has come. I wish he would have been already on the bench. We will have a chance to rectify that with our move to cloture today and then, hopefully, in a couple of days later, his confirmation as a judge from the Western District of Virginia.

So I heartily join my friend Senator Kaine and urge the confirmation of Judge Ballou as a judge to the Western District of Virginia.

With that, Madam President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### 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. 31, Robert Stewart Ballou, of Virginia, to be United States District Judge for the Western District of Virginia.

Charles E. Schumer, Richard J. Durbin, Catherine Cortez Masto, Sheldon Whitehouse, Sherrod Brown, Margaret Wood Hassan, Raphael G. Warnock, Gary C. Peters, Jack Reed, Christopher A. Coons, Brian Schatz, Tina Smith, Ben Ray Luján, Elizabeth Warren, Martin Heinrich, Christopher Murphy, Tammy Baldwin, Alex Padilla.

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 Robert Stewart Ballou, of Virginia, to be United States District Judge for the Western District of Virginia, 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 California (Mrs. FEINSTEIN), the Senator from Pennsylvania (Mr. FETTERMAN), and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Wyoming (Mr. BARRASSO), the Senator from Idaho (Mr. RISCH), and the Senator from Alaska (Mr. SULLIVAN).

The yeas and nays resulted—yeas 59, nays 35, as follows:

#### [Rollcall Vote No. 40 Ex.]

#### YEAS—59

Baldwin	Heinrich	Reed
Bennet	Hickenlooper	Romney
Blumenthal	Hirono	Rosen
Booker	Kaine	Rounds
Brown	Kelly	Schatz
Cantwell	Kennedy	Schumer
Capito	King	Shaheen
Cardin	Klobuchar	Sinema
Carper	Luján	Smith
Casey	Manchin	Stabenow
Collins	Markley	Tester
Coons	McConnell	Tillis
Cornyn	Menendez	Van Hollen
Cortez Masto	Merkley	Warner
Duckworth	Murkowski	Warnock
Durbin	Murphy	Warren
Gillibrand	Murray	Welch
Graham	Ossoff	Whitehouse
Grassley	Padilla	Wyden
Hassan	Peters	

#### NAYS—35

Blackburn	Fischer	Paul
Boozman	Hagerty	Ricketts
Braun	Hawley	Rubio
Britt	Hooven	Schmitt
Budd	Hyde-Smith	Scott (FL)
Cassidy	Johnson	Scott (SC)
Cotton	Lankford	Thune
Cramer	Lee	Tuberville
Crapo	Lummis	Vance
Cruz	Marshall	Wicker
Daines	Moran	Young
Ernst	Mullin	

#### NOT VOTING—6

Barrasso	Fetterman	Sanders
Feinstein	Risch	Sullivan

The PRESIDING OFFICER (Ms. SMITH). On this vote, the yeas are 59, the nays are 35.

The motion is agreed to.

The PRESIDING OFFICER. The majority leader.

#### LEGISLATIVE SESSION

#### MORNING BUSINESS

Mr. SCHUMER. Madam President, I ask unanimous consent that the Senate proceed to legislative session for 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.

#### VOTE EXPLANATION

Mr. CASEY. Madam President, on February 14, I successfully underwent surgery for prostate cancer. I am grateful to the doctors and other medical professionals who provided me with excellent care, and I am glad to be back in the Senate working for the people of Pennsylvania. As the result of my medical treatment, I required several weeks of recovery and thus missed several votes in the Senate. The outcome of these votes was unaffected by my absence, but I wish for the record to show, had I not been absent due to my cancer treatment and recovery, how I would have voted on the following votes: yea on vote number 11, on the confirmation of Gina R. Mendez-Miro to be U.S. District Judge for the District of Puerto Rico; yea on vote number 12, on the motion to invoke cloture on Lindsay C. Jenkins to be U.S. Dis-

trict Judge for the Northern District of Illinois; yea on vote number 13, on the confirmation of Lindsay C. Jenkins to be U.S. District Judge for the Northern District of Illinois; yea on vote number 14, on the motion to invoke cloture on Matthew L. Garcia to be U.S. District Judge for the District of New Mexico; yea on vote number 15, on the confirmation of Matthew L. Garcia to be U.S. District Judge for the District of New Mexico; yea on vote number 16, on the motion to invoke cloture on Adrienne C. Nelson to be U.S. District Judge for the District of Oregon; yea on vote number 17, on the confirmation of Adrienne C. Nelson to be U.S. District Judge for the District of Oregon; yea on vote 18, on the motion to invoke cloture on Ana C. Reyes to be U.S. District Judge for the District of Columbia; yea on vote 19, on the motion to invoke cloture on Daniel J. Calabretta to be U.S. District Judge for the Eastern District of California; yea on vote 20, on the confirmation of Ana C. Reyes to be U.S. District Judge for the District of Columbia; yea on vote 21, on the motion to invoke cloture on Lester Martinez Lopez to be an Assistant Secretary of Defense; yea on vote 22, on the confirmation of Daniel J. Calabretta to be U.S. District Judge for the Eastern District of California; yea on vote 23, on the confirmation of Lester Martinez-Lopez to be an Assistant Secretary of Defense; yea on vote number 24, on the motion to invoke cloture on the nomination of Maria Araujo Kahn to be U.S. Circuit Judge for the Second Circuit.

Due to my medical treatment on February 14, I also missed committee hearings and other Senate business when the Senate was in session from February 14 to February 17.

#### ADDITIONAL STATEMENTS

#### TRIBUTE TO CORPORAL JIMMY SULLIVAN

• Mr. TUBERVILLE. Madam President, for some veterans, serving their country meant foregoing their own dreams so that millions of Americans would have the opportunity to pursue theirs. That is true for U.S. Marine Cpl Jimmy Sullivan of Foley, a star linebacker at Vigor High School in Mobile, who always dreamed of playing football for Coach Paul “Bear” Bryant at the University of Alabama.

But when the offer letter came from Coach Bryant, Corporal Sullivan knew that he could not accept because he saw the many Americans who were dying in the Vietnam war. So instead of following his dream to play college football, he dropped out of high school to enlist in the U.S. Marine Corps at the age of 18.

The two-time Purple Heart recipient recalls several close calls during his 2 years in Vietnam, but a particular experience stands out in his mind. One foggy day while transporting deceased