

twice by the Kremlin, returned to Russia last year to continue the peaceful struggle for a more democratic nation and an end to the disastrous war in Ukraine. I will never forget that he came to talk to me just before he returned to Russia and reflected on his determination and optimism for a better future for Russia. Tragically, he was arrested shortly after arriving in Moscow on the laughable charge of criticizing Mr. Putin's war.

Kara-Murza, Alexei Navalny, and so many other Russians who are courageously pursuing a better future for their country deserve our support, and they deserve to be released from Putin's disgraceful gulags.

I would also like to take a moment to mention another brave person. This gentleman, Oswaldo Paya, a brave Cuban, died under suspicious circumstances 11 years ago. Oswaldo Paya had spent years advocating for peaceful, democratic change in Cuba, including submitting thousands of signatures calling for greater political freedoms using a process allowed by the Cuban Constitution itself. Not only did the Castro regime cowardly ignore these modest requests, but it then changed the constitutional provision that allowed for this kind of political input.

After years of harassment and threats, in July 2012, Oswaldo Paya's car was run off the road by a government vehicle, leading to his death. The Cuban Government has never provided a credible accounting of the incident or charged anyone with his death. So, this week, Senators RUBIO, KAINE, CASSIDY, MENENDEZ, CRUZ, CARDIN, WARNER, and I are again calling on the Inter-American Commission on Human Rights to complete this investigation. I hope the Commission finally acts to bring light to Paya's case and to help deter acts of aggression like this in the future.

RAIL SAFETY

Mr. President, the residents of East Palestine, OH, were still desperate for answers about the toxic derailment of the Norfolk Southern train in their town a month ago when a second Norfolk Southern train derailed in Springfield, OH, this past weekend. This morning, we learned of even another accident involving Norfolk Southern. A railroad employee was killed early this morning when a Norfolk Southern train collided with a dump truck in Cleveland, OH.

These three rail accidents in just 1 month—one of them a catastrophic derailment—have sent a grave and blaring signal that we need to do more to protect American communities from hazardous freight rail shipments. The need for greater rail safety is urgent, especially in my State of Illinois. Chicago, IL, is the busiest rail hub in the United States. About a quarter of all freight rail traffic in our Nation passes through the Chicago area every year.

If we ignore the warnings from East Palestine and Springfield, OH, it is only a matter of time until the next deadly derailment. In East Palestine,

the government has responded quickly. Federal Agencies were on the ground within hours and are still there today. President Biden has instructed workers from Federal Agencies to even go door to door, checking on the residents in the area to see who may need medical attention as a result of exposure to toxic chemicals.

These are the right steps to take, but we also need to do more to prevent train derailments and accidents in the first place so that more communities don't find themselves facing the same dangers and uncertainty as East Palestine.

Freight rail traffic has increased in recent decades, and it continues to grow. At the same time, freight companies have moved to larger and longer trains to increase profits. But Federal regulations have not kept pace with the changing rail industry. That is the problem.

Listen to these figures, which tell the story. In 2001, the profit margin of the leading freight carriers was 15 percent. Today, the profit margin of those same rail carriers is 41 percent—from 15 to 41 percent. While derailments are down overall since the 1970s, the number of train accidents per mile has actually increased. In addition, over the last 7 years, the damage from derailments has grown, particularly from trains carrying hazardous chemicals.

Instead of investing adequately in safety and their workers, freight rail companies have cut staff dramatically and fought to dismantle safety regulations. Those efforts paid off under the previous President, when rail industry regulators dramatically loosened a number of safety rules. The result is greater danger, more congestion, and blocked rail crossings in communities across America.

The disaster in East Palestine appears finally to have produced a bipartisan consensus that change is needed—and it is. My colleagues from Ohio, Senators BROWN and VANCE, have introduced a bipartisan bill that will make several important, commonsense changes and force freight railroads to improve the safety of their operations. I support these efforts and hope the Senate will pass the bill soon.

While the exact causes of the recent Ohio derailments have not yet been determined, inspectors for the national Surface Transportation Board found that a wheel bearing on the derailed Norfolk Southern train in East Palestine heated to more than 250 degrees above average—250 degrees—causing the plastic pellets it was carrying to catch fire.

The bipartisan bill from Senators BROWN and VANCE will increase how frequently the temperature of wheel bearings must be checked. It also would require additional safety procedures for trains carrying these deadly and dangerous materials. This includes rules for the length of trains and their weight, increased inspections, and a requirement that trains hauling haz-

ardous materials have two trained crew members on board instead of just one. Finally, the Brown-Vance bill would provide funding for hazmat training for first responders, and it would invest in both rail research and the development of new tank car safety features. These are important safety steps that will protect rail workers and the communities through which these trains pass.

This past December, Congress approved a labor agreement that gives rail workers the largest wage increase in 50 years, but most of the railroads balked at providing their workers with even 1 day of paid sick leave per year so that they can take care of themselves and their families.

For too long, railroads have short-changed their workers and possibly endangered American communities, maximizing their corporate profits. It is time for change.

Working for railroads is a tradition in my family. I grew up in East St. Louis, IL. Both of my parents worked for the New York Central Railroad. My two brothers and I also worked for the same railroad. I know from personal experience that many railroad jobs are physically demanding and can be dangerous. Lucky for me, the only scar I have from working on the railroad is a minor one, but others have been injured in more grievous ways.

We can't take all the risks out of rail transport, but we must reduce unnecessary risk. The bipartisan Brown-Vance bill strikes the right balance. We should pass it without delay.

I yield the floor.

THE PRESIDING OFFICER (Mr. PADILLA). The Republican whip.

IMMIGRATION

Mr. THUNE. Mr. President, at the end of last week, I joined several of my Republican colleagues to travel down to our southern border. It was my second visit to the border during the Biden administration—my third overall. My first during the Biden administration was almost exactly 2 years ago, after border numbers started to soar in the wake of the President taking office.

I would have to say unfortunately little has changed since my last visit. Thanks to the fact that President Biden spent the first 2 years of his Presidency refusing to even acknowledge this crisis, much less actually address it, we are still facing a disastrous situation at our southern border.

I talked to Border Patrol agents who have spent 2 years dealing with record-breaking numbers of illegal immigrants and are still looking for support from the Biden administration that never seems to come. Again and again, Border Patrol agents told me that not only do they not feel supported by the Biden administration, but they feel like the Biden administration has actually impeded their ability to do their jobs. "Just let us enforce the law," one agent told me. It is something that was echoed by other law enforcement officers that we spoke to. To give you just

one example, we heard from the individual in charge of the border for the State of Texas, who told us that they have a number of panels for the congressionally mandated border wall that are ready to go into the ground. The State of Texas and law enforcement personnel would like to install these panels to help them stem the flood of illegal immigration—at their own expense, an expense of the State of Texas. But the Biden administration has, so far, refused to grant the permissions needed to do that. I can only imagine how much harder the jobs will get when the Biden administration ends title 42 border policies, coming up on May 11.

I was also stunned to learn that President Biden’s supposed border czar, Vice President HARRIS, has never spoken to the border czar for the State of Texas or to the leadership of the Border Patrol down there. That is right. The person who is supposedly in charge of addressing the chaos at our southern border has never spoken to the individual in charge of border issues for the State that makes up the greatest portion of our southern border or to the Border Patrol leadership in the State.

Mr. President, from his campaign on, President Biden was fixated on distancing himself from the immigration policies of his predecessor and satisfying the open borders caucus that makes up a huge part of today’s Democratic Party, so much so that, in his first week in office or so, he repealed somewhere on the order of 94–94—executive policies of the previous administration with respect to the border. The moment he took office, he set about dismantling those policies of the previous administration without apparently taking even a minute to think about what effect his actions would have.

Well, we know now what effect they had. President Biden’s actions declared to the world that the United States’ borders were effectively open, and we have seen 2 years of recordbreaking illegal immigration as a result.

In January, President Biden finally—and I say “finally”—began to take some steps to address the crisis at our southern border, including reestablishing versions of some of the border security policies he did away with on taking office. Predictably, even the mild steps he has taken have garnered criticism from open borders Democrats who, apparently, think that border security and border enforcement are somehow uncompassionate.

Well, Mr. President, do you know what is uncompassionate? The kind of lax border policies we have had over the past 2 years that have encouraged individuals to attempt to illegally cross our border; that have encouraged individuals to pay huge sums to dangerous individuals, to cartels, and smugglers for illegal passage; that have exposed unaccompanied children to the hazards of extreme weather and criminal activity or exploitation by sponsors once they arrive in this country.

At least 853 people died attempting to cross our southern border illegally in fiscal year 2022—the highest number ever recorded. That is a lot of lives lost. There is nothing compassionate about the policies that encourage them to attempt the crossing.

I think many people think of those attempting to illegally cross our border as economically disadvantaged individuals from Mexico or Central America. But the truth is that U.S. Customs and Border Protection apprehends individuals at our southern border from all over the world, some from hostile countries. One law enforcement official I spoke with said that the number of Chinese nationals attempting to cross illegally in the Rio Grand Valley Sector has increased by 488 percent year over year—488 percent. Now, I have no doubt that some of those were individuals merely hoping to relocate from communist China to a land of freedom. But it is equally possible that some were hostile agents of the Chinese Government, and that is a serious security concern.

In fiscal year 2022, Customs and Border Protection apprehended 98 individuals on the terrorist watch list attempting to cross our southern border. That is an average of one approximately every 3 or 4 days. And that is just the individuals Customs and Border Protection managed to apprehend. There have been at least 1.2 million known “got-aways,” which are individuals the Border Patrol saw but was unable to apprehend, since President Biden took over. Now, that is in addition to the almost 4.7 million—4.7 million—people whom they actually did apprehend trying to come across our southern border since President Biden took office.

It is more than possible that terrorists or agents of hostile powers have been able to make their way into our country undetected while our Border Patrol agents have been struggling to deal with the recordbreaking number of individuals coming across the border illegally. The chaos that we have been experiencing at our southern border is an invitation to dangerous individuals, from terrorists to drug cartels.

Our Nation is currently in the midst of a fentanyl crisis, which is largely being fueled by fentanyl trafficked across our southern border. And I would be very surprised if the flow of fentanyl into this country isn’t being facilitated by the chaos at our border.

Our current fentanyl crisis is also a good reminder that illegal activity at our southern border affects every State in our country. I have talked to sheriffs in South Dakota—about as far from our southern border as you can get—who are dealing with fentanyl that has been trafficked across the border from Mexico. Last year, Minnehaha County Sheriff Mike Milstead estimated that 90 percent—90 percent—of fentanyl and methamphetamine in our State—the State of South Dakota—comes through Mexico and across our southern border—90 percent.

Every State is a border State, and recordbreaking floods of illegal immigration at our southern border aren’t just a problem for actual border States, like Texas and Arizona. They are a problem for every State in our country.

For 2 years, the Biden administration has been missing in action at our southern border. While I am glad that President Biden is finally, at least halfheartedly, acknowledging that we are facing a border crisis, I want to see him follow through on actually enforcing our laws and doing what the Border Patrol agents are simply asking: Enforce our laws.

He has all the authority he needs to secure our border, and he owes the American people nothing less.

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

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

VOTE ON BALLOU NOMINATION

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

Mr. CARDIN. Mr. President, 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. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Pennsylvania (Mr. FETTERMAN), and the Senator from Arizona (Mr. KELLY) are necessarily absent.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Wyoming (Mr. BARRASSO).

The result was announced—yeas 59, nays 37, as follows:

[Rollcall Vote No. 41 Ex.]

YEAS—59

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

NAYS—37

Blackburn	Cassidy	Daines
Boozman	Cotton	Ernst
Braun	Cramer	Fischer
Britt	Crapo	Hagerty
Budd	Cruz	Hawley