

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caucus that makes up a huge part of today’s Democratic Party, so much so that, in his first week in office or so, he repealed somewhere on the order of 94–94—executive policies of the previous administration with respect to the border.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

Hoeven	Mullin	Sullivan
Hyde-Smith	Paul	Thune
Johnson	Ricketts	Tuberville
Lankford	Risch	Vance
Lee	Rubio	Wicker
Lummis	Schmitt	Young
Marshall	Scott (FL)	
Moran	Scott (SC)	

NOT VOTING—4

Barrasso	Fetterman
Feinstein	Kelly

The nomination was confirmed. The PRESIDING OFFICER (Mr. HICKENLOOPER). Under the previous order, the motion to reconsider be 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 senior assistant 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. 42, Andrew G. Schopler, of California, to be United States District Judge for the Southern District of California.

Charles E. Schumer, Richard J. Durbin, Alex Padilla, Tim Kaine, Margaret Wood Hassan, Ben Ray Lujan, Raphael G. Warnock, Tammy Duckworth, Jack Reed, Sheldon Whitehouse, John W. Hickenlooper, Catherine Cortez Masto, Tammy Baldwin, Brian Schatz, Christopher Murphy, Tina Smith, Debbie Stabenow.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

Is it the sense of the Senate debate on the nomination of Andrew G. Schopler, of California, to be United States District Judge for the Southern District of California, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant 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 yeas and nays resulted—yeas 57, nays 39, as follows:

[Rollcall Vote No. 42 Ex.]

YEAS—57

Baldwin	Casey	Grassley
Bennet	Collins	Hassan
Blumenthal	Coons	Heinrich
Booker	Cornyn	Hickenlooper
Brown	Cortez Masto	Hirono
Cantwell	Duckworth	Kaine
Capito	Durbin	King
Cardin	Gillibrand	Klobuchar
Carper	Graham	Lujan

Manchin	Peters	Smith
Markey	Reed	Stabenow
McConnell	Romney	Tester
Menendez	Rosen	Van Hollen
Merkley	Rounds	Warner
Murkowski	Sanders	Warnock
Murphy	Schatz	Warren
Murray	Schumer	Welch
Ossoff	Shaheen	Whitehouse
Padilla	Sinema	Wyden

NAYS—39

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

NOT VOTING—4

Barrasso	Fetterman
Feinstein	Kelly

The PRESIDING OFFICER (Mr. LUJÁN). On this vote, the yeas are 57, the nays are 39.

The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Andrew G. Schopler, of California, to be United States District Judge for the Southern District of California.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 1:16 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. LUJÁN).

EXECUTIVE CALENDAR—Continued

NOMINATION OF ANDREW G. SCHOPLER

Mr. DURBIN. Mr. President, today, the Senate will vote to confirm Judge Andrew Schopler, who has been nominated to the U.S. District Court for the Southern District of California.

Since 2016, Judge Schopler has served as a magistrate judge for the Southern District of California. To date, he has presided over five misdemeanor trials. Prior to his Federal judicial appointment, he served as a judge pro tem for 5 years on the San Diego Superior Court's Small Claims Court, where he presided over dozens of civil bench trials. Before joining the bench, Judge Schopler served the Southern District of California as an Assistant U.S. Attorney for 12 years, spending 4 years in the general crimes section, four in the criminal enterprise/narcotics enforcement section, and four in the major frauds and special prosecutions section, where he served as deputy chief. Judge Schopler began his legal career in North Carolina as an assistant public defender at the Orange and Chatham

County Public Defender's Office and in private practice. He tried approximately 55 cases to verdict or judgment and was sole counsel in 39. Since 2014, Judge Schopler has also served this country as a major in the U.S. Army, California Army National Guard. In 2018, he deployed to Afghanistan for 8 months.

Born in Chapel Hill, NC, Judge Schopler earned his J.D. cum laude from Harvard Law School in 1997 and his B.A. summa cum laude from Dartmouth College in 1994. Senators Feinstein and Padilla strongly support Judge Schopler's nomination. The American Bar Association has also unanimously rated him 'well qualified' to serve on the Southern District of California.

I urge all of my colleagues to join me in supporting this highly qualified nominee.

VOTE ON SCHOPLER NOMINATION

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

Mr. PETERS. 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 senior assistant legislative clerk called the roll.

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

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

The result was announced—yeas 56, nays 39, as follows:

[Rollcall Vote No. 43 Ex.]

YEAS—56

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

NAYS—39

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