

[Rollcall Vote No. 19 Ex.]

YEAS—68

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

NAYS—29

Blackburn	Grassley	Ricketts
Boozman	Hagerty	Risch
Britt	Hawley	Schmitt
Budd	Hoeven	Scott (FL)
Cotton	Johnson	Sullivan
Crapo	Lee	Thune
Cruz	Lummis	Tuberville
Daines	Marshall	Vance
Ernst	Moran	Wicker
Fischer	Paul	

NOT VOTING—3

Barrasso	Kelly	Scott (SC)
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The PRESIDING OFFICER (Ms. CORTEZ MASTO). On this vote, the yeas are 68, the nays are 29.

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 Cristal C. Brisco, of Indiana, to be United States District Judge for the Northern District of Indiana.

The PRESIDING OFFICER. The Senator from West Virginia.

BIDEN ADMINISTRATION

Mrs. CAPITO. Madam President, this past Saturday, January 20, marked 3 years since President Biden took his oath of office. Since then, President Biden has had nearly 1,100 days in the White House to enact the policies that he campaigned on.

I can tell you what has been clear to me. The lives of Americans are not better now than they were 3 years ago. Our country is not safer than it was 3 years ago, and the state of the Union is not stronger than it was 3 years ago.

Time and again, President Biden has let his tenure be defined by weakness, as opposed to strength. This lack of leadership has had negative implications across a variety of sectors of American life and left millions of people across the country and the world in situations that were unavoidable.

It just really doesn't have to be this way, President Biden.

Perhaps, none of the Biden administration failures is as glaringly obvious as the one at the southern border, which I have talked about numerous times from this desk, and the contin-

ued fallout we are seeing as a result of a President who is, basically, asleep at the switch on this issue or ignoring it or maybe encouraging it.

There have been 6.7 million illegal encounters at the southern border on his watch. It is hard to imagine the scope of what 6.7 million human encounters really mean. But think of it this way: Only 17 U.S. States have a population higher than 6.7 million. Mine, of course, is not one of those. This massive flow of humanity is the equivalent of adding another State to our country that is nearly four times the size of my home State of West Virginia.

But President Biden's border failure just doesn't stop there. Since fiscal year 2021, U.S. Customs and Border Protection has seized 536,000 pounds of meth, 250,000 pounds of cocaine, and 56,000 pounds of the deadly substance fentanyl. With hundreds of thousands of admitted "get-aways"—those people who aren't in these statistics—it is impossible to know the amount of narcotics that made it across the border into our homeland.

When it comes to the southern border, the only thing President Biden has improved, in my opinion, is the business of the cartels, which are receiving cover to continue their crimes every day, whether it is drug peddling or human smuggling, every day we do not respond to this crisis.

The list of consequences as a result of President Biden's inaction on the border is long and has led to everything from violent crimes committed by individuals not lawfully in this country, to our hospitals and health clinics being pushed to the brink, to our children being forced to vacate their schools and remote learn to make room for migrate shelters; and even calls from the leaders of blue States who sent a letter on Monday asking for Federal assistance to handle this crisis. Rather than properly defending our homeland, President Biden has incentivized a crisis that urgently needs a solution.

Unfortunately, for this administration, when it comes to failures, the border is just the beginning. Let's look at the economy or where the unrelenting pursuit of Bidenomics—which, by the way, I don't think the President uses that term anymore. President Biden and his supporters want the American public to believe that the same positive trends are signs that his policies are working. But if you spent any time in middle-class America over the past 3 years or in the grocery store, you would know our families are continuously being squeezed by high prices, and businesses are being taxed and regulated out of existence.

The quality of life for American families is designed by their ability to put food on the table, to earn an honest living, and to put a roof over their heads, not by these broad microeconomic indicators—arrow going up, arrow going down.

Unfortunately, there is no relief in sight for American families under Bidenomics. Cumulative overall prices since January of 2021 have risen 17 percent. Food prices have increased 20 percent, energy prices have increased 32 percent, and rent prices have increased 19 percent, all while average weekly earnings for all employees have decreased by 4.5 percent. The basic truth is that under the President, Americans are spending more and getting less.

Additionally, these policies defined by Bidenomics are failing our small businesses and manufacturers, as well. Small and medium manufacturing companies continue to have historically low levels of optimism about their future, and 23 percent of small business owners report that inflation was the single most important problem to their business operations. I would say the supply chain and the workforce—all are contributing.

Another area in which this administration continues to fail is our national security and the standing of our country on the world stage. The same President who vowed that "America is back" in one of his first addresses has instead come to own a foreign policy record that is marred by botched withdrawals, open displays of weakness, and regretful decision making.

Look no further than the United States' disastrous withdrawal from Afghanistan in 2021, which undoubtedly has damaged the trust between our allies, broadcasted weakness on the world stage, and displayed a lack of resolve that emboldened our adversaries.

When it comes to Iran and the Middle East, President Biden has made disastrous decisions, like the decision to delist the Houthis as an FTO, the same Iranian-backed terror group that has perpetrated more than 30 attacks on vessels transiting the Red Sea; or the administration's willingness to be strung along by Iran with fruitless nuclear negotiations.

Today, it is clear that these negotiations were a waste of time. They are attacking our bases. They are providing dollars for all of these terror attacks in that region. And Iran now is rapidly increasing their production of highly enriched uranium.

And how could we forget the decision to unfreeze \$6 billion in assets to Iran—and to do so on 9/11, of all days.

The foreign policy of President Biden has been defined by skyrocketing attacks on U.S. troops by foreign adversaries, a large-scale ground war in Europe, and the unprecedented buildup of China's military, amid concerns about the health of our own defense industrial base here at home.

While there is an undeniable lack of American leadership in our executive branch, we must remind ourselves that it is not too late ever to reverse course. While the congressional Republicans didn't create the issues that we have at hand, we accept the responsibility of trying to solve them. That is why Republicans stand for solutions that

change the border policies—policies, not money—that have allowed this crisis to thrive, rein in our Washington spending, support our small businesses and manufacturers and middle-class families, unleash American energy, and then prove that the true strength and standing of the United States in the world is as good as it could ever be.

Our country cannot—cannot—continue to accept the level of failure that this administration has made normal over the past 3 years.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. RICKETTS. Madam President, yesterday marked the 1-year anniversary of my joining the U.S. Senate. I wanted to take the opportunity to join this body because I believe America's best days lie ahead of us and that we needn't look any further than in States like mine to find the solutions to our Nation's problems.

I often say that Nebraska is what America is supposed to be. When I was Governor of the State of Nebraska, we spent 8 years delivering on excellence and making government work for the people. We proved that government can work together and put taxpayers first. And we did it while respecting individual freedoms and limiting our spending, running government well, and keeping people safe.

Those are the things I am working on in the U.S. Senate. This year, my team and I got to work for the people of Nebraska by fighting against the Biden administration's overspending and overregulation. It is driving inflation, and it is costing Americans money. Since Joe Biden has been sworn in as President, inflation broadly is up by 17.2 percent. Groceries are up 20 percent. Rent is up 19 percent. Electricity is up 24 percent. Gas is up 34 percent. And your average American home is spending \$11,434 more today to have the same standard of living as they did when Joe Biden was sworn in as President. Americans are hurt by Joe Biden's policies.

We made government work better in Nebraska, and I pledge to do the same thing here in DC. My proven solutions for Nebraska work here in DC, and they are small steps to make things better here in Washington and to put taxpayers first.

My SNAP Next Step Act, which I introduced here, will help our families on SNAP get better jobs and get out of welfare.

We have introduced bills to provide tax relief to our veterans and to our seniors, and we are fighting to allow consumers choice. For example, with my Flex Fuel Fairness Act, it would push back against the Biden administration's EV mandate and provide consumers choice with biofuels that we know will save them money at the pump, help clean up our environment, and help make us less energy dependent.

I am also going to keep fighting to help keep Americans safe. Joe Biden's

failed border policies have made every State a border State.

Over the weekend, News Channel Nebraska reported on a man from Mexico who was sentenced to prison in Bellevue, NE, after being convicted of conspiracy to distribute methamphetamine.

This 43-year-old man was in the country illegally. He was arrested in a motel room with nearly \$15,000 in cash, and 11½ pounds of methamphetamine. It turned out he had been previously deported for drug charges. And if drug trafficking doesn't scare you, the national security threat should.

In years past, we would have single-digit numbers of people crossing our southern border on the Terrorist Watchlist. Last year, 169 crossed our southern border on the Terrorist Watchlist. Over 8.8 million encounters along our southern border since Joe Biden has become President.

That number of encounters with individuals on the Terrorist Watchlist that used to be in single digits pales in comparison with the number of people coming here illegally. And that is why I am working with my colleagues to pass legislation that would attack Biden's failed border policies head-on. We are working to fix our broken asylum system, to build a wall, and to go after the drug cartels.

We are fighting to reform the parole system the administration is abusing. If you look back on the average number of people who were paroled in this country during the Obama and Trump administrations, it was about 5,600 people a year. Last year, Joe Biden paroled into this country 1.2 million people trying to come here illegally. Folks, that is about two-thirds of the population of the State of Nebraska.

We have also got to stop the human trafficking that is going on at the southern border. Children are being recycled. They are being brought across the border by adults who know it is easier to get in if they have a child with them. Yet the Biden administration stopped the DNA testing that would prove that these children belong to the parents, and Customs and Border Protection personnel tell me that sometimes 30 to 50 percent of the kids they used to test did not belong to those adults. And inexplicably, the Biden administration has stopped that, putting these kids at risk.

And President Biden's appeasement-first foreign policy has left us weakened and in a dangerous world.

Our disastrous pullout from Afghanistan emboldened dangerous dictators like Putin in Russia, Xi in China, and Khomeini in Iran. Iran is the world's largest state sponsor of terrorism, and yet this administration has given them over \$50 billion in sanctions.

As a result, Houthi rebels sponsored by Iran, funded by Iran, are shooting at our ships in the Red Sea, including our U.S. Navy. Hamas, also backed by Iran, has attacked one of our greatest allies: Israel. Biden's weakness encouraged

Putin to invade Ukraine, and the Chinese Communist Party has increased their aggression toward Taiwan. All of this must stop. This world is less safe because of Joe Biden's policy.

I will continue to push back on Washington's overregulation and overspending to introduce measures to make government work well and to keep people safe. I think we have to ask ourselves: Are we better off today versus 3 years ago? And the answer is no.

I will continue to push back on this Biden administration and the way they have driven inflation to bring our proven Nebraska solutions to Washington, DC, and to fight to keep Americans safe both here and abroad.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. SCHMITT. Madam President, I rise to bring attention to the abject failures of the Biden administration 3 years on.

Let's briefly recap the last 3 years from Joe Biden: executed a disastrous withdrawal from Afghanistan that led to the death of 13 brave members of our Armed Forces; targeted parents at school board meetings and floated the idea of deeming them as domestic terrorists in an official memo; declared outright war on domestic energy production and then pillaged our Strategic Petroleum Reserve causing gas prices to soar; attempted to force tens of millions of Americans to get a vaccine or lose their jobs; recklessly spent billions and billions of dollars, which led to historic inflation and soaring prices.

He refused to enforce the laws in place that we currently have at the southern border and proactively fought those laws in court, leading to record-breaking numbers of illegal immigration; created the largest censorship enterprise in American history and worked with Big Tech companies to censor Americans' voices; repeatedly vilified half the country as MAGA extremists in speech after speech; attempted to unilaterally cancel a half a trillion dollars' worth of student loan debt; weaponized agencies like the FBI to go after Catholics and, more broadly, American citizens; projected weakness on the world stage; and has emboldened our enemies.

I could go on, but I think you get the point. Joe Biden has weaponized Federal Agencies against his fellow Americans; worked with Big Tech companies to censor Americans' speech; poured gasoline on the inflation fire; stifled domestic energy production; refused to secure the border; and has supercharged the growth of the administrative state.

Americans can barely afford household items and needs, and they are incurring historic levels of credit card debt. Our national debt is skyrocketing.

The so-called Inflation Reduction Act actually caused inflation to skyrocket. Bidenomics is a failure, no matter how this administration tries to spin it.

Millions and millions of illegal immigrants are flowing across the border and into the interior of the United States. The Biden administration has fought every reasonable tool they could to stem the crisis at our southern border in court and is illegally—currently illegally abusing the parole system.

Fentanyl and other drugs are flowing into our communities as a result. The whole of the Federal Government has been weaponized against the very people it is supposed to serve. Joe Biden was the architect of the largest censorship enterprise our country has ever seen.

The FBI has targeted Catholics, and Joe Biden wanted to label parents who wanted to stick up for their kids in school board meetings as domestic terrorists. And our adversaries can clearly see the weakness that is being projected by Joe Biden.

China is militarizing islands in the South China Sea, and they are playing for keeps. Iran-backed insurgencies are attacking ships in the Red Sea and are launching attacks against our own military installations. There are still hostages being held by Hamas.

The simple fact is, the Biden administration and the Biden Presidency has been a disaster for the American people and for our country as a whole.

I yield the floor.

The PRESIDING OFFICER. The majority whip.

ORDER OF BUSINESS

Mr. DURBIN. Madam President, I ask unanimous consent the cloture motion with respect to the Lund nomination be withdrawn, and notwithstanding rule XXII, the Senate vote on confirmation of the nomination at 11:30 a.m. on Thursday, January 25, the year 2024.

The PRESIDING OFFICER. Is there an objection?

Without objection, it is so ordered.

Mr. DURBIN. Madam President, I ask unanimous consent that we move immediately to the vote that has been scheduled for 2:15.

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

NOMINATION OF JACQUELYN D. AUSTIN

Mr. DURBIN. Madam President, today, the Senate will vote to confirm Judge Jacquelyn D. Austin to the U.S. District Court for the District of South Carolina.

Born in Sumter, SC, Judge Austin earned her B.S. from the University of South Carolina School of Engineering and her J.D. from the University of South Carolina School of Law. After law school, Judge Austin completed a clerkship for Judge Matthew J. Perry on the U.S. District Court for the District of South Carolina. She then entered private practice as a patent attorney for the Hardaway Law Firm, where she was responsible for drafting and prosecuting patent applications with the U.S. Patent and Trademark Office. Judge Austin also worked in business litigation at Womble Carlyle

Sandridge and Rice, PLLC, where she handled matters ranging from intellectual property litigation to Fair Housing Act claims.

In 2011, Judge Austin was appointed to an 8-year term as a federal magistrate judge on the U.S. District Court for the District of South Carolina. She was reappointed to the position in 2019. Throughout her time on the bench, Judge Austin has issued thousands of reports and recommendations. She also presides over the district's drug court program, which identifies criminal defendants whose presence in the criminal justice system is primarily a function of drug abuse rather than independently motivated criminal behavior.

The American Bar Association unanimously rated Judge Austin as "well qualified," and she has the strong support of Senators GRAHAM and SCOTT.

Judge Austin's dedication to service, knowledge of the District of South Carolina, and judicial experience make her an outstanding nominee. I will vote in favor of her confirmation and encourage my colleagues to do the same.

VOTE ON THE AUSTIN NOMINATION

The PRESIDING OFFICER. Under the previous order, The question is, Will the Senate advise and consent to the Austin nomination?

Mr. DURBIN. 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.

(Ms. ROSEN assumed the Chair.)

Mr. DURBIN. I announce that 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 PRESIDING OFFICER (Ms. BALDWIN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 80, nays 17, as follows:

[Rollcall Vote No. 20 Ex.]

YEAS—80

Baldwin	Fetterman	Murkowski
Bennet	Fischer	Murphy
Blumenthal	Gillibrand	Murray
Booker	Graham	Ossoff
Boozman	Grassley	Padilla
Brown	Hassan	Peters
Budd	Heinrich	Reed
Butler	Hickenlooper	Ricketts
Cantwell	Hirono	Romney
Capito	Hyde-Smith	Rosen
Cardin	Kaine	Rounds
Carper	Kennedy	Rubio
Casey	King	Schatz
Cassidy	Klobuchar	Schumer
Collins	Lankford	Scott (SC)
Coons	Lee	Shaheen
Cornyn	Lujan	Sinema
Cortez Masto	Lummis	Smith
Cotton	Manchin	Stabenow
Cramer	Markey	Tester
Cruz	McConnell	Tillis
Daines	Menendez	Van Hollen
Duckworth	Merkley	Warner
Durbin	Moran	Warnock
Ernst	Mullin	

Warren	Whitehouse	Wyden
Welch	Wicker	Young

NAYS—17

Blackburn	Hoeven	Scott (FL)
Braun	Johnson	Sullivan
Britt	Marshall	Thune
Crapo	Paul	Tuberville
Hagerty	Risch	Vance
Hawley	Schmitt	

NOT VOTING—3

Barrasso	Kelly	Sanders
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The nomination was confirmed.

The PRESIDING OFFICER. 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 actions.

NOMINATION OF CRISTAL C. BRISCO

Mr. DURBIN. Madam President, today, the Senate will vote to confirm Judge Cristal C. Brisco to the U.S. District Court for the Northern District of Indiana.

Born in Granger, IN, Judge Brisco earned her B.A., cum laude, from Valparaiso University in 2002 and her J.D. from the University of Notre Dame Law School in 2006. After graduating from law school, Judge Brisco worked as an associate in the litigation and labor and employment department at Barnes & Thornburg, LLP from 2006 to 2013.

Following her work in private practice, she was appointed to serve as the corporation counsel for the city of South Bend, IN, by then-Mayor Pete Buttigieg. From 2017 to 2018, Judge Brisco served as the general counsel of the Corporation of Saint Mary's College. After that, Judge Brisco served as a magistrate judge on the St. Joseph Circuit Court—Mishawaka Division, from 2018 to 2021. In July 2021, Judge Brisco was appointed by Indiana Governor Eric Holcomb to serve as a judge on the St. Joseph Superior Court. Then, in February 2022, Judge Brisco was appointed by the Indiana Supreme Court to concurrent service on the Indiana Commercial Court. During her time on the bench, she has issued approximately 1,818 written decisions.

The American Bar Association unanimously rated Judge Brisco as "well qualified" to serve as a district judge on the Northern District of Indiana. She has the support of her home State Senators, Mr. YOUNG and Mr. BRAUN.

With deep ties to the Hoosier State, Judge Brisco's experience as a superior court judge and former civil litigator have prepared her to serve honorably on the Federal bench in Indiana.

I am proud to support her nomination, and I urge my colleagues to do the same.

VOTE ON BRISCO NOMINATION

The PRESIDING OFFICER. Under the previous order, The question is, Will the Senate advise and consent to the Brisco nomination?

Mr. PAUL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.