

And here is the other quote, that it "would clearly be a disadvantage for Democrats." This was never about gathering data. This was never about enforcing the law. It has always been and continues to be a pretext to scare people, particularly immigrants, out of taking the census, out of being counted at all, to undercount people and rig the political system in favor of one political party. And don't take this progressive Democrat from Hawaii's word for it; take this Supreme Court's word for it.

I am not a lawyer, but I remember this—I remember they said they had no non pretextual reason to ask that question. In other words, they were asking this question in order to gain partisan advantage.

So for those reasons, I respectfully object.

The PRESIDING OFFICER. The objection is heard.

The Senator from Tennessee.

Mr. HAGERTY. Mr. President, first, I would like to remark that the border security bill that my esteemed colleague references would simply increase the processing of illegal aliens into this country. If this language were incorporated in it, we would stop the incentive for illegal migration. That would be the fix. That was not in the bill. The bill that he referenced would not have addressed the border security at all.

My Democratic colleague is objecting to legislation that would actually restore the one-person, one-vote principle, and it would end the perverse incentive under which illegal immigration increases political power.

It is indisputable that Congress can direct that a citizenship question be included in the census. It was included in the census for most of our history up until Barack Obama's administration took it out in 2010.

And the Constitution says that the census shall be conducted "in such Manner as [Congress] shall by Law direct."

Congress does, indeed, have the authority to do this; in fact, we have had the citizenship question until 2010.

Second, on the question of what population is counted for apportioning House seats and electoral votes, the Constitution says that you count the number of persons in the United States.

It doesn't mean literally everyone in the United States. We don't count people here on vacation; we don't count people here on temporary stays. Why would we count people who are here and who have broken in illegally? It means citizens who are members of the American political body—a body that votes on representation—and who have permanent allegiance to our constitutional system.

In fact, it may be unconstitutional to count illegal aliens under the 14th Amendment because that dilutes some citizens' votes and undermines the principle of one person, one vote.

The constitutional argument is simply a dodge for the indefensible position that opposition to this bill means support for the notion that more illegal aliens should mean more political power for the States and the communities that attract.

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. 460, Seth Robert Aframe, of New Hampshire, to be United States Circuit Judge for the First Circuit.

Charles E. Schumer, Richard J. Durbin, Brian Schatz, Mazie Hirono, Tina Smith, Gary C. Peters, Amy Klobuchar, Raphael G. Warnock, Catherine Cortez Masto, Alex Padilla, Mark R. Warner, Tim Kaine, Sheldon Whitehouse, Martin Heinrich, Christopher A. Coons, Margaret Wood Hassan, Peter Welch.

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 Seth Robert Aframe, of New Hampshire, to be United States Circuit Judge for the First Circuit, 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 New Jersey (Mr. MENENDEZ) is necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Idaho (Mr. CRAPO), the Senator from Missouri (Mr. HAWLEY), the Senator from Louisiana (Mr. KENNEDY), and the Senator from Kansas (Mr. MARSHALL).

Further, if present and voting: the Senator from Kansas (Mr. MARSHALL) would have voted "nay."

The yeas and nays resulted—yeas 52, nays 43, as follows:

[Rollcall Vote No. 171 Ex.]

YEAS—52

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

NAYS—43

Barrasso	Graham	Romney
Blackburn	Grassley	Rounds
Boozman	Hagerty	Rubio
Braun	Hoeven	Schmitt
Britt	Hyde-Smith	Scott (FL)
Budd	Johnson	Scott (SC)
Capito	Lankford	Sullivan
Cassidy	Lee	Thune
Cornyn	Lummis	Tillis
Cotton	McConnell	Tuberville
Cramer	Moran	Vance
Cruz	Mullin	Wicker
Daines	Paul	Young
Ernst	Ricketts	
Fischer	Risch	

NOT VOTING—5

Crapo	Kennedy	Menendez
Hawley	Marshall	

The PRESIDING OFFICER (Ms. BUTLER). On this vote, the yeas are 52, the nays are 43.

The motion is agreed to.

The majority leader.

UNANIMOUS CONSENT AGREEMENT

Mr. SCHUMER. Madam President, I ask unanimous consent that all time on the Aframe nomination be considered expired and the confirmation vote be at 5:30 p.m. on Monday, May 20.

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

LEGISLATIVE SESSION

Mr. SCHUMER. Madam President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SCHUMER. I move to proceed to executive session to consider Calendar No. 599.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Krissa M. Lanham, of Arizona, to be United States District Judge for the District of Arizona.

CLOTURE MOTION

Mr. SCHUMER. Madam President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

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. 599, Krissa M. Lanham, of Arizona, to be United States District Judge for the District of Arizona.

Charles E. Schumer, Richard J. Durbin, Alex Padilla, Amy Klobuchar, Jack Reed, Tina Smith, Tammy Duckworth, Richard Blumenthal, Robert P. Casey, Jr., Catherine Cortez Masto, Margaret

Wood Hassan, Peter Welch, Sheldon Whitehouse, Raphael G. Warnock, Laphonza R. Butler, Brian Schatz, Benjamin L. Cardin.

LEGISLATIVE SESSION

Mr. SCHUMER. Madam President, I move to proceed to legislative session. The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SCHUMER. I move to proceed to executive session to consider Calendar No. 600.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Angela M. Martinez, of Arizona, to be United States District Judge for the District of Arizona.

CLOTURE MOTION

Mr. SCHUMER. Madam President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

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. 600, Angela M. Martinez, of Arizona, to be United States District Judge for the District of Arizona.

Charles E. Schumer, Richard J. Durbin, Alex Padilla, Amy Klobuchar, Jack Reed, Tina Smith, Tammy Duckworth, Richard Blumenthal, Robert P. Casey, Jr., Catherine Cortez Masto, Margaret Wood Hassan, Peter Welch, Sheldon Whitehouse, Raphael G. Warnock, Laphonza R. Butler, Brian Schatz, Benjamin L. Cardin.

Mr. SCHUMER. I ask unanimous consent that the mandatory quorum calls for the cloture motions filed today, May 16, be waived.

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

Mr. SCHUMER. 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.

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

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

NATIONAL POLICE WEEK

Mr. BROWN. Madam President, each year during Police Week, we honor the law enforcement officers who made the ultimate sacrifice in service to their communities.

This year, we will add the names of four Ohioans to the National Law Enforcement Officers Memorial who laid down their lives this year and last year: Officer Timothy James Unwin, III, of the Springfield Township Police Department; Deputy Sheriff Marcus Zeigler of the Hamilton County Sheriff's Office; Deputy Sheriff Joshua Hamilton of the Preble County Sheriff's Office.

Sadly, we know already of two names that will be added to the memorial next year: Jacob Derbin of the Euclid Police Department, who was senselessly ambushed and killed in the line of duty last weekend. He leaves behind a father who was part of the department, the same Euclid Department.

I spoke at length to the chief of police in Euclid last week. The young man was engaged to be married. His grandfather had also been a policeman at a suburban police department in Cleveland.

We also add the name next year of Lieutenant Rodney Osborne of the Southern Ohio Correctional Facility, who tragically died in an accident during a training exercise.

Each of these losses is a tragedy for a family, for a community, and surely for their fellow officers.

These Ohioans' lives are a reminder of the ideals we should strive for. We need officers who are true public servants in the best sense of the word, people who give themselves to the community, people like these brave men.

These Ohioans gave so much.

Officer Timothy James Unwin, III, was a Cincinnati native who dedicated more than 8 years to serving Ohio communities in both the Hamilton County Sheriff's Office and the Springfield Township Police Department.

In his free time, he enjoyed staying active and working on cars. His colleagues, friends, and family members remember his smile and remember his always positive energy. He was always helping others. He wanted to make the world a better place.

He lost his life in a tragic car crash while responding to a call for help from fellow officers.

Deputy Sheriff Marcus Zeigler began his career in the private sector working in security and defense before joining the Hamilton County Sheriff's Department. That is the Cincinnati area in Southwest Ohio.

He was proud to serve as a deputy. While he was only with the department for 9 months, he made an impression on his colleagues and his community. He always had a smile on his face. He was always happy to lend a hand. He was eager to grow in his career.

His family was the most important thing to him. Our thoughts are with his wife and his five children.

Deputy Sheriff John Hamilton was a former U.S. Navy Reservist and Army National Guard member who served in the Preble County Sheriff's team. He was known for his unwavering commitment to our country and to the Preble County community.

Deputy Hamilton is survived by his parents and his daughter.

We extend our condolences to them and all the loved ones these public servants leave behind—children who will now grow up without fathers, parents grieving children.

This year, we added the names of six officers to the memorial who died from COVID-19: Terrance Bateman, Anthony Cloyd, Mark Heintz, Billy Ihrig, Gerald Lynch, and Matthew Mitchell. We can't begin to repay the debt we owe these officers and their families, but we can work to protect more officers and the communities they swear an oath to serve.

That is why I work with colleagues of both parties on legislation to support law enforcement as they do their jobs. If we can help them do their jobs more safely, we all win.

Two years ago, I worked with my colleague Senator GRASSLEY and Congressman DAVID JOYCE, my friend from Ohio, to pass legislation that provides Customs and Border Patrol staff with fentanyl containment devices. This keeps officers safe. We know how potent even a little bit of fentanyl is, even to the touch of the skin. This keeps officers safe and keeps evidence preserved for trial.

Now we are working to get cops and sheriff's deputies access to the same protection locally. That is why we introduced the Protecting First Responders from Secondary Exposure Act. It is also why Senator COTTON and I introduced the Providing Officers Electronic Resources Act, or POWER Act, to help State and local law enforcement organizations secure high-tech, portable screening devices to detect fentanyl.

I will keep fighting to make sure that police officers can retire with dignity. My bipartisan Social Security Fairness Act will ensure that Social Security benefits will be there when officers retire from a life of dedicated service.

One of the best ways we can keep law enforcement and our communities safe is by keeping fentanyl out of the country in the first place, something I have heard from law enforcement personnel at virtually every place in Ohio.

Four hundred Ohioans every single month die from fentanyl poisoning. That is not just a number. It means that 400 individuals with 400 individual families and 400 different neighborhoods have died.

That is why we fought to pass my bipartisan FEND Off Fentanyl Act. The President just signed it into law. It is going to help us target the entire fentanyl supply chain, from the chemical suppliers in China to the cartels that manufacture and transport the drugs in Mexico.

By going after the billions of dollars these traffickers make in illicit profits, we target them where it hurts the most: their bank accounts. It is why we worked with Ohio and national law enforcement to write this bill and to build a broad bipartisan coalition to get it passed.