

Mr. HICKENLOOPER. Mr. President, today, the Senate will consider President Biden's nominee, Judge Kato Crews, for the U.S. District Court for the District of Colorado, as our senior Senator so ably represented.

I am not a lawyer, so I bring a slightly different perspective, but I do recognize the experience and sensibilities that Senator BENNET brings to this. I would argue that there is no one else in the Senate who has spent as much time really looking at our legal system and examining it from a variety of different perspectives and who really understands what it means to serve on our Federal courts.

Judge Crews came before us and comes before this body with broad and well-earned bipartisan support thanks to a career dedicated to the people of Colorado. His experience, his intellect, and his integrity set him apart. They make him an ideal candidate for the Federal judiciary and will make him a judge for all of Colorado.

As Senator BENNET mentioned, he comes from a part of Colorado, Pueblo, in the south-central part of the State, which sometimes has been neglected in these types of appointments. Judge Crews will bring that valuable experience from southern Colorado, but he also understands the whole State.

In addition to the more than 20 years of legal experience that he brings to the bench, Judge Crews has also served as a magistrate judge for the U.S. District Court for the District of Colorado since 2018—the same court to which he has been nominated.

As Senator BENNET mentioned, he also has a tremendous commitment to pro bono work. He founded the Federal Limited Appearance Program, which is a volunteer program that provides people with free representation when they first engage with our legal system. For many people, this can be an unknown and scary time for them—really, for any citizen. This program lends a helping hand and helps people deal with that anxiety.

Judge Crews's experience in community service has earned him enthusiastic support from members of the Colorado legal community up and down the list—former colleagues, labor leaders, elected officials. In supporting his nomination, a group of attorneys who has appeared as opposing counsel in Judge Crews's courtroom wrote:

Not one of us questions Magistrate Judge Crews's intellect, integrity, respect for the law, and the profession we share.

They then added:

He has embodied what all hope to see in a judicial officer—fairness and impartiality.

I could not agree more.

Kato has my full and wholehearted support. He is exactly the type of person who needs to be on the bench, who needs to join the court.

In May, the Senate Judiciary Committee favorably reported Judge Crews's nomination to the floor, and now I want to wholeheartedly encourage all of my colleagues in the Senate to support his confirmation.

This is a proud day for Colorado. Colorado should be and is proud that we can put forward someone like Judge Crews. I know it is also a proud day for Judge Crews and his family, of course. We want to make sure it is a really good day, so I hope everyone will support him.

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

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

SECRETARY OF DEFENSE LLOYD J. AUSTIN

Mr. TILLIS. Mr. President, I am going to be brief.

I decided this morning that I wanted to come and talk about the events involving Secretary Austin and what we now know are his challenges with prostate cancer. I want to look at it from two different perspectives.

One, I want to be very brief. I think that Secretary Austin made a mistake by not notifying Members of Congress and by not notifying the administration—in other words, moving through the transition. I think that was a mistake, and I hope Secretary Austin has learned from that. But I am not here to talk about that. That was just a mistake. It shouldn't have been made, particularly in the circumstances we are in now with conflicts in Israel, conflicts in Ukraine, threats across the world, and threats to this country.

I am here to talk about this because it was 2 years ago this month that I was diagnosed with prostate cancer. I made a decision very quickly after I learned about it. It took me about a month. I had gone to my doctor for my annual checkup. You always check your PSA. I found out in probably the September-October timeframe that my PSA was up. I went back for a followup exam through the Christmas holiday. Then, in the first or second week of January 2021, my doctor said: You have prostate cancer, and you need to take some course of action. And there are several different courses of action, but I made the immediate decision to be public with the fact that I was going through prostate cancer.

Secretary Austin chose not to. For any individual person, that is your right. I hope you are not embarrassed by the fact that you have cancer any more than a woman would be embarrassed for having breast cancer, because back in the day, when breast cancer was stigmatized, a lot of women died because they were ashamed of something they had no control over.

So my point is that Secretary Austin is a global figure. Secretary Austin is somebody whom people around the world know. Secretary Austin, as personal as it is to have to deal with a cancer diagnosis, needs to know, as a public figure—I, as a U.S. Senator; he,

as the Secretary of Defense—has an obligation to save lives. And one of the ways you save lives, when you get prostate cancer as a male, is to not be ashamed of it and to tell other males. Any male who has a history of prostate cancer—and their family—needs to tell those young men, you don't get to wait until you are 40 to get a PSA test; you should start getting it when you are 30. And every man over 40 should be getting a PSA test every year. And then do your homework. Study the courses of therapy, whether it was, in my case, a procedure similar to what Secretary Austin got—removal of the prostate; it could be hormone therapy; it could be radiation therapy.

Cancer—and prostate cancer in particular—is one of the most treatable cancers there is. It is highly likely I still have cancer. The goal with prostate cancer is to die with it, not from it, right? Die with it, not from it. You can manage this cancer, but you can only manage it if public officials like Secretary Austin and U.S. Senators step up and are not ashamed of it but try to make sure everybody else understands it is something that is out of your control. You confront it, and you beat it.

So the reason for my comments today was to use this opportunity to remind men across this country and across this world: Don't be ashamed of prostate cancer. Don't be ashamed of some of the side effects that may or may not occur. Have the courage to tell everybody that you are going to take it on and you are going to win. By mentioning it and sharing this conversation, like I am today, hopefully you are going to save a few more lives.

The PRESIDING OFFICER (Mr. HICKENLOOPER). The Senator from Delaware.

Mr. COONS. Mr. President, I ask unanimous consent that the scheduled vote proceed immediately.

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. 174, S. Kato Crews, of Colorado, to be United States District Judge for the District of Colorado.

Charles E. Schumer, Raphael G. Warnock, Mazie Hirono, Jeanne Shaheen, Elizabeth Warren, Catherine Cortez Masto, Margaret Wood Hassan, Jack Reed, Mark Kelly, Tammy Duckworth, Chris Van Hollen, Amy Klobuchar, Jeff Merkley, Richard J. Durbin, Alex Padilla, John Fetterman, Robert P. Casey, Jr., Sherrod Brown.

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 S. Kato Crews, of Colorado, to be United States District Judge for the District of Colorado, 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 Washington (Ms. CANTWELL) is necessarily absent.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Idaho (Mr. RISCH).

The yeas and nays resulted—yeas 51, nays 47, as follows:

[Rollcall Vote No. 3 Ex.]

YEAS—51

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

NAYS—47

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

NOT VOTING—2

Cantwell Risch

The PRESIDING OFFICER. On this vote, the yeas are 51, the nays are 47.

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 S. Kato Crews, of Colorado, to be United States District Judge for the District of Colorado.

The PRESIDING OFFICER. The Senator from Rhode Island.

ORDER OF PROCEDURE

Mr. REED. Mr. President, I ask unanimous consent that all postcloture time on the Crews nomination be considered expired at 2:30 p.m. today and that, following disposition of the Crews nomination, the Senate proceed to legislative session to execute the order from December 19, 2023, with respect to the veto message on S.J. Res. 32; further, that all time on the veto message be considered expired and the Senate

vote on passage of the joint resolution, the objections of the President to the contrary notwithstanding; and finally, that upon disposition of the veto message, the Senate resume executive session to resume consideration of the McEntarfer nomination.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REED. For the information of the Senate, there will be two rollcall votes at 2:30 p.m. today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

BORDER SECURITY

Mr. CORNYN. Mr. President, it is common knowledge that America's southern border has been in crisis since President Biden took office 3 years ago. Since then, 6.7 million—6.7 million—migrants have shown up at the border, only to be released by the Biden administration into the interior of the United States.

That 6.7 million people is higher than the Obama and the Trump administration combined, and that was over a period of 12 years. In just 3 years, we have experienced more illegal immigration than we did in the preceding 12 years.

Well, despite the eye-popping statistics, leaders in the Biden administration have repeatedly tried to mislead the American people into believing everything at the border is just hunky-dory. In other words, they are saying: Don't believe your lying eyes.

President Biden has consistently attempted to downplay concerns about the border crisis. Of course, my State, the State of Texas, which has 1,200 miles of common border with Mexico, we are a ground-zero. But the President has even refused to visit the border until last January, nearly 2 years into his presidency, and then he did sort of a drive-by in El Paso after much of the evidence related to the crisis had been cleaned up.

At one point, the President defended his decision not to go to the border by saying: Well, there are more important things to do. What an abdication of responsibility.

Other leaders in the administration have offered weak and unconvincing claims that there is no reason to be concerned. Some have just lied. That sounds harsh, but there is simply no other reasonable conclusion.

In the fall of 2022, Vice President KAMALA HARRIS, the appointed border czar by President Biden, said: We have a secure border.

I don't know how she reached that conclusion, other than maybe being just wishful thinking. She certainly has traveled to the border. She certainly hasn't studied the phenomenon associated with this mass migration of humanity across our border into the United States.

And then the Biden official principally responsible for border security, Alejandro Mayorkas, made a nearly identical proclamation, saying—this is

under oath, penalties of perjury—he said: The border is secure.

Well, it is easy to see that these statements are demonstrably false. After all, the American people can turn their TV set on and watch news footage of migrants streaming across the border, caravans making their way to the border mostly to just turn themselves in because they know the Biden administration will release them into the countryside. We see photos of migrants lining the streets and sidewalks of our major cities like New York and Chicago, which are more than 1,000 miles away from the United States-Mexico border.

We watch as people in communities die from fentanyl poisoning and know that the vast majority of that fentanyl comes across the border from Mexico.

Evidence of the humanitarian and security crisis at the border is all around us, but the administration refuses to be honest, refuses to be honest with the American people about the scope of this crisis as well as their response.

Here is just one of many shocking examples. Last May, the chief spokesman for President Biden, the White House Press Secretary, tried to address the concerns over the administration's catch-and-release policies. She said:

The claims that [Customs and Border Protection] is allowing or encouraging mass release of migrants . . . is just categorically false.

That was in May of 2023. What was false was her statement. Migrants were being released in the United States with no immigration court date and no way of keeping tabs on their whereabouts. When one of the catch-and-release policies was vacated by a Federal court, the court's final order likened the administration's actions to posting a flashing sign on the border. That sign says "Come in. We are open." That is what one court likened the Biden administration's border policies to—a welcome sign.

In the months since the White House Press Secretary made these obviously false comments, the Biden administration is taking catch-and-release to a new level. They have made that "Come in. We are open" sign even brighter and even bigger, and they have laid out a welcome mat in addition.

Well, surprisingly, after falsely stating that the border is secure time and time again, Secretary Mayorkas, who traveled to Eagle Pass this last week, met with frontline law enforcement officials. He told the Border Patrol agents that the current release rate of migrants caught crossing the border illegally was 85 percent—85 percent. There is no way to reconcile these two statements.

You know, some people say: Well, we need to build a wall.

Well, border infrastructure is important, but people can turn themselves in and be released, and the wall doesn't make much difference.

Yes, we need technology. Yes, we need more Border Patrol. But unfortunately the Border Patrol are being