

colleagues to be flexible, to be ready to stay late, and to keep the votes moving quickly. We did that the other night, and we got a lot of votes done relatively fast.

I have spoken at length about how proud I am of the nominees this majority has confirmed to the bench. The over 200 judges we have confirmed have a sweeping range of experiences and areas of expertise. One of our nominees, for example, has argued and won three historic civil rights cases before the U.S. Supreme Court. Another judge confirmed early in Biden's term built her career as an expert in worker protections and represented factory workers and grocery store workers and taxi drivers and nurses. She is now a circuit court judge. We have also had consumer protection lawyers elevated to the bench, including one nominee whose job was to go after healthcare fraud and deceptive marketing of pharmaceutical and medical devices. I have been proud to support nominees to the Second Circuit who have been leading voting rights attorneys. And the experiences go on and on. Our nominees have represented children who have faced abuse and individuals wrongly convicted and more.

At the end of the day, of course, what matters most in a nominee is whether or not they can render impartial judgment based on precedent and rule of law, but it is also important that judges come from different walks of life.

Judges should not operate like cold, unthinking machines, nor is the work of justice a mere theoretical exercise. Judges are better off when they can interpret the law while putting themselves in the shoes of those over whom they preside, from the privileged to the impoverished. Judges are more likely to reach an equitable and prudent ruling if they can appreciate how their decisions will play out in society. That is more likely to happen if our benches are comprised of jurists from many different experiences from many different walks of life.

I thank my colleagues for their good work this week, and we will keep working today.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Republican whip.

BORDER SECURITY

Mr. THUNE. Mr. President, it has been clear for a while now that an enduring legacy of the Biden-Harris administration will be the historic immigration crisis at our southern border. And I don't use the word "historic" lightly, but it is appropriate, because

President Biden and Vice President HARRIS have presided over 4 years of recordbreaking illegal immigration at our southern border.

That is right: The 4 highest years of illegal immigration ever recorded at our southern border have occurred on President Biden's and Vice President HARRIS's watch.

I say occurred on their watch, but, of course, this recordbreaking illegal immigration didn't just occur on their watch. The Biden-Harris administration created this crisis. On the day he took office, the President began dismantling President Trump's border security policies, and illegal immigration began surging in response—and kept on surging.

Between official U.S. Customs and Border Protection encounters and known "got-aways"—individuals the Border Patrol saw but was unable to apprehend—there have been somewhere around 10 million—10 million—migrant encounters at the southern border during this administration.

Now, to put that number in perspective, that is larger than the population of the vast majority of U.S. States, and that is just the individuals we know about.

There are undoubtedly individuals who have made their way into our country over the past 4 years who have been neither seen nor apprehended.

The past 4 years have displayed the problems with unchecked illegal immigration. Shelters are overwhelmed. Border cities are overwhelmed. Blue cities far from the border are overwhelmed. The Border Patrol is stretched thin.

Agents pulled off field work to process the massive amounts of migrants, and the list goes on.

And, of course, it is essential to remember the situation at the border doesn't just affect the border. As I said, cities far from the border have struggled to deal with an influx of migrants.

Criminals who have made their way illegally into the country have committed crimes far from the southern border. And the effects of cross-border illegal activity are felt all around the country.

My State of South Dakota is about as far from our southern border as you can get, but law enforcement officials consistently tell me, in larger and smaller communities, that the deadly drugs they are dealing with have entered the country across our southern border.

And then there are the national security issues. The June arrest of eight Tajikistan nationals with suspected ties to ISIS who had illegally entered the country, as well as the identification of more than 400 migrants who used an ISIS-affiliated smuggling network to enter the United States, are just two examples of the kind of threats that we face—and the dangers of the chaos that President Biden and Vice President HARRIS have allowed to rage and have unleashed at our southern border.

Since October 2020, 387 individuals on the Terrorist Watchlist have been apprehended attempting to cross our southern border between ports of entry. Mr. President, 387 individuals on the Terrorist Watchlist. Those are the ones we caught. How many have come in who have been unobserved? How many terrorists or other dangerous individuals have made their way across without being apprehended?

Immigration officials are currently preparing for a possible final surge before President Trump takes office, a clear sign, if one were needed, that migrants regard President Biden as the open border President.

But final surge or no final surge, the days of this border crisis are numbered. Securing our border and removing those who have entered our country illegally are at the top of President Trump's priority list, and the Republican Congress is committed to doing everything it can to help, for the sake of our security and for the sake of our rule of law.

We sometimes forget that aspect—the rule of law. But the area of immigration should not be an exception to the principle that the law has to be respected. Immigrants have played, and will continue to play, a vital role in this country. And that won't change. But immigration has to be legal.

We need to end the notion that illegal pathways are a viable way to take up residence in this country, and we will end that notion under President Trump.

The Biden-Harris administration heralded the start of a border crisis. The Trump-Vance administration will herald the end of it. Two more months. Two more months.

I yield the floor.

NOMINATION OF REBECCA L. PENNELL

Mr. DURBIN. Mr. President, today, the Senate will vote to confirm Washington Court of Appeals Judge Rebecca Pennell to the U.S. District Court for the Eastern District of Washington.

Judge Pennell's significant career as a litigator for nearly two decades and her experience as a Washington State appellate court judge will make her an excellent addition to the Federal bench.

After graduating from the University of Washington and Stanford Law School, Judge Pennell served as a law clerk to Judge Robert H. Whaley on the U.S. District Court for the Eastern District of Washington, the court to which she has been nominated.

Following her clerkship, Judge Pennell worked as a Skadden fellow assigned as a fellowship attorney at TeamChild in Yakima, WA. She then continued her career in public service as an attorney at the Federal Defenders of Washington and Idaho for 16 years. As a public defender, she tried approximately 13 trials, handled more than 100 cases in the U.S. Court of Appeals for the Ninth Circuit, and helped to establish two reentry drug courts within the Eastern District.

Since 2016, Judge Pennell has served as a judge on the Washington Court of Appeals, Division Three, where she has authored more than 568 opinions.

Judge Pennell has the strong support of her home State Senators, Mrs. MURRAY and Ms. CANTWELL. In addition, Judge Pennell was rated unanimously "well qualified" by the American Bar Association.

I urge my colleagues to support Judge Pennell's nomination.

Mr. THUNE. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Democratic whip.

Mr. DURBIN. Mr. President, I ask that we commence with the rollcall vote immediately under unanimous consent.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

VOTE ON PENNELL NOMINATION

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

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

The ACTING PRESIDENT pro tempore. 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. THUNE. The following Senators are necessarily absent: the Senator from Indiana (Mr. BRAUN) and the Senator from Texas (Mr. CRUZ).

The result was announced—yeas 50, nays 48, as follows:

[Rollcall Vote No. 289 Ex.]

YEAS—50

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

NAYS—48

Barrasso	Crapo	Kennedy
Blackburn	Daines	Lankford
Boozman	Ernst	Lee
Britt	Fischer	Lummis
Budd	Graham	Manchin
Capito	Grassley	Marshall
Cassidy	Hagerty	McConnell
Collins	Hawley	Moran
Cornyn	Hoeben	Mullin
Cotton	Hyde-Smith	Murkowski
Cramer	Johnson	Paul

Ricketts	Schmitt	Tillis
Risch	Scott (FL)	Tuberville
Romney	Scott (SC)	Vance
Rounds	Sullivan	Wicker
Rubio	Thune	Young

NOT VOTING—2

Braun	Cruz
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The nomination was confirmed.

The PRESIDING OFFICER (Mr. HICKENLOOPER). 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 action.

The majority whip.

Mr. DURBIN. Mr. President, I ask unanimous consent that the mandatory quorum call with respect to the Ali nomination cloture motion be waived.

The PRESIDING OFFICER. Is there objection?

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 senior assistant executive 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. 539, Amir H. Ali, of the District of Columbia, to be United States District Judge for the District of Columbia.

Charles E. Schumer, Richard J. Durbin, Alex Padilla, Tina Smith, Elizabeth Warren, Raphael G. Warnock, Gary C. Peters, Tim Kaine, Richard Blumenthal, Jack Reed, Sheldon Whitehouse, Peter Welch, Mark R. Warner, Christopher A. Coons, Tammy Duckworth, Benjamin L. Cardin, Debbie Stabenow.

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 Amir H. Ali, of the District of Columbia, to be United States District Judge for the District of Columbia, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Indiana (Mr. BRAUN) and the Senator from Texas (Mr. CRUZ).

The yeas and nays resulted—yeas 50, nays 48, as follows:

[Rollcall Vote No. 290 Ex.]

YEAS—50

Baldwin	Casey	Helmy
Bennet	Coons	Hickenlooper
Blumenthal	Cortez Masto	Hirono
Booker	Duckworth	Kaine
Brown	Durbin	Kelly
Butler	Fetterman	King
Cantwell	Gillibrand	Klobuchar
Cardin	Hassan	Lujan
Carper	Heinrich	Manchin

Markey	Rosen	Van Hollen
Merkley	Sanders	Warner
Murphy	Schatz	Warnock
Murray	Schumer	Warren
Ossoff	Shaheen	Welch
Padilla	Smith	Whitehouse
Peters	Stabenow	Wyden
Reed	Tester	

NAYS—48

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

NOT VOTING—2

Braun	Cruz
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The PRESIDING OFFICER. On this vote, the yeas are 50, the nays are 48.

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 Amir H. Ali, of the District of Columbia, to be United States District Judge for the District of Columbia.

The PRESIDING OFFICER. The Senator from North Carolina.

JUDICIAL NOMINATIONS

Mr. TILLIS. Mr. President, I would like to start by thanking Senator WARNOCK for letting me jump ahead in the speaking order today. I appreciate it. I am only going to take a couple of minutes.

Yesterday, in the press report, apparently, I had reported what I said at lunch for the news about me talking about a simple concept. I don't know. I think the American people are on board with me. We have to show up for work, right? I think we have to.

The reason we had 18 votes on Monday night is because some of my colleagues on my side of the aisle—folks, this is not a partisan—it is partisan. It ended up focusing on some of my colleagues. You have to show up for work. We have got work to do here. And I understand there are all kinds of good reasons. But there is no excuse to let CHUCK SCHUMER force these judicial nominations down our throat.

We have got to show up for work. What happened on Monday night only occurred because Republicans were not here. They are my colleagues. They are my friends. But they are business associates first who have a job of making sure that we prevent CHUCK SCHUMER from driving a lot of these judicial nominations that, if we are here, won't be successful.

The only reason we were here until midnight on Monday night is because some of my colleagues didn't show up. I am just saying, folks, this is pretty