

of human rights, even when their home countries fail to act.

He worked closely with Senator John McCain on this and the Magnitsky Act, and so many ramifications of what was done to Magnitsky inspired BEN, and he moved forward on legislation in that regard.

As chair of Small Business, he made a difference for Main Street businesses, especially in the pandemic. I worked closely with BEN to make sure small businesses would get the money that they needed. Because of his leadership, the small business economy—and we worked together to get nonprofits, when I said our churches and our synagogues and our mosques and our theaters and our museums needed help as well, BEN joined me, and they were saved.

And he made a difference on many other issues, coleading legislation to affirm the ratification of the ERA, the Equal Rights Amendment; serving as cochair of the Helsinki Commission; and more.

The reason BEN was able to accomplish so much was because he took the road less traveled here in Congress, oftentimes. He put substance over flash. He dived deeply into issues, got to their roots, and then worked across the aisle.

He was all about details: What was the problem? Who was it affecting? Who can I find common ground with? Those are questions he asked.

That has been him from his first day in office, and it will be him until his last—smart, decent, humble, loyal, hard-working; a great man, a great Senator, and a great friend.

We will miss him deeply. But Iris and I continue every year—Myrna and BEN would come up to New York, and we would go to see Shakespeare in the Park. We did it for the last 10 years or so. BEN and Myrna, that tradition will continue, as will our friendship, but we will miss you.

I yield the floor.

I suggest the absence of a quorum.

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

The assistant bill clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.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

#### RECOGNITION OF THE MINORITY LEADER

The Republican leader is recognized.

#### NLRB

Mr. MCCONNELL. Mr. President, on January 20, 2021, President Biden broke with longstanding precedent and fired the general counsel of the National Labor Relations Board. I guess if you campaign on establishing “the most pro-union administration in American history,” then replacing duly appointed officials with Big Labor acolytes is certainly a day one priority. As we know, this was an area where the President really did do his level best to make good on his campaign promises.

Setting aside his Acting Secretary of Labor’s record presiding over perhaps the biggest state UI fraud in American history, President Biden’s NLRB has worked overtime to pollute employer-employee relations across the country with vague new standards, distort longstanding free speech principles, and wage all-out war on small business franchisers.

The NLRB member who has held primary responsibility for executing on the Biden Big Labor agenda is its Chair, Lauren McFerran, and she is up for confirmation to another term.

If the Board’s public actions over the last 4 years are not telling enough, I would urge our colleagues to consider the gross mismanagement on Ms. McFerran’s watch that took an independent inspector general report to uncover—serious violations of electoral procedures and coverup attempts, to boot. This is to say nothing of the fact that her confirmation would give a lameduck President control of an independent Board well into his successor’s term.

In this case, there are any number of reasons not to reward bad behavior, and whichever our colleagues choose, I hope they will join me in opposing the McFerran nomination tomorrow.

#### FEDERAL JUDICIARY

Mr. President, on another matter, regarding the Federal judiciary, its membership, its independence, and its ethics, I have often found myself at increasingly stark odds with many of my Democratic colleagues. It is unfortunate, but I don’t intend to stop policing the separation of powers any sooner than the left stops trying to undermine it.

But over the last year, one corner of the judiciary’s operation where the Senate rightly holds sway has become the site of rare bipartisan agreement, and that is Federal courts’ capacity to hear and decide cases in a timely manner.

Across the country, Federal district courts’ case backlogs are preventing them from rendering swift justice. This past spring, the judiciary’s own data recorded a 1-year uptick in civil filings before district courts of 22 percent.

The solution to this clear challenge—more district judgeships—has earned wide support. In April, the senior Senator from Indiana introduced legislation that would steadily apportion larger benches to districts across the country over the next decade.

In August, the JUDGES Act passed the Senate by unanimous consent, proving that the right to a speedy trial still enjoys overwhelming popularity. I was particularly encouraged by the vocal endorsement of my friend the Democratic leader, who recognized the measure as a “very responsible, bipartisan, and prudent bill” that would lead to “a better functioning judiciary.” Soon, we expect to House to take up and pass the JUDGES Act with similar overwhelming support.

Normally, we could rest assured that such popular action would be signed

into law without further ado, but maybe not this time. Last week, the White House seemed to suggest, through anonymous comment, that President Biden had concerns with the bill. I, for one, would be curious to hear the President’s rationale. It is hard to imagine a justification for blocking the JUDGES Act that doesn’t smack of naked partisanship. It is almost inconceivable that a lameduck President would consider vetoing such an obviously prudential step for any reason other than selfish spite.

Litigants across America deserve their day in court, and they deserve to know the Federal judiciary has the bandwidth to carefully and thoroughly consider their cases. The President—a former chairman of the Senate Judiciary Committee—is well-equipped to appreciate this fact, and I hope he acts accordingly.

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.

#### BORDER SECURITY

Mr. THUNE. Mr. President, 10 million. Between official U.S. Customs and Border Protection encounters and known “got-aways,” there have been roughly 10 million migrant encounters at our southern border during the Biden-Harris administration.

To put that number in perspective, that is roughly 10 times the population of my home State of South Dakota. Ten million is larger than the population of Colorado. It is larger than the population of Tennessee. It is larger than the population of Maryland, of Massachusetts, of Indiana. I could keep going. Ten million is larger than the population of the vast majority of U.S. States.

Needless to say, a crisis of this size has had consequences. Shelters have been overwhelmed. Border cities have been overwhelmed. Blue cities far from the border have been overwhelmed. Border Patrol agents are exhausted, as their Chief noted in an interview last week.

I haven’t even mentioned the national security implications. There is no question that the chaos at our southern border represents a serious security risk for our country. And you don’t have to take my word for it. The Department of Homeland Security’s 2025 threat assessment notes:

Over the next year, we expect some individuals with terrorism ties and some criminal actors will continue their efforts to exploit migration flows and the complex border security environment to enter the United States.

That is from the Biden Department of Homeland Security’s 2025 threat assessment.

The June arrest of 8 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 kinds of threats we face.

Then there is the fact that chaos at the border creates opportunities for cross-border illegal activity, like the deadly trade in fentanyl, which affects communities around our country. My State of South Dakota is about as far away from the southern border as you can get, but law enforcement officials consistently tell me that the illegal drugs they are dealing with have entered the country across our southern border.

Four years of recordbreaking illegal immigration at our southern border under the Biden-Harris administration. Ten million encounters—and those are the migrants that we know of. It has been a dangerous 4 years, but the end is in sight. When President Trump and Republicans take control in January, stemming the flood of illegal immigration will be one of our first priorities. Under Republicans, national security here at home, at our borders and in our communities, will be just as important as taking care of our national security priorities abroad.

We are going to start right away with a once-in-a-generation investment in border security and immigration enforcement here in Congress. Among other things, that package will include substantial resources to increase the number of Immigration and Customs Enforcement officers and Border Patrol agents, increase detention space, and provide the barriers and technology we need to fully secure the border.

There is a lot of work to do and a big mess to clean up.

A recent article reported that there are around 1.4 million individuals who have been ordered to be deported but are still here in the United States, and most of them are not in immigration custody. And that is just one small corner of the problem.

As I said, we have a lot of work to do, but Republicans are committed, for the sake of our national security and for the sake of our rule of law. Four years of recordbreaking illegal immigration, but the end is in sight.

I yield the floor.

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

The senior assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. HICKENLOOPER). Without objection, it is so ordered.

CHINA

Mr. CORNYN. Mr. President, Joseph Stalin was rumored to have once said:

We will hang the capitalists with the rope they sell us.

Unfortunately, the United States has been selling the Chinese Communist

Party a lot of rope in recent years. At this very moment, American entities are fueling China's aggression by funneling huge amounts of capital into capabilities that could eventually be used against the United States and our allies. From advanced semiconductors to quantum computing to artificial intelligence it is high time that the United States becomes serious about limiting the flow of U.S. dollars into the arsenal of our biggest strategic adversary.

By some estimates, U.S. investments in Chinese communities totaled more than \$2.3 trillion in market value in 2020. That is American investments in Chinese companies—\$2.3 trillion in market value at the end of 2020. That includes \$21 billion in semiconductors, \$54 billion in military companies, and a whopping \$221 billion in artificial intelligence. According to a report from the U.S.-China Economic and Security Review Commission, "The United States is the most important foreign source of investment to semiconductors, quantum computing, and AI in China."

Because of China's strategy of military-civil fusion, these investments are not simply benefiting China's economy; they are directly bolstering China's military. China is the greatest national security threat of our time. I think we all understand that, and it is incomprehensible to me that American investors are continuing to bankroll its rise, and we are essentially blind to what that scale and what the focus of those investments really are.

The Chinese Communist Party has become increasingly aggressive in its efforts to gain power and influence, embracing illicit tactics like intellectual property theft, forced technology transfer, and predatory lending. According to findings of the House Select Committee on Strategic Competition between the United States and the Chinese Communist Party, China subsidizes the sale of fentanyl and illicit narcotics abroad and has fueled addiction and death in the United States. The Drug Enforcement Administration reports that fentanyl is the leading cause of death among Americans between the ages of 18 and 45. We know where the precursors are coming from. We know where they go—to Mexico—and then they are combined and then produced to look like normal pharmaceutical drugs, much to the chagrin and misery and death of so many of our young people. And then, 2 years ago, the United States intercepted a surveillance balloon from China that crossed across our country.

Meanwhile the Chinese Communist Party continues to assert excessive and illegal maritime boundary claims in the South China Sea, at times using force against our treaty ally, the Philippines, when they have attempted to resupply their ship near the Second Thomas Shoal. President Xi has ordered the Chinese military to be ready and capable of taking Taiwan by force in 2027—just 2 years from now.

So it should go without saying that the United States should exercise cau-

tion before continuing to sell the Chinese Communist Party rope in the form of sensitive technology, like advanced semiconductors and artificial intelligence.

I have been working with my colleagues here to address legislation that would provide some transparency for this outbound investment from the United States to the PRC. Last year, the Senate made good progress on this issue by including a provision to address outbound investment transparency in the Senate-passed National Defense Authorization Act. The Senate voted 91 to 6 to include my amendment in the NDAA last year, showing an overwhelming bipartisan consensus on the need to address this issue. We all know how hard it is to find consensus around here. A 60-vote threshold can be hard to come by on many important issues, but upward of 90 votes should send a clear message that this issue is one that we deem of utmost importance on a bipartisan basis. We all are acutely aware of our competition with China and our need to counter some of China's aggression, and including prohibitions on certain outbound investments is a critical step to that end.

I must say we have had some great partners in the House. I want to thank, in particular, JOHN MOOLENAAR, chair of the Select Committee on the Chinese Communist Party; Congressman MICHAEL MCCAUL, chair of the Foreign Affairs Committee in the House; and Speaker of the House of Representatives MIKE JOHNSON, who have all contributed to our efforts to advance this issue, but this isn't where the story ends.

The Senate has—or had—another opportunity to include these provisions in the Defense Authorization Act this year, but House minority leader HAKEEM JEFFRIES chose to block these provisions. One person is standing in the way. It is simply unconscionable that anyone who claims to care about the China threat would be opposed to outbound investment transparency, and it is unacceptable to play political games with such an essential national security provision.

I understand, over the last day, Leader JEFFRIES has listened to the voice of reason and come back to the negotiating table. And I am hopeful that these conversations will continue to be productive and yield a positive outcome. The national security of our country depends on it, and we must not squander this opportunity to confront the Chinese Communist Party. Time is running out.

We all know that we are living in the most dangerous time since World War II. Our adversaries are not shy about the fact that they are working together. Earlier this year, China and Russia pledged to deepen their trust and cooperation, while they have continued to conduct joint military exercises. North Korea has sent 10,000 troops to Russia, and some intelligence estimates suggest they may be willing