

Mr. BARRASSO. The following Senators are necessarily absent: the Senator from Kentucky (Mr. McCONNELL) and the Senator from Oklahoma (Mr. MULLIN).

The result was announced—yeas 51, nays 47, as follows:

[Rollcall Vote No. 427 Ex.]

YEAS—51

Banks	Fischer	Moran
Barrasso	Graham	Moreno
Blackburn	Grassley	Murkowski
Boozman	Hagerty	Paul
Britt	Hawley	Ricketts
Budd	Hoeven	Risch
Capito	Husted	Rounds
Cassidy	Hyde-Smith	Schmitt
Collins	Johnson	Scott (FL)
Cornyn	Justice	Scott (SC)
Cotton	Kennedy	Sheehy
Cramer	Lankford	Sullivan
Crapo	Lee	Thune
Cruz	Lummis	Tillis
Curtis	Marshall	Tuberville
Daines	McCormick	Wicker
Ernst	Moody	Young

NAYS—47

Alsobrooks	Hickenlooper	Rosen
Baldwin	Hirono	Sanders
Bennet	Kaine	Schatz
Blumenthal	Kelly	Schiff
Blunt Rochester	Kim	Schumer
Booker	King	Shaheen
Cantwell	Klobuchar	Slotkin
Coons	Luján	Smith
Cortez Masto	Markey	Van Hollen
Duckworth	Merkley	Warner
Durbin	Murphy	Warnock
Fetterman	Murray	Warren
Galego	Ossoff	Welch
Gillibrand	Padilla	Whitehouse
Hassan	Peters	Wyden
Heinrich	Reed	

NOT VOTING—2

McConnell Mullin

The nomination was confirmed.

The PRESIDING OFFICER (Mr. RICKETTS). 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.

The PRESIDING OFFICER. The Senator from Texas.

BORDER SECURITY

Mr. CORNYN. Mr. President, in the United States, we justly pride ourselves on being a nation of laws. This is one of the things that makes our country different from the rest of the world. Economists have written about the fact that, while there are many entrepreneurial or innovation societies and economies, it is the rule of law, the predictability, the enforcement of contracts, and the fundamental guarantees of rights that make us successful where other countries fail.

Unfortunately, we have seen the undermining of the rule of law, in the last 4 years, by President Biden's refusal to simply enforce our immigration laws. And my prediction is we will be paying the price not just in weeks and months but in years and decades for what has come to be known as the "Biden border disaster."

President Biden's policies betrayed the American people because of the lack of leadership in the face of a historic crisis—here, again, of his own making—at the U.S.-Mexico border.

Yesterday, I chaired a subcommittee of the Senate Judiciary hearing enti-

tled "Biden's Border Betrayal: Criminal Aliens in America." At that hearing, we examined some of the false narratives that the mainstream media have peddled about President Trump's enforcement of our immigration laws.

We were honored to be joined by two Angel moms whose children were murdered by criminal aliens who never should have been in the United States in the first place.

Marie Vega joined us. Marie is the mother of Javier Vega, Jr., who went by the name "Harvey." Harvey was a Border Patrol agent who was murdered by illegal aliens nearly 11 years ago. I am grateful to her for sharing her story, as painful as I know it must have been for her, and talking about the trauma that she, her grandchildren, and her entire family have experienced over her son's murder.

Our second guest was Tammy Nobles. Tammy was the mother of Kayla Hamilton, who was murdered by an illegal alien who was also a member of the MS-13 gang—one of the most violent gangs in the world. Kayla's murderer entered our country as an unaccompanied minor and was later released into the custody of an unvetted sponsor.

Mrs. Nobles' passion for ensuring this horrific tragedy won't happen again to more families was evident throughout the hearing. I am grateful to her, again, for sharing what had to be a very painful experience but one she did in honor of her daughter's memory.

Our third guest was Victor Avila, a former ICE Homeland Security Investigations agent who, along with his partner, was shot in the line of duty by Los Zetas. Los Zetas is a cartel operating in Mexico and in the United States occasionally.

Victor was seriously wounded that day, and his partner was killed. I have known Victor a long time, and he is a steadfast advocate of the rule of law and understands what is required if we are going to keep Americans safe.

These families and victims would never have had to suffer such devastating loss were it not for the criminal aliens who never should have been here in the United States in the first place.

It was a curious matter to me that our Democratic colleagues claim to be the party of compassion when it comes to immigration, but they would rather society and the media and Congress turn a blind eye to these victims of criminals who entered the country as a result of open border policies. That is not compassion. Some of the individuals ICE—Immigration and Customs Enforcement, which is what the initials stand for, of course—some of the individuals ICE has apprehended recently include murderers, rapists, pedophiles, and sex traffickers.

Our fourth guest was Sheriff Roy Boyd of Goliad, TX, a small, South Texas county. He described the horrifying details of human trafficking and criminal activities carried out by the

transnational criminal organizations—this is organized crime—the cartels he has witnessed in recent years. He said during his testimony:

The border has always been a location for criminal activity, however, I never witnessed such an increase in blatantly open criminal activity as I did between 2021 and 2024.

It is truly shocking to think about the sheer number of illegal criminal aliens who are currently roaming free in the United States.

Now, you would think, listening to some of my Democratic colleagues, that ICE is arresting gardeners, cooks, housekeepers—people who are basically just trying to earn a living. But the truth is, there are 291,000—291,000—criminal aliens in the United States who are under final orders of removal. That means they have exhausted all potential legal remedies to be able to stay here, and they have been found not qualified to stay, and they have been ordered removed, but they simply ignored that order by a court.

For this fiscal year alone, 213,000 criminal aliens with final orders of removal have criminal convictions, while another 78,000 have pending criminal charges against them. Even more disturbing is the fact that 282,000 of these criminal aliens are still roaming free, not being held in ICE custody.

I know Tom Homan, who is the border czar who is heading up these efforts, is working to chip away at this list of criminal aliens who are still present in the United States who are under final orders of deportation. But, again, to listen to the news or listen to some of the political rhetoric, you would think, again, that Tom Homan and ICE are detaining gardeners and cooks and housekeepers, when 282,000 of these criminal aliens with final orders of deportation are still roaming free.

Most aliens with final orders of removal have been in the immigration system for almost a decade. They have been litigating their claims in immigration courts, some for almost a decade, and many, if not all, were given the opportunity to have their day in court. Many of them just neglected to show up. They were given a notice to appear in an immigration court and if they had a bona fide claim to asylum, to present that to an immigration judge. But many of these individuals simply did not show up, forfeiting any right they had to claim they could legally stay in the United States. But all of this doesn't stop our colleagues from across the aisle from claiming that illegal aliens detained by ICE are not being given "due process."

We are blessed to live in America, no doubt, and I think sometimes we take for granted all the privileges we are afforded and all the rights we have as citizens. So it is worth asking the question: What sort of process are these illegal aliens actually due?

While the Fifth Amendment to the Constitution and the Bill of Rights apply to all individuals in the United

States, illegal aliens are not entitled to the same range of due process as U.S. citizens, especially when they neglect or refuse to show up in the first place when the notice to appear has been given, but they simply reject it.

The idea that someone could break our laws, enter our country illegally, and then be entitled to all the rights and privileges of an American citizen is awfully far-fetched, and it is not the law. Let me be clear about what the law actually says: Aliens who already have final orders of deportation, who are being detained for the purpose of removal, have already had their due process.

I would encourage my colleagues on the left to reflect on this before continuing to use the buzzwords “due process” to mislead the American people as they discuss cases that appear sympathetic but where the process these aliens were entitled to has simply been exhausted, and they lost or they refused to show up in the first place.

The American people know what Democrats fail to admit: Deterrence—deterrence—is a critical part of immigration enforcement and preventing the flow of aliens into the United States in the first place. In other words, if you know that it is likely that if you pay a coyote or a human smuggler \$10,000 to smuggle you into the United States but you are unlikely to be able to stay, then you are probably not going to make the decision to make that dangerous trip in the hands of a criminal organization to come to the United States. That is part of what we talk about when we are discussing deterrence—the likelihood you would be unsuccessful, so you don't try in the first place.

I have been impressed by the way the State of Florida has stepped up to the plate by helping the administration open a detention facility known in the press as Alligator Alcatraz—well, whatever is necessary to provide detention facilities for people who have no legal right to remain in the United States because they have exhausted all of their legal remedies.

We have just provided significant additional resources in the One Big Beautiful Bill to the Department of Homeland Security and ICE to build those detention facilities like the one in Florida, as needed, in order to detain people before they are repatriated or removed from the United States.

I am hopeful other States will step up in a similar way, and I am strongly supportive of creating those necessary detention facilities in places like Texas.

The American people voted overwhelmingly on November 5 for a President who promised to enforce our immigration laws, so it is only right that our States would work together with the Federal Government to facilitate the enforcement of those laws, that the American people voted for. I know they are thankful to President Trump for

keeping his promises, and I look forward to continuing to work with him and Governor Abbott to ensure that this work continues in my home State of Texas. Together, we are making our communities safer.

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

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

NOMINATION OF MATTHEW LOHMEIER

Mr. REED. Mr. President, I rise today to urge my colleagues to carefully consider their vote on the nomination of Mr. Matthew Lohmeier to be Under Secretary of the Air Force.

The Under Secretary is the second highest ranking official in the Air Force. This position is responsible for running the day-to-day operations of the Department and assisting the Secretary in leading the largest fleet of aircraft and space assets in the world. Most importantly, they are responsible for managing the hundreds of thousands of men and women who make up the Air Force and the Space Force.

I have deep concerns about Mr. Lohmeier's fitness to represent these men and women. While I appreciate his past military service, his record of troubling conduct in uniform, extreme partisanship, and animosity toward military members with whom he disagrees politically is, in my view, completely disqualifying to be Under Secretary.

His record of alarming behavior and statements is well-documented. In 2021, while serving as an Active-Duty Space Force officer in command of a large formation, he self-published a book titled: “Irresistible Revolution: Marxism's Goal of Conquest & the Unmaking of the American Military.” The book argued that Marxism is rampant within the ranks and leading to the collapse of our military and our society.

As he wrote:

To be perfectly clear, the path we are on as a country leads us to fratricidal and genocidal warfare.

While still on Active Duty and command, he went on a far-right podcast which was known for spreading misinformation and conspiracy theories to advertise his book. All this was done without the knowledge or approval of the Department of Defense. Mr. Lohmeier was immediately relieved of command when his book and podcast were discovered.

After leaving the Space Force, he has continued to write and speak about his extreme beliefs. Among his controversial statements, Mr. Lohmeier called the January 6 attack a government-led “false flag and hoax at the Capitol.”

I would ask all of my colleagues who were there that day and who were in

danger if it were a hoax and a false flag operation. I think, honestly, they would admit, no, it was an attack on the constitutional responsibilities of Congress to certify the election of the President of the United States. In that hoax, police officers were injured and killed, and many, many of us were terribly concerned about our safety and the safety of our staffs.

So, if you believe it was a hoax, then you agree with Mr. Lohmeier. If you think it was and is an attack on our Constitution and on ourselves, this is not the gentleman to be the Under Secretary of the U.S. Air Force.

He has appeared on dozens of podcasts and has made hundreds of social media posts about his distrust of American servicemembers, as he wrote in his book:

In one respect, U.S. military servicemembers are no different than members of the People's Liberation Army.

That is an interesting comparison—equating American soldiers with the members of the People's Liberation Army.

He went on to say:

Each is comprised of humans—

U.S. Army, PLA—

humans who share a common nature. Because we share the same nature, what Marxist ideology does to the Chinese military servicemember it will do to the American.

Now, that is absolutely absurd. I don't think anyone in the United States or in the U.S. military will believe that our military will be transformed into a Marxist fighting organization equivalent to the Chinese People's Liberation Army. Yet that is what he is talking about, and I have read a great deal of his writing.

I had the opportunity and the privilege not only to attend West Point but to teach at West Point. I would question his understanding of Marxism and his understanding, frankly, of the character of the American soldier, sailor, airman, marine, and guardian. It is profoundly not only deficient but insulting.

Let me make one point clear: I am concerned that he has a deeply misguided and biased opinion of American military servicemembers and their leaders. If confirmed, he would lead an organization that, like this country, represents a spectrum of individuals—Republicans, Democrats, Independents—of all races and creeds and sexualities. Yet his language suggests that he regards many of these men and women as adversaries to be rooted out and purged from the force. I am very skeptical that servicemembers and civilians who do not share his political opinions can trust that they will not be targeted under Mr. Lohmeier's tenure. This could be a revenge tour in the Department of the Air Force—to get even with those he feels did not treat him fairly. That is not the type of individual you want in the position of Under Secretary of the Air Force.

During his confirmation hearing before the Armed Services Committee,