

So the Biden administration has made it easier for migrants to disappear and melt into the great American landscape.

Last month, Secretary Mayorkas, the Secretary of the Department of Homeland Security, made things worse. He issued a directive, new guidance, at the end of September that strongly discourages Immigration and Customs Enforcement removal proceedings officers from carrying out their duties unless a migrant meets specific criteria.

You can read it yourself. It talks about mitigating factors and aggravating factors, and somehow an ICE officer, a Border Patrol agent, is supposed to make an individualized determination whether this individual migrant qualifies or does not qualify to be admitted into the United States.

According to Secretary Mayorkas, recent border crossers should be a priority, but it is only if they have been apprehended for some other reason. He has basically said if your only crime is illegally entering into the United States, we are not going to detain you. We are not going to deport you.

The Secretary's guidance says that individuals convicted of serious criminal conduct should be a priority for removal, but it is unclear what crimes meet the criteria.

For example, is distributing or receiving child pornography considered a serious criminal conduct? What about crimes like wire fraud, racketeering, embezzlement, a whole host of other crimes that you or I might think of?

It defies common sense to ask these law enforcement officers, charged with enforcing our laws, to turn a blind eye when they encounter individuals who have come here illegally and committed other crimes because those crimes just aren't serious enough in the opinion of the bureaucracy at the Department of Homeland Security or in the Biden administration.

I am reminded of the controversial directive issued by another one of President Biden's nominees to enforce our Nation's laws.

Rachael Rollins has been nominated to serve as the U.S. attorney for Massachusetts and is currently the district attorney for Suffolk County, Boston.

Shortly after taking her job as DA in Suffolk County, she released a memo outlining a dozen crimes that should be ignored by law enforcement. According to Ms. Rollins—this is a district attorney—according to Ms. Rollins, individuals who commit offenses like trespassing, shoplifting, larceny—which is essentially stealing—wanton or malicious destruction of property or even possession with intent to distribute drugs should not be prosecuted in Suffolk County.

Now, I have no issue with law enforcement using limited resources to prioritize the threats to the community. But they can't exempt wholesale classes of crimes from enforcement, and they certainly should not tip their

hat to the criminals as to what crimes can be committed free of any consequence.

But under the Biden administration, unfortunately, we are seeing similar action.

We are also seeing a record low number of deportations. In April, as border crossings hit the highest level in 2 years—excuse me—two decades, ICE removed the lowest number of illegal immigrants on record. So not only are more people coming at historic numbers, but historic numbers of people are—low numbers of people are being deported.

This, again, is part of an overall message that sends an unequivocal message to the world that if you come to the United States illegally, you are likely to be able to get away with it. There is a good chance migrants will be released with a flimsy notice to report, and once that happens, they won't be removed unless they are caught committing another crime.

The Department of Homeland Security is charged with safeguarding the American people and enforcing our laws. But its employees are largely handcuffed because of the Department's own leadership and the guidance they have handed down.

Again, there is no problem in my book with prioritizing the removal of dangerous criminals who are in the United States illegally. But it is another thing to send a message that if you break some of our laws, we are going to enforce them; if you break other laws, we won't enforce them—and thus encourage more and more people to come to the United States illegally.

It isn't clear that enforcement and removal operations officers will truly retain the discretion they need to remove illegal immigrants who don't fall under some of the categories laid out by the Secretary and his guidance that he issued in late September.

Considering everything we have heard from our friends across the aisle when it comes to immigration enforcement, this radical action by the administration is not completely surprising.

Vice President HARRIS, who was appointed by the President to deal with the crisis at the border, once compared ICE to the Ku Klux Klan. And a number of our colleagues have sided with radical activists who want to defund the police.

With violent crime and murder rates on the rise across the country, it is no surprise that the American people overwhelmingly disagree with this idea of defunding the police.

I was gratified to see after this defund movement hit—had its heyday, that a year later, most of the jurisdictions around the country had restored the funding because of the disastrous consequences of defunding the police. But it is harder to resurrect a police department to recruit new people and train them than it is to defund them and shrink the size of the department.

But now we have gone from defunding law enforcement to defanging law enforcement. Slowly, we have seen the tools law enforcement needs to keep our communities safe being taken away from them, and our law enforcement officers are being told: You cannot do your job.

Liberal activists can throw out their “Abolish ICE” posters because the administration is effectively nullifying the policy from the inside.

The reality of the situation, however inconvenient it may seem, is that by entering the United States illegally, migrants are violating U.S. law. Again, it is not something that is dictated by the Department of Homeland Security or by Border Patrol; these are laws that Congress has passed and previous Presidents have signed into law.

As I said at the beginning, we are fortunate to have the hard-working men and women of ICE and CBP who are committed to enforcing our laws and safeguarding the American people, but this policy of nonenforcement and of providing additional pull factors to encourage people to illegally enter the United States has to be demoralizing to the very people we are depending upon to keep our country safe.

Make no mistake, the President bears full responsibility for this crisis. He is the one who could make the difference. He could change it with the stroke of a pen.

January was the only full month this year that President Biden was not President of the United States. It is also no coincidence that it was the only month in which fewer than 100,000 migrants crossed our southern border. The Biden administration has made nonenforcement the de facto response to the border crisis, and as a result, annual apprehensions have hit an alltime high. Until the Biden administration changes the playbook, migrants will continue to flood the zone using the very plays that the administration has laid out for them.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT AGREEMENT—S. RES. 134

Mr. LEE. Mr. President, I would like to call up S. Res. 134, as amended, my resolution urging the President to bring negotiations on a free-trade agreement between the United States and the United Kingdom to a mutually advantageous conclusion.

I have been working on the Senate floor and behind the scenes for several years now trying to get this measure adopted and a trade deal signed. Things are finally moving. The message to the President, if approved with unanimous consent of the Senate, could not be any more timely.

President Biden recently announced that after a delay of more than a year, we are finally going to resume trade negotiations with the United Kingdom. It is not often these days that I am really excited about all the news coming from the White House, but this one is absolutely thrilling to hear. I am very pleased with it.

For more than 100 years, throughout times of great change, tumult, and uncertainty, our partnership between the United States and the United Kingdom—sometimes referred to as the “special relationship”—has been constant. Through two world wars and the Cold War, through centuries of economic partnership that have forged the world’s single-largest bilateral trade and investment relationship, the UK has been our staunchest and our most loyal ally.

Now, with the UK’s newfound ability to negotiate independent free-trade deals and the President’s commitment to resume negotiations on that front, the stars are aligned, and we have the opportunity to grow that relationship even further. This Senate resolution is the next step, calling on the President to bring those negotiations to the finish line. What could be better for American jobs, American prosperity, and American security than securing such a deal? This is what our country needs. This is what my home State of Utah needs.

Let me tell you a little bit about what that relationship means for the people back in my State, back in Utah. Almost 11,000 Utahns are employed directly by UK companies and their subsidiaries, and nearly 40,000 jobs are supported by exports from Utah to the United Kingdom. The United Kingdom is our largest export market, and we sent over \$9 billion worth of exports just in 2019 alone.

Our credit and financial services industries also thrive from our trade relationships with the UK. Imagine what it would do for Utah and for the rest of the country if we made that trade even easier.

In this age of great power competition with China, we need to work closely with our allies renewing old friendships and crafting new ones.

As we have seen, our supply chains are in a precarious position, and they need to be redoubled and reinforced before we face the next calamity. Whatever you might have heard, trade is one of the best ways to reinforce our supply chains, and so what we need is a proliferation of free-trade agreements with countries around the globe. The United Kingdom would certainly be on that list, and, in fact, it should be chief among them.

So now I ask my colleagues to join me, using the full voice and the authority of the U.S. Senate, to urge the President to proceed full steam ahead on a deal. Throughout history, the partnership between our countries has steadied the world through some of its greatest perils, and it can continue to

do so today if only we let it. The American and British peoples have the opportunity to once again join forces and emerge from the challenges we face today and to do so stronger than ever for the benefit of our countries and nations across the globe.

To that end, Mr. President, as if in legislative session, I ask unanimous consent that the Finance Committee be discharged from further consideration and the Senate now proceed to S. Res. 134. I further ask that the Lee substitute amendment to the resolution be considered and agreed to; the resolution, as amended, be agreed to; the Lee amendment to the preamble be considered and agreed to; the preamble, as amended, be agreed to; that the Lee amendment to the title be considered and agreed to; the title, as amended, be agreed to; and that the motions to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. MURPHY. Mr. President.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. MURPHY. Mr. President, reserving the right to object, Senator LEE is right—the relationship between the United States and Britain is unique, and it is special. They are often the first to come to our aid when we are in need, when we need partners around the globe. So it brings me no pleasure to come to the floor to object to this resolution being passed at this time, partly because I think there will be a right time for the Senate to come together unanimously and express our support for a U.S.-Britain free-trade agreement. But I want to spend 1½ minutes telling you why this is not the time.

We are having this debate because Britain has chosen to leave the European Union. Previous to Britain’s departure, we were pushing for a U.S.-EU trade agreement that would have brought benefits to Britain but also to the rest of the continent.

Today, we are talking about a bilateral agreement because Britain is leaving the European Union, but they have not yet fully left in the sense that there is an agreement connected to their exit that Britain has not yet fulfilled. One of the most important aspects of that agreement relates to the Good Friday Agreement, the Good Friday Agreement being a seminal achievement of American diplomacy that brought to an end decades of troubles and violence in and around Northern Ireland.

The UK and EU negotiated what is called the Northern Ireland Protocol as part of the EU withdrawal agreement. That arrangement was intended to preserve the Good Friday Agreement and to ensure that you would never have a hard border between the Republic of Ireland and Northern Ireland. Under the protocol, it was agreed that Northern Ireland would continue to follow EU rules on food safety and other prod-

ucts standards to prevent those customs checks across the border. The checks, instead, would take place on goods entering Northern Ireland from England, Scotland, or Wales.

The problem is that the British Government right now wants to change the deal and to get rid of most of the checks, to reduce customs procedures in order to allow goods to move more freely. But this has created a political crisis because it threatens to reerect that hard border that could unfortunately stimulate a reemergence of conflict. It has already been incredibly destabilizing in Northern Ireland. The leader of the largest unionist party has threatened to quit the government if the current protocol is not replaced.

This is not an insignificant risk, and our priority should be, before cheerleading and championing a free-trade agreement, to make sure that Britain’s commitment to protect the Good Friday Agreement as part of their departure from the European Union is fulfilled.

So I look forward to the time when we can come together, Republicans and Democrats, and support the entering into of discussions for a free-trade agreement between the United States and Britain, but I would submit that this is not the right time. Right now, we need to be firm in our commitment to make sure that the conditions of withdrawal from the European Union specifically with respect to the Good Friday Agreement are fulfilled, and only once those conditions are fulfilled should we as a body make that full commitment to this free-trade agreement.

Let’s make sure that we not do anything to jeopardize what has been decades of productive peace and peace discussions in and around Northern Ireland.

For that reason, I would object.

Mr. LEE. Mr. President.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. I appreciate the insights shared by my friend and distinguished colleague, the Senator from Connecticut, with whom I enjoy working on countless issues, but I want to offer a little bit of additional context here.

Senator MENENDEZ and I have worked together for some time now to address how any such trade agreement with the United Kingdom might take into account the obligations we have to Ireland under the Good Friday Agreement.

Just to be very clear, our resolution does not make any statement on elements of the transatlantic relationship outside the jurisdiction of U.S. sovereignty. So this shouldn’t affect that. Those two things shouldn’t be tied together.

Brexit and the debate surrounding the Northern Ireland Protocol are issues exclusively between the UK and the EU. This resolution is interested only, exclusively, in making a statement on working closely with a longstanding and stalwart ally and trade

partner. So we certainly would welcome a similar resolution on U.S.-EU trade, and I would be happy to work collaboratively with my friend from Connecticut or with any other colleague on either side of the aisle on that project.

If there are additional concerns here, I would love to know what those are immediately so that we can resolve this expeditiously. As I said earlier, I have been working on this resolution for at least 2 years now, and I would hate to see it blocked because of a quibble that we have already worked with the Foreign Relations Committee, the staff across the aisle on that committee, to address. I mentioned that this is important to my State of Utah. It is also important to Connecticut.

In Connecticut, the United Kingdom is directly responsible for over 22,000 jobs, and it supports another 12,000 through Connecticut goods and services that cross between those two countries.

So I think this would be good for Connecticut. It would be good for Utah. It would be good for the entire country, and I hope we can get it done. I am disappointed we weren't able to get it done today. I am going to keep moving ahead on this because it needs to happen.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I ask unanimous consent to speak for up to 2 minutes.

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

#### NOMINATION OF TANA LIN

Ms. CANTWELL. Mr. President, I come to the floor to support the nomination of Tana Lin to serve as judge for the U.S. District Court for the Western District of Washington.

If confirmed, Lin would be the first Asian American appointed as a Federal judge in the State of Washington. Western Washington has one of the largest Asian-American populations in the country, so it is very important that we have her voice on the Federal bench to show the diversity of our country.

As an Asian-American woman, the barriers Ms. Lin faced have inspired her to fight for equal justice access to promote diversity within the legal field, and she has had a passion for public service for a long time. She started her legal career as a public defender and served as a mentor to economically disadvantaged youth and mothers interested in pursuing law for many years.

So she is extremely well qualified and supported by many, including the National Asian Pacific American Bar Association, the National Asian Pacific American Women's Forum, the National Legal Aid & Defender Association, and many others; and I urge my colleagues to support her.

#### VOTE ON LIN NOMINATION

The PRESIDING OFFICER. Under the previous order, all postcloture time is expired.

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

Ms. CANTWELL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN) is necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Wisconsin (Mr. JOHNSON) and the Senator from North Carolina (Mr. TILLIS).

The result was announced—yeas 52, nays 45, as follows:

#### [Rollcall Vote No. 424 Ex.]

##### YEAS—52

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

##### NAYS—45

Barrasso	Fischer	Portman
Blackburn	Grassley	Risch
Blunt	Hagerty	Romney
Boozman	Hawley	Rounds
Braun	Hoeven	Rubio
Burr	Hyde-Smith	Sasse
Capito	Inhofe	Scott (FL)
Cassidy	Kennedy	Scott (SC)
Cornyn	Lankford	Shelby
Cotton	Lee	Sullivan
Cramer	Lummis	Thune
Crapo	Marshall	Toomey
Cruz	McConnell	Tuberville
Daines	Moran	Wicker
Ernst	Paul	Young

##### NOT VOTING—3

Feinstein	Johnson	Tillis
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The nomination was confirmed.

The PRESIDING OFFICER (Mr. VAN HOLLEN). Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will immediately be notified of the Senate's action.

The majority leader.

#### LEGISLATIVE SESSION

Mr. SCHUMER. Mr. 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. Mr. President, I move to proceed to executive session to consider Calendar No. 339.

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 Jia M. Cobb, of Virginia, to be United States District Judge for the District of Columbia.

#### CLOTURE MOTION

Mr. SCHUMER. Mr. 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. 339, Jia M. Cobb, of Virginia, to be United States District Judge for the District of Columbia.

Charles E. Schumer, Ben Ray Lujan, Richard J. Durbin, Christopher A. Coons, Elizabeth Warren, John Hickenlooper, Jacky Rosen, Brian Schatz, Tammy Baldwin, Patrick J. Leahy, Kirsten E. Gillibrand, Richard Blumenthal, Benjamin L. Cardin, Catherine Cortez Masto, Cory A. Booker, Raphael G. Warnock, Alex Padilla.

#### LEGISLATIVE SESSION

Mr. SCHUMER. Mr. 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. Mr. President, I move to proceed to executive session to consider Calendar No. 342.

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 Karen McGlashan Williams, of New Jersey, to be United States District Judge for the District of New Jersey.

#### CLOTURE MOTION

Mr. SCHUMER. Mr. 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. 342, Karen McGlashan Williams, of New Jersey, to be United States District Judge for the District of New Jersey.