

Senator MCCONNELL, with respect to the alleged breach of the Supreme Court and reiterate that this is a lawless action. If it turns out to be what we believe to be true, it should be investigated, punished as fully as possible. The Chief Justice has to get to the bottom of this. And, if applicable, the Department of Justice needs to pursue any criminal charges.

Let me just say, too, that I believe, as Senator MCCONNELL pointed out, that all nine Justices on the Supreme Court should tune out the bad-faith noise and feel totally free to do their jobs following the facts and the law where they lead. We need an independent Supreme Court, and we should, at every turn, be defending the independence of our Supreme Court.

#### BORDER SECURITY

Mr. President, the Biden border crisis is still getting worse. In March, U.S. Customs and Border Protection encountered 221,303 individuals attempting to cross our southern border illegally—221,303. That is an average of more than 7,100 individuals per day. As of April, that number had gotten even worse. An April 26 memo from the Secretary of Homeland Security reported:

In the past 3 weeks, CBP [our Customs and Border Patrol] has encountered an average of over 7,800 migrants per day across the southwest border. This is compared to a historical average of 1,600 per day in the pre-pandemic years [2014 to 2019].

Let me just repeat that:

In the past 3 weeks, CBP has encountered an average of over 7,800 migrants per day across the southwest border. [This is] compared to a historical average of 1,600 per day in the pre-pandemic years.

The situation on our southern border is out of control. It is on track to get much, much worse. On April 1, the Biden administration announced the title 42 COVID-19 restrictions, which provided for the immediate deportation of individuals who crossed the border illegally, will end on May 23. It is ironic that even as the President has effectively declared that the COVID emergency to be over at our southern border, his administration continues to advocate to press Congress for more COVID funding.

Once title 42 restrictions are officially lifted, the flood of illegal immigration across our southern border is expected to become a tsunami. The Department of Homeland Security expects as many as 18,000 migrants per day to attempt to cross our southern border after the policy is lifted—18,000 per day. That is more than double the number we are currently experiencing, which is already straining Border Patrol to the limit.

Secretary Mayorkas testified last week that morale in the Border Patrol is low. Not surprising. What will it be like for these men and women when their workload more than doubles?

Title 42 restrictions were never intended to be a permanent border solution and lifting them would not be a problem if it were clear that the Presi-

dent is ready to deal with the resulting immigration surge, but the President hasn't even been able to—or hasn't bothered to—come up with a plan to address our existing immigration crisis. And the plan he has offered to deal with the unexpected surge when title 42 restrictions are lifted is inadequate, to put it mildly.

To give us one example, the administration plans to increase Customs and Border Protection detention capacity to 18,000. The problem with that is, as I said, we could be facing an influx of 18,000 illegal immigrants per day—per day—when title 42 has ended. Given that individuals usually stay in Customs and Border Protection custody for 2 or 3 days, it is clear that a detention capacity of 18,000 is likely to be woefully insufficient.

Even some Democrats have criticized the administration's plan with one noting that: "The administration's plan for the end of title 42 is unrealistic by May 23."

Another Democrat said:

There hasn't been enough preparation . . . we don't have the basics of how you're going to handle 18,000 individuals a day safely and in accordance with our ethics and principles. This plan, I have not seen it yet.

A number of Senate Democrats have criticized the President's decision to end title 42 right now. While I appreciate their speaking up, I wish that they had decided to join Republicans in supporting an amendment to preserve title 42 border policies when we voted on it last August, or the amendment Republicans supported in February of last year to boost funding for security at our Nation's borders. Then, perhaps, we wouldn't currently be in a situation where we expect to see half a million individuals a month attempting to illegally cross our southern border.

Out-of-control illegal immigration represents a serious security threat. Criminals, including human traffickers, drug smugglers, and gang members, regularly attempt to cross our southern border. And the worse the situation at our border gets, the easier it is for these individuals to make their way into our country. Our Border Patrol officers do heroic work, but they are stretched incredibly thin and have been for more than a year now. It is simply common sense to acknowledge that the greater the flood of illegal immigration they have to contend with, the easier it is going to be for bad actors to get across the border.

Just last week, Secretary Mayorkas testified there were more than 389,000 got-aways, which were individuals the Border Patrol saw but was unable to apprehend at our southern border during fiscal year 2021—389,000 got away. How many more are there likely to be if the influx at our southern border more than doubles?

Securing our border—by that, I mean having actual operational control of who enters our country—is a national security imperative. It is unfortunate that President Biden doesn't seem to

realize that. He began his administration by rescinding the declaration of a national emergency at our southern border, halting construction of the border wall, and revoking a Trump administration order that called for the government to faithfully execute our immigration laws. In other words, President Biden immediately gave the green light to those who would exploit our broken immigration system. He has continued to implement measures that have served to convey the message that the U.S. borders are effectively open.

While his title 42 decision has finally forced him to offer a so-called plan to deal with border security, the measures he proposes to take are unlikely to deter the expected surge of illegal immigration once title 42 is lifted. As a result, by the end of this month, our Nation may be facing a security enforcement and humanitarian crisis at our southern border that makes our current crisis look like child's play.

The administration must do more to develop its response plan before the President lifts title 42 restrictions on the 23rd of May. The truth of the matter is, it is almost unquestionably too late for the administration to be adequately prepared for the coming crisis by the end of this month. I hope the President will recognize that and delay the May 23 date until he has an adequate plan for dealing with our current border crisis, as well as any additional influx from lifting title 42 border restrictions.

If he does not move the May 23 deadline, then Congress should step in and do it for him and stop our Nation's current border crisis from becoming a true catastrophe.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

#### SEMICONDUCTORS

Mr. CORNYN. Mr. President, over recent decades, globalization—and by that, I mean depending on the cheapest producer of a particular good and disregarding the vulnerability of supply chains—has characterized our global commerce. By and large, that has been a good thing, particularly for consumers, if you are talking about toys for your children or an appliance, let's say. Everything from ag products to innovative technologies can find a place in global markets. And that can benefit consumers.

But this interdependence creates serious risks, as well. Over the last couple of years, we have seen how supply chain vulnerabilities can bring an entire industry—or perhaps even an entire country—to its knees.

Some of the clearest examples have surfaced during the pandemic. The U.S. leans heavily on Chinese manufacturing for masks, gloves, gowns, and ventilators, otherwise known as PPE—not the ventilators, but the masks and gloves. For a long time, that didn't seem to be a problem. Then COVID-19 showed up on our front doorstep. China held most of the supply for its own

healthcare workers, leaving the rest of the world to scramble and compete for what little product was available here at home. Suddenly, we were unable to protect our healthcare workers with PPE and the equipment they needed in order to deal with people sick with the virus.

As the American people now know all too well, the pandemic taught us supply chain lessons that extend far beyond personal protective equipment and medical equipment. One of the biggest vulnerabilities that came to light was the semiconductor supply chain.

Now, chips or semiconductors or microcircuits are critical components in the most used products here in America, whether it is your smartphone, computer, your TV, your car, airplanes that you may fly in, cell towers—just about anything with an “off” and “on” switch. That is what semiconductors power. It also includes critical defense articles, everything from fighter jets, like the F-35 Joint Strike Fighter, our fifth-generation jet, to the Javelin missiles now being used to take out Russian tanks in Ukraine.

As much as we depend on a strong supply of these microcircuits or chips currently, we also depend on other countries to make them. Ninety percent of the most advanced semiconductors in the world are made in Asia, with the lion's share being made in Taiwan.

I recently visited Taipei and the Taiwan Semiconductor Company, where they manufacture chips designed by other companies all around the world. It is a great business model for TSMC, and it is good for the designers of the chips because TSMC, being located in Taiwan, can make them for about 30 percent less than a fab or manufacturing facility here in the United States. But the problem is, we make zero percent of the advanced semiconductors in the world right here at home, and that is a huge risk.

In the summer of 2020, I introduced the bipartisan CHIPS for America Act with my friend and colleague MARK WARNER, the senior Senator from Virginia, to incentivize companies to reshore the manufacturing of semiconductors here in America.

It is really chilling to think about how vulnerable we are to the semiconductor supply chain. Think if there was another pandemic or a natural disaster or, Heaven forbid, the People's Republic of China decides to “unify” with Taiwan. That would jeopardize our access to these advanced semiconductors. It would have an immediate, negative impact on our economy. The Department of Commerce said we would go into a recession immediately, and, depending on how long it lasted, it would have catastrophic consequences.

The bill that Senator WARNER and I introduced became law at the start of last year as part of the national defense authorization bill, and for the last 16 months, we have been working

on a way to fund this CHIPS Program. In the coming days, the House and the Senate will begin to resolve the differences between the House and Senate versions of recently passed bills, and I am proud to be serving as a member of that conference committee. I am eager to dive into negotiations with our colleagues, and there certainly is a lot of urgency.

Like so many supply chain vulnerabilities, once we realize that vulnerability exists, we can't necessarily turn it on a dime. It is going to take a lot of investment and perhaps a year or more to develop the capacity to manufacture these chips here in America.

What is more, the global demand for semiconductors is expected to increase by 56 percent over the next decade. Think about 5G. Think about artificial intelligence, quantum computing. We rely more and more on technology and thus more and more on semiconductors every day, and we will continue to do so into the future. So it is absolutely critical that we start investing in domestic chip manufacturing and do it now to ensure that we have the capacity to meet our economic and national security needs.

But, as we all have learned, recent events haven't just taught us about the importance of a strong semiconductor supply chain; they have also taught us a lesson about energy security, about having reliable sources of energy. I don't remember that energy security was much a part of the conversation before the Russians invaded Ukraine and Europe realized they were solely dependent on Russian oil and gas. So the war in Ukraine opened the world's eyes to the dangers of that dependency on a single supplier, particularly one like the Russian Federation. And then Putin is using the profits from the price of oil, which has gone through the roof because of this uncertainty—he is using that money to fund his unprovoked war against Ukraine as well as threaten NATO and our other allies who don't want to prop up Russia's war machine.

Here in the United States, we don't rely on Russia to keep the lights on. Russia accounts for about 2 percent of our crude oil and petroleum imports, allowing us to ban Russian imports without risk of a major disruption. But our allies in Europe are not so lucky. They don't just rely on Russian oil; they also need Russian gas.

We have learned that Putin's not afraid to use oil and gas as a weapon to tear up, threaten, and intimidate his adversaries. That was underscored in January of 2009 when Russia effectively turned off the gas to Ukraine for almost 3 weeks. This had an impact on at least 10 countries in Europe whose natural gas traveled through Ukraine. Today, we are seeing that movie replayed again. Russia recently cut off the supply of natural gas to Bulgaria and Poland as retaliation for their support of the sanctions that we have imposed against Russia because of the Ukraine invasion.

In many ways, the risks that we are seeing with the global energy supply today are similar to the supply chain vulnerabilities we have with semiconductors. When you rely upon a single country for critical products, the decisions made by that country's leader could cause a supply to be cut off at a moment's notice.

This has obviously been a wake-up call for all of us. All countries are taking a hard look at where their energy supply comes from and trying to find ways to diversify their sources of energy and to insulate themselves from geopolitical disruptions, and the United States is no exception.

In recent years, our conversation about energy policy seems to have been consumed by debates about what is the impact on the environment of fossil fuels, and I think the debate has largely ignored questions about how policies that were being proposed would impact energy security.

Many of our Democratic colleagues have proposed everything from fracking bans to unfeasible zero-net deadlines, to pie-in-the-sky proposals that, frankly, are unlikely to pass. There also are fantasies being foisted on the American people clearly not in the interest of our economy or our national security.

But we know the President has the power of the pen, and he has repeatedly used it to undermine our domestic oil and gas industry here in the United States. Only hours after he was sworn in, President Biden canceled the permit for the Keystone XL Pipeline and halted all new energy leasing and permitting on public lands and waters.

The Biden administration recently announced that it will resume oil and gas leases on Federal lands. That was good news, but then it undercut that announcement by saying it reduced the amount of land available and significantly increased the overhead costs or royalties that must be paid to the Federal Government.

By these kinds of policies, the Biden administration has effectively discouraged investments in new production here in America, and the American people are paying the price, including at the pump.

Even when President Biden eventually makes the right decision, it seems to always come after a lot of delay. It took weeks, for example, and the looming likelihood of congressional action before the President banned Russian oil imports.

The climate-only approach to energy policy isn't going to cut it anymore. We can't just look through a soda straw at what our energy policy is; we have to look at both the intended and unintended consequences. I believe our top priority must be to ensure that the United States and our friends and allies around the world have access to affordable energy.

Now, I want to be clear, I support efforts to diversify energy sources and reduce emissions, and I think one of

the best contributions to that has been the move from coal to natural gas when it comes to producing electricity—a significant reduction in emissions by that move alone.

Now, back home in Texas, we embrace an “all of the above” energy strategy that includes oil, gas, wind, solar, and nuclear. “All of the above” makes sense because you want a diversification of your supply—something we found out again or were reminded of when we had a big freeze I guess about a year and a half ago now which not only shut down our renewable sources—the wind turbines and solar panels—but also froze the gas pumps that compress natural gas and push it through the pipelines. So having a number of options allows you to be nimble and more flexible in the case of an emergency.

We produce more electricity from wind turbines than any other State in the Nation—even our friends in California, which may shock some people. On top of that, Texas-based companies are making serious strides in energy innovation, which I believe ultimately is the key to energy security and a cleaner environment and reduced emissions. Texas-based companies are finding ways to make our most prevalent and affordable energy sources cleaner.

I believe we could do more here in Congress to encourage that kind of innovation and diversification of our energy sources, but those efforts must come second to energy security, which should be job No. 1.

The fact of the matter is, renewables are not close to being capable of providing all of our electricity needs. In my State, it is about 20 percent. I think that is roughly the average around the country. But renewables account for less than 20 percent, I believe, across the board, of our electricity generation. We know the Sun doesn't always shine and the wind doesn't always blow, so you need a baseload when Mother Nature fails to deliver an adequate supply of energy. We need a reliable baseload, which means nuclear, oil and gas, and geothermal and hydro where you can get it.

If the President continues to wage war on American oil and gas companies, we will not have the capability to protect ourselves or our allies. Energy security is national security. If that fact was ever in doubt, Russia's actions have provided complete clarity. Our top priority must be to pursue our independence, and we do that by diversification and more production here at home. If we are able to bolster renewables, invest in carbon capture technologies, and take other steps along the way to reduce emissions, that is great, but priority No. 1 for the United States and our allies must be energy security.

The sooner the Biden administration views the oil and gas industry as friends rather than adversaries, the better off all of us will be.

We are blessed to live in a resource-rich country, and there is no reason to put the energy security of the United States and our allies at risk because President Biden is trying to placate a part of his political base.

The war in Ukraine is already highlighting the global energy security risk. We don't need to make that problem worse. We don't need to make it worse; we need to make it better. Now, I am not suggesting, either, that we embrace isolationist energy policies like the 1970s oil export ban, but we do need to take decisive action to reduce the world's reliance on authoritarian regimes. Just as the pandemic led us to reevaluate vulnerabilities in our supply chains for semiconductors and personal protective equipment, this war is also pushing us to reevaluate global energy security.

I hope this crisis—if there is anything good that comes out of it—will serve as a reset button for our energy security efforts and discourage those who want to increase our dependency as opposed to maintaining and developing our energy security by diversifying our energy sources and taking advantage of the natural resources that we have been blessed with in America.

The PRESIDING OFFICER. The Senator from Virginia.

UNANIMOUS CONSENT REQUEST—EXECUTIVE  
CALENDAR

Mr. WARNER. Mr. President, I rise today to call for the rapid confirmation of Kenneth Wainstein to be Under Secretary for Intelligence and Analysis at the Department of Homeland Security.

The Under Secretary for Intelligence and Analysis, or I&A, sits at a critical juncture—between the analytic work of the intelligence community and the information-sharing role of the Department of Homeland Security.

The Under Secretary receives and analyzes intelligence and law enforcement information related to Homeland Security and ensures its prompt dissemination throughout the Department as well as to Federal, State, local, and Tribal departments that need this information to protect our Nation.

The nominee, who has been before our committee and passed out, comes with an incredible background for this position. Ken Wainstein served the United States throughout his career as a Federal prosecutor, at the highest levels of the FBI as general counsel and Chief of Staff to FBI Director Robert Mueller, as U.S. attorney for DC, and as the first-ever Assistant Attorney General of the Justice Department's National Security Division, and as Homeland Security Advisor to President George W. Bush.

The truth is, after a remarkable career, he went into the private sector, and the fact that he is willing to come back and serve this administration, although he was a career official on the other side, speaks to his character.

The role of heading DHS intelligence is not without challenges, which is why

we need this confirmed Under Secretary. The I&A mission continues to evolve and mature since its creation in the aftermath of the 9/11 attacks, and there is a clear tension between its dual missions: national intelligence and departmental priorities.

Some Members, including myself, were very unhappy with the I&A's operations in Portland in 2020, and then disappointed that the I&A provided next to no warning about what was to come on January 6, 2021. These episodes clearly reveal work needs to be done to improve DHS and I&A in particular.

At the same time, we all know the First Amendment protects Americans' right to free speech and nonviolent, peaceful protest, and a fundamental role of our government is to defend the Constitution, including these First Amendment rights.

As the confirmed head of DHS's intelligence operation, Mr. Wainstein will be charged with ensuring that DHS I&A keeps upholding those standards and protects civil rights, while also ensuring that I&A's work is completely apolitical.

To summarize, the role of the Under Secretary for Intelligence and Analysis is critical for the Department of Homeland Security and the country.

Consequently, I ask unanimous consent that notwithstanding rule XXII, the Senate consider the following nomination: Calendar No. 792, Kenneth L. Wainstein, of Virginia, to be Under Secretary for Intelligence and Analysis at the Department of Homeland Security; that the Senate vote on the nomination without intervening action or debate; that the motion to reconsider be considered made and laid upon the table; and that any statements relating to the nomination be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

The Senator from Kentucky.

Mr. PAUL. Mr. President, reserving the right to object, we learned last week that the Department of Homeland Security has established a “Ministry of Truth.” They are calling it the Disinformation Governance Board—how Orwellian.

Now, the details are scarce of this effort, but one would assume that the DHS Intelligence and Analysis would be part of that effort.

The nominee being considered today was one of the architects of George W. Bush administrations's bulk metadata collection at the NSA—what a great recommendation for him. Sarcasm included—which gathered the private electronic communications of millions of Americans without warrant.

Is this someone we would want to be involved in the Biden administrations's new “Ministry of Truth”?

I will not provide my consent to expanding the surveillance state and the suppression of First and Fourth Amendment rights of Americans.

I oppose this nominee and object.