

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Wisconsin (Ms. BALDWIN) is necessarily absent.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Idaho (Mr. CRAPO).

The yeas and nays resulted—yeas 49, nays 49, as follows:

[Rollcall Vote No. 346 Leg.]

#### YEAS—49

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

#### NAYS—49

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

#### NOT VOTING—2

Baldwin  
Crapo

The PRESIDING OFFICER (Mr. SCHATZ). On this vote, the yeas are 49, the nays are 49.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session and resume consideration of the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Amanda Bennett, of the District of Columbia, to be Chief Executive Officer of the United States Agency for Global Media.

#### VOTE ON BENNETT NOMINATION

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Bennett nomination?

Mr. WHITEHOUSE. 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 senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Wisconsin (Ms. BALDWIN) and the Senator from New Jersey (Mr. BOOKER) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Idaho (Mr. CRAPO) and the Senator from Utah (Mr. LEE).

The result was announced—yeas 60, nays 36, as follows:

[Rollcall Vote No. 347 Ex.]

#### YEAS—60

Barrasso	Hassan	Reed
Bennet	Heinrich	Risch
Blackburn	Hickenlooper	Romney
Blumenthal	Hirono	Rosen
Blunt	Kaine	Rounds
Brown	Kelly	Sanders
Burr	King	Schatz
Cantwell	Klobuchar	Schumer
Cardin	Leahy	Shaheen
Carper	Lujan	Sinema
Casey	Manchin	Smith
Collins	Markey	Stabenow
Coons	Menendez	Tester
Cornyn	Merkley	Van Hollen
Cortez Masto	Murphy	Warner
Duckworth	Murray	Warnock
Durbin	Ossoff	Warren
Feinstein	Padilla	Whitehouse
Gillibrand	Peters	Wyden
Graham	Portman	Young

#### NAYS—36

Boozman	Hawley	Paul
Braun	Hoeven	Rubio
Capito	Hyde-Smith	Sasse
Cassidy	Inhofe	Scott (FL)
Cotton	Johnson	Scott (SC)
Cramer	Kennedy	Shelby
Cruz	Lankford	Sullivan
Daines	Lummis	Thune
Ernst	Marshall	Tillis
Fischer	McConnell	Toomey
Grassley	Moran	Tuberville
Hagerty	Murkowski	Wicker

#### NOT VOTING—4

Baldwin  
Crapo  
Booker  
Lee

The nomination was confirmed.

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

### EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Arati Prabhakar, of California, to be Director of the Office of Science and Technology Policy.

The PRESIDING OFFICER. The Senator from Texas.

#### BORDER SECURITY

Mr. CORNYN. Mr. President, new data from the U.S. Customs and Border Protection shows that the crisis at the border isn't going away even if that may be the wish of the Biden administration. In the last year, Customs and Border Protection has encountered more than 2.3 million migrants at the southern border, which is an all-time high.

I know some people think, well, these are economic migrants or people fleeing violence and persecution. Some of them are asylum seekers who might potentially qualify, although the data indicates that, if in fact they end up showing up for their immigration court hearing years after they claim asylum, because of the backlogs, only about 10 percent qualify for asylum. Then you have the economic migrants. You have criminals. You have drug smugglers. It is a hodgepodge. And while many people turn themselves in in order to invoke our asylum system, which is broken and results in many people being given a notice to appear for a future court hearing that they never show up for, the situation at the border remains a public safety threat and a humanitarian crisis.

Customs and Border Protection is the first line of defense against dangerous threats to the country. Over the last 11 months, the hard-working men and women of CBP have arrested nearly 700 criminal gang members and have stopped more than 140 people on the terrorist watch list from crossing the southern border. They have interdicted more than 645 pounds of illegal drugs, including 13,600 pounds of the deadly synthetic opioid fentanyl. I think it takes roughly the point of a pencil lead, a couple of milliliters, of fentanyl to kill a person. So you can imagine what 13,600 pounds would do, and these are only the drugs that we have caught. Nobody believes that we catch even the majority of the drugs coming across.

CBP seized illegal currency, weapons, ammunition, counterfeit goods, and other products that could hurt the American people or our economy.

I want to just take a moment to thank the Border Patrol agents and Customs officers who take on this challenging and important work every day. Sometimes they are met with nothing more than derision or ridicule or a lack of support for their important work. These men and women put their own health and safety at risk to keep our borders and keep the American people safe, and they don't receive nearly the level of thanks that they deserve.

Coming from a border State, as you might imagine, I have visited the border many, many times. I always enjoy talking to these men and women because they are, frankly, the experts about what we need to do in order to fix what is wrong about the borders. They are true professionals, and they know more than just about anybody else I have talked to about what the problem is and what the solutions are.

Many of these officers and agents have worked for Customs and Border Protection for years, some even since its founding in 2003. They have seen migration surges over the years, but as they have told me many times, they have never seen anything quite like we are seeing today.

An average of 6,600 migrants are coming across the southern border every

day. They will tell you: We simply don't have the capacity to manage that sort of tsunami of humanity. We don't have the facilities or the resources, and we certainly don't have the personnel. The only way we are able to respond to the urgent humanitarian needs is to divert law enforcement officers from their other important mission.

Frankly, that is part of these transnational criminal organizations' plans: They overwhelm the Border Patrol, divert their attention, and then, in the hole that is created in border security, here come the drugs.

Agents who would normally be on the frontlines, stopping cartels from smuggling drugs, are now serving meals and changing diapers.

When you consider all of those stats that I mentioned—hundreds of thousands of pounds of illegal drugs, 700 criminal gang members, 141 people on the terrorist watch list—there is an important qualifier to remember: Those are just the ones we know about. With law enforcement being shifted from patrol to caretaking duties, we are leaving major security gaps that are being exploited by the cartels and criminal organizations.

There is a whole category of migrant that comes across the border known as the got-aways. The asylum seekers will typically show up and turn themselves in, but, frankly, I think it is the got-aways—hundreds of thousands of people—that you have to worry about because they don't want to encounter law enforcement because they either don't have any legal basis to enter the United States or they happen to be transporting illegal drugs or have a criminal record on their own right.

There is no question that our security mission is taking a hit. Every day, cartel and gang members are trafficking and moving guns, drugs, illegal currency, and just about any other commodity that you can think about. And when they succeed, border communities aren't the only ones that see the impact.

As you can see, cartels and transnational criminal organizations have a presence in cities across the United States. Once cartels make it across the border, they head to places as diverse as Chicago, Detroit, Atlanta, New York, San Diego, or just about any other city where they can do business, including Bangor, ME, and other places in Maine.

These aren't the only people who are coming to the United States. These are not people coming to build a better life. They are coming here to prey on innocent Americans for their own gain.

Last year, the Special Agent in Charge of the DEA's Chicago Field Division spoke about what happens once these drugs and criminals reach his backyard.

He said:

Cartels use every possible means to get drugs from Mexico into the United States and then into the local markets. And in Chicago—

For example—

that means predominantly to the gangs that control the drug markets in Chicago.

If you are concerned, as most Americans are, about the spike in crime that we have seen recently, well, a whole lot of that crime is caused by criminal street gangs committing various crimes, including selling illegal drugs and using guns to kill one another as part of their way to protect their market share and their territory. Those are the same gangs that fuel the overdose epidemic, the same gangs that perpetuate crime and gun violence, the same gangs that engage in deadly conflicts over territory. That is the cruel reality here.

It is a self-perpetuating cycle, and it starts at the border. So even though you may not be a border State, at least a southern border State, you are affected because, as you can see, the network of distribution of illicit drugs coming across the border affects almost every major American city. And it is not just cities. A lot of our rural areas in Texas and elsewhere are affected as well.

And we are reading increasingly about young people, unknown to them, consuming fentanyl in a fatal dose and dying, and it is happening every day, in every community around the United States. And 71,000 Americans died of fentanyl overdoses last year alone. This is where it comes from; this is how it is distributed; and those are the consequences. So no community in America has been spared the pain and suffering from this pandemic of drugs. In 2021, as I mentioned, 108,000 Americans died from drug overdoses; 71,000 of those 108,000 died from fentanyl.

You know, I remember on September 11, 2001, when terrorists diverted aircraft and killed about 3,000 Americans. We declared a war against terrorism when 3,000 Americans were killed here in the homeland. Yet 108,000 Americans died last year as a result of these open borders and our broken policy, and it doesn't seem to get the attention it deserves.

Of course, being a border State, communities in Texas are dealing with the consequences of this humanitarian crisis and these drugs on a daily basis. Last weekend, three people in Wichita Falls died from suspected fentanyl overdoses. The oldest victim was 21; the youngest was 13. In the last couple of months, four students from the Hays County Consolidated Independent School District, right outside of Austin, died from a fentanyl overdose. All four were between the ages of 15 and 17.

Across the State—indeed, across the Nation—families are mourning the loss of loved ones who have died from an overdose of these drugs, many of whom had no idea what they were consuming; they thought they were taking something else and ended up finding that it was laced with fentanyl—because the amount of fentanyl it takes to kill you is microscopic. The alarming increase in supply across our borders fore-

shadows even more devastation in the months and years to come.

Here is my point. The Biden administration needs to start taking this problem seriously. Cartels and criminal organizations are exploiting the security gaps at the border and sending these drugs and the criminals along with them to communities not just in Texas, not just in Arizona, not just in California or New Mexico, but all across the United States.

Addressing this security breakdown at our border has got to be a priority. We can't ignore it because it is not going to get any better. This is not just about migrants and immigration. It is about that, but it is not just about that. It is about security. It is about public safety. It is about knowing who is crossing our border and reaching into our local communities.

Cartels are sociopaths. They don't really care about people, including the migrants that they smuggle into the United States. If you go to Falfurrias, TX, which is in South Texas at a border checkpoint about 70 miles from the border—which is where, once migrants are stuffed into a car or a van or some other vehicle, they are then driven up the highway to these Border Patrol checkpoints; then they are told by the coyotes, which is the colloquial name for these human smugglers: Get out of the car and walk around the checkpoint because we can't risk going through the checkpoint with you there where we might be discovered. And so they do.

And so you go to Brooks County, TX, which is where the Falfurrias checkpoint is located, and they have asked the Federal Government for help to bury the bodies of migrants who die from exposure walking around that checkpoint in Falfurrias, TX, because it gets hot in Texas, particularly during the summer, and many of these migrants have come from far, far away and are suffering already from dehydration and other exposure.

But my point is the cartels don't care anything about them. They will leave them to die. They are just another way to make a buck. But the cartels terrorize more than just the migrants themselves; they terrorize communities across our country. And they seized on the Biden administration's weak policies to grow their foothold in the United States.

These transnational criminal organizations are getting rich smuggling migrants and smuggling drugs into the United States and killing Americans in the process. It is past time to do something. The Biden administration is being outmaneuvered by the cartels, and until we see leadership from the President, communities all across this country will continue to pay the price.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Iowa.

UNANIMOUS CONSENT REQUEST—S. 4924

Ms. ERNST. Mr. President, the No. 1 job of our Commander in Chief is to