

## CLOTURE MOTION

Mr. DURBIN. 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 bill 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. 700, Rose E. Jenkins, of the District of Columbia, to be a Judge of the United States Tax Court for a term of fifteen years.

Ron Wyden, Alex Padilla, Debbie Stabenow, Catherine Cortez Masto, Mark Kelly, Jack Reed, Tim Kaine, John W. Hickenlooper, Christopher Murphy, Robert P. Casey, Jr., Richard Blumenthal, Benjamin L. Cardin, Christopher A. Coons, Margaret Wood Hassan, Chris Van Hollen, Tammy Baldwin, Tina Smith.

Mr. DURBIN. I ask unanimous consent that the mandatory quorum call for the cloture motion filed today, September 17, be waived.

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

## EXECUTIVE CALENDAR

Mr. DURBIN. Mr. President, on behalf of the majority leader, I ask the Chair to execute the order from yesterday with respect to the confirmation vote on the Costello nomination.

## NOMINATION OF MARY KAY COSTELLO

Mr. DURBIN. Mr. President, today the Senate will vote to confirm Mary Kay Costello to the U.S. District Court for the Eastern District of Pennsylvania.

From 1986 to 1994, Ms. Costello served as a staff sergeant in the U.S. Air Force. She then earned her B.A. from Temple University and her J.D. from Temple University Beasley School of Law.

After completing law school, she began her legal career in private practice as a litigation associate with Saul Ewing LLP, then moved to Akin Gump Strauss Hauer & Feld in 2004. While in private practice, she handled a range of commercial litigation matters.

Since 2008, Ms. Costello has served as an assistant U.S. attorney in the criminal division of the U.S. Attorney's Office for the Eastern District of Pennsylvania. She is currently assigned to the public corruption and civil rights unit, and she previously served in the healthcare fraud and government fraud unit and the consumer and commercial fraud unit. She has prosecuted criminal cases involving bribery, drug diversion schemes, and schemes to defraud the government, including successful prosecutions in several illegal drug distribution cases involving "pill mills."

Over the course of her legal career, Ms. Costello has tried 11 cases to verdict, all of which were before a jury.

Ms. Costello has the strong support of both of her home State Senators,

Mr. CASEY and Mr. FETTERMAN, and the American Bar Association unanimously rated her as "well qualified."

Ms. Costello is a highly accomplished litigator whose breadth of experience and dedication to service make her an outstanding nominee to the Eastern District of Pennsylvania. I urge my colleagues to join me in supporting her nomination.

## VOTE ON COSTELLO NOMINATION

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the Costello nomination?

Mr. DURBIN. 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 New Jersey (Mr. BOOKER), the Senator from West Virginia (Mr. MANCHIN), and the Senator from Oregon (Mr. WYDEN), are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Arkansas (Mr. COTTON), the Senator from South Dakota (Mr. ROUNDS), the Senator from North Carolina (Mr. TILLIS), and the Senator from Ohio (Mr. VANCE).

Further, if present and voting: the Senator from North Carolina (Mr. TILLIS) would have voted "yea."

The result was announced—yeas 52, nays 41, as follows:

[Rollcall Vote No. 243 Ex.]

## YEAS—52

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

## NAYS—41

Barrasso	Fischer	Mullin
Blackburn	Grassley	Paul
Boozman	Hagerty	Ricketts
Braun	Hawley	Risch
Britt	Hoeven	Rubio
Budd	Hyde-Smith	Schmitt
Capito	Johnson	Scott (FL)
Cassidy	Kennedy	Scott (SC)
Cornyn	Lankford	Sullivan
Cramer	Lee	Thune
Crapo	Lummis	Tuberville
Cruz	Marshall	Wicker
Daines	McConnell	Young
Ernst	Moran	

## NOT VOTING—7

Booker	Rounds	Wyden
Cotton	Tillis	
Manchin	Vance	

The nomination was confirmed.

The ACTING PRESIDENT pro tempore. Under the previous order, the mo-

tion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

The Senator from Texas.

SOUTHERN BORDER  
TRANSPARENCY ACT OF 2023

Mr. CORNYN. Mr. President, the Biden-Harris apparent strategy for handling the massive influx of migrants on the southern border has been to funnel them into allegedly temporary parole programs and act like the Biden-Harris border crisis has been resolved. Far from it.

There is little public data on the number of people who have actually been released into the United States under these programs, whether they are making asylum claims, or whether their claims were being evaluated in any way before they are being released, or whether they ever leave the country or remain indefinitely.

The administration has gone to great lengths to hide the ball when it comes to levels of illegal immigration. But the American people deserve to know exactly how many migrants are being released into the country and exactly on what terms.

That is why I led the Southern Border Transparency Act, which would shine a bright light on the catch-and-release policies of the administration by requiring the Department of Homeland Security to fully report on how it handles migrants encountered at the southern border.

This is the most basic of transparency measures—just the facts, that is all we are looking for. And anyone who supports securing the southern border can support this legislation.

I appreciate Senator GRASSLEY's leadership on this issue, and I hope the Senate can advance this bill today.

Mr. President, as if in legislative session, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of S. 3187 and that the Senate proceed to its immediate consideration.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 3187) to require the Department of Homeland Security to publish various publications and reports regarding the number of aliens seeking entry along the southern border of the United States.

There being no objection, the committee was discharged, and the Senate proceeded to consider the bill.

Mr. CORNYN. I ask unanimous consent that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (S. 3187) was ordered to be engrossed for a third reading, was read the third time, and passed as follows:

S. 3187

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

# SECTION 1. SHORT TITLE.

This Act may be cited as the “Southern Border Transparency Act of 2023”.

# SEC. 2. MONTHLY PUBLICATION OF PAROLE AT PORTS OF ENTRY.

Not later than 30 days after the date of the enactment of this Act, and monthly thereafter, the Commissioner of U.S. Customs and Border Protection shall publish on the U.S. Customs and Border Protection website, with respect to the applicable reporting period—

(1) the number of aliens granted parole under section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)) at each United States port of entry;

(2) the number of aliens encountered between land ports of entry who were subsequently granted parole, disaggregated by the U.S. Border Patrol sector;

(3) the citizenship or nationality of the aliens described in paragraphs (1) and (2); and

(4) the demographic category of the aliens described in paragraphs (1) and (2), including—

- (A) accompanied minors;
- (B) aliens granted parole as part of a family unit;
- (C) single adults; and
- (D) unaccompanied alien children.

# SEC. 3. QUARTERLY REPORT ON PROCESSING ALIENS AT SOUTHERN BORDER PORTS OF ENTRY.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, and quarterly thereafter, the Secretary of Homeland Security shall—

(1) submit a report containing the information described in subsection (b) to—

(A) the Committee on the Judiciary of the Senate;

(B) the Committee on Homeland Security and Governmental Affairs of the Senate;

(C) the Committee on the Judiciary of the House of Representatives; and

(D) the Committee on Homeland Security of the House of Representatives; and

(2) post such report on the Department of Homeland Security website.

(b) CONTENTS.—The report required under subsection (a) shall include, with respect to the applicable reporting period—

(1) the number of aliens apprehended or otherwise encountered—

(A) at each port of entry along the southern border of the United States; and

(B) within each U.S. Border Patrol sector along the southern border of the United States;

(2) the number of aliens described in paragraph (1), disaggregated by—

(A) citizenship or nationality;

(B) demographic categories, including accompanied minors, aliens granted parole as part of a family unit, single adults, and unaccompanied alien children;

(C) those who were granted voluntary departure;

(D) those who were placed into expedited removal proceedings; and

(E) those who entered into a process or outcome not described in subparagraph (C) or (D), including a description of such process or outcome;

(3) the number of aliens described in paragraph (2)(D), disaggregated by the number of such aliens who received a credible fear screening interview pursuant to section 235(b)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(B)) or a reasonable fear screening interview;

(4) the number of aliens described in paragraph (3), disaggregated by—

(A) the number of aliens determined to have a credible fear of persecution or a reasonable fear of persecution; and

(B) the number of aliens determined not to have a credible fear of persecution or a reasonable fear of persecution;

(5) the number of aliens described in paragraph (4)(A), disaggregated by the number of aliens detained pursuant to section 235(b)(1)(B)(iii)(IV) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(B)(iii)(IV));

(6) the number of aliens described in paragraph (4)(B), disaggregated by—

(A) those who were removed from the United States;

(B) those who were detained pending removal; and

(C) those who are not described in subparagraph (A) or (B); and

(7) a description of any actions taken against the aliens described in paragraph (6)(C).

# SEC. 4. QUARTERLY REPORT ON PAROLE REQUESTS PROCESSED BY U.S. CITIZENSHIP AND IMMIGRATION SERVICES.

Not later than 30 days after the date of the enactment of this Act, and quarterly thereafter, the Director of U.S. Citizenship and Immigration Services shall publish, on the U.S. Citizenship and Immigration Services website—

(1) the number of petitions for parole submitted to U.S. Citizenship and Immigration Services pursuant to section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)); and

(2) the number of such petitions that were granted by U.S. Citizenship and Immigration Services, disaggregated by the nationality of the petitioner.

# SEC. 5. ANNUAL REPORT ON ALIENS PAROLED INTO THE UNITED STATES.

Section 602(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1182 note) is amended to read as follows:

“(b) ANNUAL REPORT TO CONGRESS.—

“(1) IN GENERAL.—Not later than 90 days after the end of each fiscal year, the Secretary of Homeland Security shall submit a report to the Committee on the Judiciary of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on the Judiciary of the House of Representatives, and the Committee on Homeland Security of the House of Representatives that identifies the number of aliens paroled into the United States pursuant to section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)), disaggregated by those who are—

“(A) of a particular nationality;

“(B) single adults;

“(C) traveling in a family group;

“(D) children accompanied by an adult family member; or

“(E) unaccompanied alien minors.

“(2) CONTENTS.—Each report required under paragraph (1) shall include—

“(A) the total number of aliens paroled into the United States during the fiscal year immediately preceding the fiscal year in which such report is submitted, disaggregated by—

“(i) citizenship or nationality; and

“(ii) demographic categories, including accompanied minors, aliens granted parole as part of a family unit, single adults, and unaccompanied alien children;

“(B) for each fiscal year for which the Department of Homeland Security reports the information described in subparagraph (A) regarding aliens described in such subparagraph—

“(i) the number of such aliens who were granted employment authorization;

“(ii) the number of aliens described in clause (i) who had valid employment authorization at the end of the previous fiscal year;

“(iii) the number of such aliens whose parole has not ended, including those who exited the United States during the previous fiscal year;

“(iv) the number of such aliens whose status was adjusted, disaggregated by status type;

“(v) the number of such aliens for whom parole was extended, including those who exited the United States;

“(vi) the number of such aliens for whom the duration of parole expired, including those who exited the United States; and

“(vii) the number of aliens who returned to Department of Homeland Security custody from which they were paroled, disaggregated by the categories listed in subparagraphs (A) through (E) of paragraph (1).”.

# EXECUTIVE CALENDAR—Continued

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

# UNANIMOUS CONSENT REQUESTS

Mr. GRASSLEY. Mr. President, in the Biden-Harris America, children disappear every day. You won't see their faces on any milk cartons. Search parties aren't sent for them, and the AMBER alert almost never sounds.

According to the Justice Department's filings, some of these children reappear years later in emergency departments with injuries from physical or sexual abuse. Others resurface as endangered laborers working jobs that most adults won't even take, and many are never heard from again.

These forgotten children are overlooked because they are unaccompanied migrant children. These are the children who crossed into the United States without their families—without their moms or dads.

By February 2023, the New York Times reported the Biden-Harris administration could not reach 85,000 of the unaccompanied migrant children that had entered the United States since 2021.

Then, in August of 2024, the Department of Homeland Security Office of Inspector General found the government failed to enroll 291,000 of these children in immigration proceedings over the last 5 years. Of those that were enrolled, 32,000 never showed up to the court. Many of them are missing.

Government employees working directly with these kids began to sound the alarm. The Biden-Harris administration responded by quietly, very quietly, suppressing attempts to save these missing children in order to avoid a politically inconvenient narrative. And the very same Democrats and members of the media who had actually decried Trump-era immigration policies stayed silent. The media didn't do their job of properly pointing out wrongs, except when you have a Republican President.

At least one whistleblower was actually walked offsite at a shelter for