

I prevail upon the conscience of my Republican colleagues, who I know want to be fair to this man, look at the body of evidence impartially. There is simply a preponderance of evidence that Mr. Farr was involved, often intimately, in decades of voter suppression in North Carolina. The standard for this vote is not whether or how Mr. Farr should be punished or excoriated for what he did but a much higher one: whether a man with this history deserves to be elevated to a lifetime appointment on the Federal bench.

Whether you are Republican or Democratic, a liberal or conservative, that has to be—has to be—disqualifying for a seat on the Federal bench.

#### SPECIAL COUNSEL INVESTIGATION

Mr. SCHUMER. Madam President, now, on another matter, the special counsel investigation.

To date, the special counsel's investigation has produced no less than 35 indictments or plea deals—35—and that does not include two additional guilty pleas of people initially investigated by Mueller but were handed off to other branches of the Justice Department.

Just this morning, Michael Cohen has pled guilty to lying to Congress about projects in Russia.

It is a reminder that there has been a remarkable volume of criminal activity uncovered by the special counsel's investigation. No one, especially not the President, can credibly claim that the investigation is a fishing expedition. Calling Mueller's investigation a witch hunt is just a lie—plain and simple, a lie.

The President's actions clearly show he has a lot to hide, that he is afraid of the truth, and doesn't want Mueller or anyone else to uncover it, but it hasn't stopped the President from repeating these lies. In fact, in recent days, President Trump has escalated his attack on Special Counsel Mueller. Almost daily, the President's Twitter feed is littered with baseless accusations about the investigation. President Trump retweeted an image of several of his political opponents, including Deputy Attorney General Rosenstein, behind bars. Can you believe that? The Deputy Attorney General behind bars? And this is the man—the President—our Republican colleagues refuse to call out against?

Just yesterday, President Trump said this about a potential pardon for Paul Manafort, now accused of lying to prosecutors and violating his plea agreement. He said:

I wouldn't take it off the table. . . . Why would I take it off the table?

That is a pardon.

Let's not forget, President Trump has already fired the Attorney General and replaced him with a lackey without Senate approval. The nominee's only qualification seems to be that he has a history of criticizing the special counsel.

So this idea that we don't need to pass legislation to protect the special

counsel because there is no way President Trump will interfere with the investigation is flatout absurd.

I once again call on my friend the majority leader to schedule a vote on the bipartisan bill to protect the special counsel. If he continues to refuse, we will push for the bill in the yearend spending agreement.

I yield the floor.

#### RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### 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 Thomas Alvin Farr, of North Carolina, to be United States District Judge for the Eastern District of North Carolina.

The PRESIDING OFFICER. The majority whip.

##### BORDER SECURITY

Mr. CORNYN. Madam President, the clock is ticking and the days are passing us by, but we know we have a deadline to meet on December 7, and if we don't meet that deadline, then there will be a lot of lives disrupted and a lot of people will say: There they go again. Congress is unable to work together to try to solve problems, just creating more distrust and undermining confidence in our ability to actually do our job to govern.

What I want to talk about specifically is this fight over border funding because that is what the deadline is on December 7. Our Democratic friends have said: We are not going to fund President Trump's wall. On the other hand, we see caravans of people coming from Central America, coming through Mexico, closing down the ports of entry at the San Ysidro bridge between Tijuana and San Diego. What I fear is, we have made a parody out of what the problem is. We have thought about the challenge of border security and immigration in too small a way and not given the complete picture of what the challenges really are.

I just have to believe that if we were willing to acknowledge the facts, that we would be more inclined to work together to solve the problem, and I feel like we are looking at these problems like we are looking through a soda straw.

I have heard people talk about the humanitarian crisis at the border there at Tijuana caused by this huge caravan of Central Americans who want to storm the barriers and enter the United States illegally, and people question why would we stop them, why would they use nonlethal means like tear gas and pepper spray like President Obama did during his administration and which now Customs and Border Protection is doing again in order to protect the sovereignty of our country and to protect our borders from those who would enter it illegally.

So let's not look at this through a soda straw. Let's open up the aperture and look at the larger problem because it is a very serious problem, and it affects many lives, both here, in Mexico, and in Central America.

Our Democratic colleagues have offered a lot of criticism of the Trump administration when it comes to border security, but anytime you ask them, well, what is your solution, what are you offering as an alternative, it is crickets—complete silence. In other words, they are not offering any constructive solutions, just criticism. Our constituents deserve more than just for us to criticize one another. They deserve our working together to try to come up with solutions.

This is a crisis that has arisen as a result of our inability to acknowledge that this is a failure to enforce our immigration laws, a failure to fix our broken immigration system, and a failure to secure our borders.

Coming from Texas, representing 28 million constituents in a State which has a 1,200-mile common border with Mexico, this affects my constituents in my State directly. We are at ground zero, and I have tried my best to get educated about the problem and potential solutions. My trips to the border, talking to people in border communities who live and work in those communities, talking to our heroic Border Patrol agents, and visiting our ports of entry where millions and even billions of dollars of commerce flow legally between the United States and Mexico—that is important not only to our border communities but to jobs in the United States.

The border communities that rely on the flow of legal commerce through our ports know that without border security, legitimate trade can easily be brought to a standstill. In fact, that is exactly what has happened at San Ysidro, the port of entry between Tijuana and San Diego. They had to shut down the port of entry. So people whose jobs depend on those ports of entry and the trade and commerce that goes on between our countries, they are the ones who are being hurt by the uncontrolled disruption of legal immigration. Any disruption of legitimate trade has an immediate impact on the businesses and the employees and affects the livelihoods of our border residents.

An unsecured border creates avenues for the entry of drug cartels and

transnational criminal gangs to exploit because they are the same people who are facilitating the passage of migrants from Central America to our borders. Those are the same people who are transiting the heroin, 90 percent of which comes from Mexico, which contributes to our opioid crisis in the United States.

As I mentioned before, last year the Centers for Disease Control estimates 72,000 Americans died of a drug overdose—about 50,000 of those from some form of opioid, either prescription drug, synthetic fentanyl, or heroin coming across the same borders these migrants are attempting to storm across.

The people who are organizing that, as I said, are the same people. They are the drug cartels that are getting rich because we have not found a way to come together to fix our border, to reform our laws, and come together to try to protect the people we represent in the process. We know that the gangs, the cartels, and the transnational criminal organizations are ever evolving. They are always adapting. They spread terror, they prey on the weak, and they have taken control of large swaths of Mexico and Central America. They are, as I have said before, commodity-agnostic—they don't really care whether they are trafficking children for sex or heroin that will cause an overdose in the United States or a migrant who just wants a better life in the United States, because they do want a better life. The same people facilitate that for money.

On average, I have read that a migrant from Central America has to pay about \$8,000. You multiply that \$8,000 times thousands and thousands. Last year, in 2017, there were almost 400,000 migrants detained at our southwestern border. Just multiply that number by \$8,000, and you get just a glimpse of what we are talking about in the huge criminal enterprise. We are continuing to enrich these cartels and transnational criminal organizations when we fail to do our job when it comes to securing our border and fixing our broken immigration system.

This is more than just about whether President Trump gets his money for the wall. As a matter of fact, many of our Democratic colleagues voted in—I think it was 2006 for the Secure Fence Act, which called for 700 miles of secure fencing along the southwestern border. So they have already voted for tactical infrastructure that is part of the piece of the puzzle of securing our border; yet they stand intransigent against our effort to try to improve border security now even though they have supported similar funding in the past.

As I said, we know that the cartels are very shrewd, adaptive, and are always evolving. They know that if they can tie up the Border Patrol with processing children and family units, those same Border Patrol agents aren't available to stop the drugs that come across

the border. So it is a method of distracting the Border Patrol and law enforcement in order to exploit that vulnerability for the purposes of bringing those drugs into the United States.

When I want to learn more about what is happening at the border, I talk to my constituents in the Customs and Border Protection business, such as Chief Manny Padilla, who is the Chief of the Rio Grande Valley Sector of the Border Patrol, and Border Patrol Chief Carla Provost. Customs and Border Protection does all it can do with the tools available to it to stop flows of illegal immigration and to stop illegal contraband, including drugs, from making it across the border, but they need our help. We basically have not given them the tools they need in order to do the job we have asked them to do. Shame on us.

We know the cartels are cunning. I have seen produce that appears to be watermelons or other vegetables that basically contain heroin or fentanyl or some other illegal drug. The creativity of the cartels is amazing. I have seen them put human beings, migrants, into the upholstery of a seat in a car so they are obscured or pack them into a truck or put them in an 18-wheeler—unfortunately sometimes leaving them to die as a result of exposure to heat and other conditions. We also know that these same organizations traffic women and children through Central America and enslave them, essentially, here in the United States. They traffic them for sex—again, to generate money because that is all they care about.

The operations of these cartels are increasingly sophisticated, and they are always diversifying their income streams to avoid detection and defeat our efforts to stop it. They are strategic about when and how they cross the border, and they have developed this strategy over many years.

To put it simply, they are taking advantage of and exploiting our inability to deal with our porous border, and a lot of innocent people are getting hurt in the process.

Again, this is about more than just funding President Trump's border wall; this is about our pulling back and looking at the complexity of this problem and using our very best efforts in order to stop it. But somehow it becomes trivialized over a fight over tactical infrastructure that our Democratic colleagues have already voted for in the past under the Secure Fence Act.

Well, the instability and violence created by the criminal organizations in Central America and Mexico over the last few years are part of the strategy. Violence, unfortunately, is at an alltime high in Mexico. That is one of the reasons President Lopez Obrador was elected. He said he wanted to decrease the violence in Mexico. I learned recently that more people have died in Mexico since 2007 than have died in the wars in Afghanistan and Iraq combined. It is terrible, and we need to

work together to try to stop it. We know that gangs control much of El Salvador, and as a result, many Central Americans have their lives and safety threatened daily. It is no wonder they try to flee.

But the United States cannot bear the burden of this crisis alone. I believe the United States is the most generous country in the world when it comes to legal immigration. We have always considered ourselves a nation of immigrants, but we are also a nation of laws, and we see what happens when the law is ignored and when Congress fails to fix the problem to the best of our ability.

We have seen uncontrolled illegal immigration. We see thousands of people banding together in caravans trying to storm our ports of entry into the country, overrun our Customs and Border Protection personnel. Until we deal with this problem, new caravans will continue to arrive on a daily basis. In fact, they have. It is just now in the news because it is so large. We have had literally many caravans show up on a daily basis, but that doesn't make a lot of news. As I said, 400,000 people were detained on the southwestern border in 2017 alone.

What is frustrating is that the tools we need to address these problems are at hand and available to us. We can begin to work together to fight these gang cartels and organizations and secure our border by partnering with the governments of Central America and Mexico because our War on Drugs, our effort to provide safety and security to our constituents, is part of their war too. It is a fact that border security doesn't begin at our southern border; it ends at our southern border. It starts in Central America and Mexico.

I know it is sometimes difficult to grasp the complexity of these problems, and that is why it is so tough to resolve them. There are social, political, historical, and moral aspects to all of them. Many people and facets of our society are implicated.

Because of corruption and powerful criminal organizations in Mexico and Central America, a genuine rule of law is missing in many parts of these countries, and it has been for a long time. That is why it is so important for us to work together with these countries in Central America and with Mexico to help them stabilize their governments, root out the corruption, and stop the violence, which will benefit them and their economy, as well as the United States. These countries can in turn restore the relationship between their government, their law enforcement, and their people. When their people begin to see opportunity and safety in their home countries, making the long haul from Central America to the United States becomes less of an imperative and less of a necessity for them. They would probably be happier staying at home if they could do so safely and enjoy some modest prosperity.

We have already had some successes in partnering with our closest neighbor in the crisis; that is, the Government of Mexico. I believe we can and should continue to build on some of the things we have already put in place.

We have already partnered with Mexico in recent years through programs like the Merida Initiative to combat drug trafficking, organized crime, and money laundering.

We have directed funds toward strengthening communities and empowering the Mexican criminal justice system and judicial system to combat the rampant culture of impunity.

We have collaborated on intelligence matters and cooperated on providing various forms of security.

The Bureau of International Narcotics Control and Law Enforcement Affairs continues to work to develop programs to combat international narcotics and crime, especially in Central America, but U.S. funding for this program in Mexico has stagnated. Why? Because we somehow fixed the problem? No. It is because we have taken our eye off the ball once again.

Additional aid for these programs would help not only improve drug interdiction and train Mexican law enforcement and judicial personnel, it would help them help us work together to combat the threats of these transnational criminal organizations. We should begin to look at the effectiveness of these programs so we can take full advantage of the work they do and make sure they are modernized and are more efficient and more effective.

I was encouraged to see that the State Department, the Department of Homeland Security, and the Trump administration have already begun to negotiate new partnerships with Mexico to implement a new strategy to address some of the migrant flows from Central America. I appreciate Secretary Nielsen's and Secretary Pompeo's work with Mexican officials—primarily those associated with the incoming administration of President Lopez Obrador—toward an arrangement where migrants can seek asylum in the United States but wait in Mexico while their claims are being processed.

I look forward to attending the inauguration of Mexico's incoming President this Saturday with Vice President PENCE and other Members of Congress. I think this is—hopefully—a gesture that will be appreciated and reciprocated when it comes to our desire to work closely with this new administration to address many of the problems that I have talked about this morning.

Ignoring this problem is not going to make it better; it is only going to get worse. Working together—not just here in Congress but with the administration and our partners to the south—to secure our borders is the only path forward. Solving this crisis takes a whole-government strategy and one that looks at all pieces of the puzzle.

Instead of shutting down the government by refusing the President's re-

quest for border security measures, we need to get to work and fix our broken immigration system. I hope our friends across the aisle are ready to leave their criticism behind and join us in solving the problem.

#### UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Madam President, on another matter, I ask unanimous consent that the order with respect to the vote on Executive Calendar No. 626 be vitiated; that notwithstanding rule XXII, it be in order to proceed to the nomination the week of December 3; and that if the motion is agreed to, the Senate vote on confirmation with no intervening action or debate. I further ask that if confirmed, the motion to reconsider be considered made and laid upon the table and that the President be notified immediately of the Senate's action. I further ask unanimous consent that the pending cloture vote on the Kobes nomination occur at 12 noon today.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. CORNYN. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

#### YEMEN

Mr. RUBIO. Madam President, we saw yesterday that the vote on the Yemen War Powers Resolution has brought to light the broader issue of our alliance with Saudi Arabia. This is an issue that people have heard a lot about, obviously, in the last few weeks with the murder of a journalist, and the Yemen resolution vote has become a proxy over that matter.

I have been outspoken in the past about why it matters that we speak out strongly about and against the murder of this journalist, Khashoggi, but also that we talk more broadly about what we need to do about it and how it applies to our alliance with Saudi Arabia.

I want to tailor my comments today by briefly talking about exactly what the implications are based on the questions I get from people. Why does the murder of Khashoggi matter, and why should we care about it?

First, this is part of a pattern. The Crown Prince, who is effectively governing Saudi Arabia now, has been continually testing the limits of the world's patience and also the limits of our alliance. There is a pattern here. We have seen it. He kidnapped, over 2 weeks, the Prime Minister of Lebanon. He has fractured an alliance that once existed with the Gulf Kingdoms. All of it has implications on U.S. national security. So this is just one more escalation in a pattern of testing the limits of our alliance.

Then there are human rights. Why do human rights matter? For a practical reason, human rights matter. From a practical perspective, when human rights are violated, the result is a humanitarian crisis, as we have seen often around the world, which often leads to mass migration.

Let me they tell you something else a violation of human rights leads to: radicalization. When you violate a group of people, you mistreat them and abuse them; you leave them ripe for radicalization—for a radical group to come in and basically pull them in and say: We are the ones with the power, the weapons, and willingness to fight. Join us to go after your oppressors.

In fact, if you look at what is happening in Yemen, much of it and the Houthis comes from years of abuses against the Shia. It doesn't justify the radicalization, but it explains that, as it does what we have seen in Iraq and in Syria.

Here is one other thing that happens with human rights abuses. The abusers often get overthrown. Here is the problem. When an abusive government that violates human rights gets overthrown, the people who take over hate us because we have been supporting their abusers. These are practical reasons why human rights matter.

And there is a moral one. Perhaps in the ranking and order, that is the most important one—the moral one. It is because that is what makes us different from China and Russia and other countries around the world. This is what makes America different. In fact, I would say that the murder of Mr. Khashoggi is more about us. When it comes to our debate, it is about us. It is not just about him. It is about us and who we are and about whether we, as a nation, are prepared to excuse, overlook, or sort of brush away this horrifying incident because somebody buys a lot of things from us or produces a lot of oil.

Assuming we can mostly agree on that, the question is, What do we do about it? There is this false choice that has been presented to us. This false choice is that there are only two choices: Either ignore it or abandon and fracture the Saudi alliance. That is not true. There are other choices. It is not just either-or, those two. That is a false choice.

What I do believe is the wrong thing to do about it is to pull and yank away our support for Saudi operations in Yemen. Let me explain why. The first is, right now, the only hope of ending that is not winning an armed conflict; it is a peace negotiation. And the people who have to be at that table aren't just the Houthis but the deposed Yemeni President, who is in Saudi Arabia. If we yank our support, the chances of that peace happening diminish significantly. In fact, the Houthis probably say: The Saudis no longer have U.S. support; they are not as strong as they used to be; I think we can beat them; we don't need a peace deal. So it actually makes peace less likely.

The second thing, from a practical perspective, is that we will have less influence how the Saudis conduct the war, meaning that we will have no standing to have any influence whatsoever who they bomb, how often they bomb, and who they target. Some people argue that they will not have the

weapons to do it with. That is not true. If you don't think you can buy weapons from immoral and amoral regimes around the world, you are wrong; they can. If you think that somehow this will end their engagement, you are wrong. The reason they are involved in Yemen is that they feel it is an effort by Iran—and, rightfully, they feel this way—to encircle them.

If you look at it today, Iran is their enemy. Iran now controls large parts of Syria and is probably the closest government in the world to the Syrian regime to their northwest. Iraq is closer to Iran than it has ever been in the last 20 years to the north. Iran is to their east. Yemen would be to the south with the Houthis operating from there. They feel that they are being encircled by Iran. They are going to fight, whether we help them or not. We could lose our influence over how they do it.

I want to tell you one more thing that will happen. If we pull our support, the chances of a broader, catastrophic conflict increases dramatically. I will lay one scenario out for you. If we pull our support, the Houthis get confident, and they start launching rockets into Saudi Arabia, targeting civilian populations and members of the royal family and killing people.

The Saudis respond with disproportionate force or the same level of force, and we begin to escalate. They will not just respond against the Houthis. They may respond against the Iranian interests elsewhere. Suddenly, you have a real live shooting war that extends beyond this proxy fight. In response to that, the Houthis and Iranians use their presence on the coast and that port city to close off an important chokepoint, the Bab el-Mandeb, that choke point in the Red Sea that connects the Mediterranean to the Indian Ocean, where over 4.8 million barrels of oil a day go through. They start bombing oil tankers. They start hitting those, and all of a sudden, the world has to get engaged to open that up. This holds the real potential for a rapid escalation that could involve a much broader conflict than what we are seeing right now.

I know that many of my colleagues yesterday voted for this resolution out of deep frustration. It was a message to the administration that the way they handled this Khashoggi incident is unacceptable. I hope that message has been received. But this is the wrong way to do the right thing, and that is to ensure that we recalibrate our alliance with Saudi Arabia into one where they understand they can't just do whatever they want. The Crown Prince cannot do whatever he wants.

We have leverage in that regard. There is legislation that the Senator from New Jersey, Senator MENENDEZ, and others offered. In addition to that, there are things we can do. The leadership of the Foreign Relations Committee asked for the imposition of Magnitsky sanctions. That is a powerful tool. I assure you, there are people

in Saudi Arabia around the royal family, around the government, who deeply enjoy being able to invest and spend their wealth in the United States and around the world. They are going to care a lot if, as a result of this murder, they lose access to their money, to their property, to their visas. That is a real leverage point that we have.

We have additional tools: religious freedom sanctions and visa bans against other individuals who may not have been involved in the Khashoggi incident but, again, another leverage point.

We have leverage points in restricting U.S. investment. One of the biggest proposals the Crown Prince is making is that he wants to diversify their economy and encourage U.S. and Western investment into their economy. Placing restrictions on that investment is a significant leverage point.

We should use this opportunity to use those leverage points to achieve real changes in our alliance and real changes in their behavior. For example, the release of Mr. Badawi, an activist in Saudi Arabia who has been repeatedly flogged in the past and unjustly held in prison—he should be released. The release of Saudi women activists who have been tortured and sexually harassed while in custody—they should be released. Education reforms—Saudi Arabia should finally stop publishing these textbooks encouraging and teaching anti-Semitism and radicalization and dangerous religious notions and theologies that encourage violence against others. We should require them to restore the Gulf alliance and restore their relationship with Qatar. If they don't, we will. We should force them to stop funding these Wahhabi schools around the world, in which they are exporting radicalization.

All of these things need to happen. There may be other conditions we haven't thought of. These are real consequences that will begin to realign this alliance and make very clear that this is an important alliance, but it is not one that is unlimited or without restrictions or expectations on our part.

If we fail to do this, the Crown Prince will take further escalatory and outrageous actions in the future. He will keep pushing the envelope. This is a young man who has never lived anywhere else in the world. He is a Crown Prince, which tells you, not only is he wealthy, he has rarely faced disappointment in his life or ever not had something he wanted. He has never lived abroad. I think he is largely naive about foreign policy and thinks he can get away with whatever he wants because at home, he can. We have to make clear that with us, he can't.

You don't have to blow up the alliance to make that message clear. If we don't make that message clear, he will do more of this in the future, and one day, he may pull us into a war. One day, he may fracture the alliance him-

self because he goes too far. He needs to be stopped now. He needs to understand that there are limits or he will keep testing those limits. If we fail to do that at this moment, we will live to regret it, and its implications will be extraordinary, and it will be a gift to Iran.

That is my last point. What happened here has been a gift to Iran. What they have done has been a gift. Instead of weakening their enemy, they have empowered them. We do need to take positive action on this. We do need to take things that change and recalibrate this relationship, but yanking support at this moment from the Yemen campaign is the wrong way to do the right thing.

I hope that many of my colleagues, who yesterday voted to discharge this bill to the floor to send a clear message to the administration that they are unhappy with the response so far—I hope they will reconsider an alternative way forward that doesn't lead to these consequences I have outlined but allows us in the Senate to lead the way with the administration to reset this relationship in a way that avoids these problems in the future and lives up to our heritage as a nation whose foreign policy is infused with and supports the defense of human rights all over the world.

I yield the floor.

The PRESIDING OFFICER (Mr. SULLIVAN). The Senator from New Jersey.

NOMINATION OF THOMAS FARR

Mr. MENENDEZ. Mr. President, I rise today in opposition to the nomination of Thomas Farr to the Eastern District of North Carolina. Those who sit on the Federal bench are bound to uphold the Constitution for all Americans, regardless of race, gender, ethnicity, or political leaning, but Mr. Farr cannot be trusted to defend equal justice under the law.

Working to disenfranchise voters with a particular hostility toward African-American voters has been his lifelong passion. Consider his work for Jesse Helms' 1990 Senate campaign. We all know Helms' record on race.

When the Justice Department brought a lawsuit against the Helms campaign for sending over 100,000 postcards to mostly African-American voters, falsely warning them that they were ineligible to vote and could be prosecuted for casting a ballot, it was Mr. Farr who defended the scheme. Yet, despite having served as the Helms' campaign attorney, Farr denied having any involvement with the postcards in his Senate questionnaire.

Mr. Farr claimed he did not "participate in any meetings in which the postcards were discussed before they were sent," but according to the former head of the Justice Department's Civil Rights Division, Gerald Hebert, "the answers in [Farr's] questionnaire are contrary to the facts."

Mr. Hebert took contemporaneous notes while investigating the Helms campaign—notes that place Mr. Farr at

a meeting on the postcard scheme just 3 weeks before they were sent.

Years later, Farr led a 3-year legal battle to defend North Carolina law that disgracefully shortened early voting, instituted onerous government ID requirements, and eliminated same-day voter registration and out-of-precinct voting, all of which are known to disproportionately suppress minority, elderly, and disabled voters.

Federal courts ruled the law unconstitutional for targeting African-American voters “with almost surgical precision”—purposeful, surgical precision—calling it the most restrictive law since the era of Jim Crow.

I know Republicans want to confirm as many judges as possible, but why this judge when there are so many other qualified jurists to choose from? I think it is because they know the GOP agenda of enriching big corporations at the expense of everyday working families is incredibly unpopular with the American people.

Consider that while the Republicans held onto the Senate this year, they lost by 16 million votes nationwide. Democracy is supposed to be a battle of ideas, but when it comes to healthcare or student loan debt or climate change, they don't have any. When you can't win a fair fight, what do you do? You tilt the playing field in your favor.

Republicans want to stack the court with judges who will do their bidding—grossly out of step with the American people on everything from voting rights and redistricting to healthcare and climate change, to the constitutionality of Whitaker's appointment to lead the Justice Department. That is what Leader McCONNELL meant about nominations being Republicans' best chance of having a long-term impact on the Nation's future. It is their best chance at denying minorities from voting and forcing their bad ideas on the American people.

The Republicans are so intent on confirming judges with shameful records on voter suppression that they have shredded the blue-slip process here in the Senate, which allows the Senators to green-light or to prevent hearings on nominees from their home States. It is a process—Senator HATCH once called the blue-slip process the last remaining check on the President's judicial appointment power.

Ironically, back in 2013, when President Obama nominated an African-American assistant U.S. attorney named Jennifer May-Parker to this very seat, the Democrats respected Senator BURR's decision not to return a blue slip, and then-Chairman PAT LEAHY chose not to hold a Judiciary Committee hearing. Then, in 2016, President Obama nominated Patricia Timmons-Goodson, the first African-American woman on the North Carolina Supreme Court, to this same seat. If confirmed, either of these trailblazing women would have become the first African American to serve in the Eastern District of North Carolina—a

district that is 27-percent African American. Yet neither Senator BURR nor Senator TILLIS returned a blue slip for Ms. Timmons-Goodson; thus, Chairman GRASSLEY did not act on her nomination.

Yet, today, President Trump's nominees are being confirmed despite objections from home State Senators. Paul Matey, a nominee from New Jersey, will likely become another example. Neither I nor Senator BOOKER were meaningfully consulted by the White House regarding New Jersey's open seat on the Third Circuit. For several reasons, we haven't returned blue slips for Paul Matey; yet they moved ahead with the hearing for him. So it has been eviscerated—totally, totally.

It has gone little by little. First, if one of the two Senators turned in a blue slip, that was enough. Now it doesn't matter that neither Senator turns in a blue slip; they go ahead with the hearing and probably with a vote. So the precious check and balance that Senator HATCH talked about as the last vestige of a check and balance on judicial nominations has largely been lost.

The Republicans claim to be the party of conservatism. Yet I see nothing conservative in their willingness to sweep aside century-old procedures for policy gain. They put their party before their country and show no fidelity to the institutions that have truly made this country great. Something is wrong with any political party that makes the suppression of voters its chief electoral strategy. Mr. Farr is just one more card in their deliberate effort to stack the deck against our democracy, to disenfranchise voters and force their unpopular, bad ideas on our country.

For the sake of our democracy, I urge my colleagues, in this case particularly, to do the decent thing, to do the right thing—to stand up for the voting rights of all Americans and reject this nominee.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent to speak as in morning business.

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

Mrs. FEINSTEIN. Is there a time limit?

The PRESIDING OFFICER. There is no time limit.

Mrs. FEINSTEIN. Thank you. I know there are others waiting, so I don't estimate I will take more than 10 or 12 minutes.

I rise in opposition to the nomination of Tom Farr to the Eastern District of North Carolina. I do so as the ranking member of the Judiciary Committee.

The vote for Mr. Farr's nomination, as Members know, had been scheduled for today, but it has been postponed. Mr. Farr's long career indicates that his history raises serious questions about his ability to safeguard voting rights for all Americans. In fact, he has

a history involving voter suppression efforts, which leads me to question his qualifications to even be a Federal judge.

Farr's hostility toward voting rights can be traced back to the 1980s and 1990s when he worked as a lead attorney for Senator Jesse Helms' reelection campaign. Media reports indicate that he was not truthful in his responses to questions for the record about his involvement in voter suppression efforts that were orchestrated by the Helms campaign and by the Republican Party of North Carolina.

Here are the facts:

In 1990, Helms was in a tight race with the mayor of Charlotte, Harvey Gantt, and the campaign implemented a strategy to suppress and confuse African-American voters. The Helms campaign and the North Carolina GOP implemented a so-called ballot security program. That program included sending more than 120,000 postcards almost exclusively to African-American voters, saying they were required to live in a precinct for at least 30 days prior to election day and could be subjected to criminal prosecution.

This information was, in fact, false. In fact, one African-American voter in the State who received a postcard that informed him that he could not vote if he had not lived in his voting precinct for at least 30 days had lived at the same address for more than 30 years and had been registered to vote that entire time. So clearly these postcards were designed to intimidate African-American voters.

In committee, I asked Mr. Farr about this program and his participation in it. He told me that he did not provide any counsel and was not aware of the postcards until after they were sent. Former Federal prosecutor Gerald Hebert, who had worked on voting rights issues at the time, contradicted these statements.

To get to the bottom of it, the Democrats on the Judiciary Committee requested a copy of a Justice Department memo that reportedly detailed Farr's role in this voter suppression incident, but the Department would not provide a copy of the memo. The Washington Post has now obtained the memo, which clearly shows that Farr was, in fact, involved in these voter intimidation efforts.

I ask unanimous consent that the appropriate parts of the Washington Post article and a memorandum be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Nov. 27, 2018]

FATE OF DIVISIVE JUDICIAL NOMINEE FROM NORTH CAROLINA UNCERTAIN AMID CRITICISM

(By Seung Min Kim and John Wagner)

The fate of President Trump's divisive judicial nominee hung in the balance Tuesday as a Republican senator remained undecided on whether to confirm Thomas Farr, who previously worked to defend North Carolina voting laws ruled to have been discriminatory against African Americans.

Senate Democrats have been particularly critical of Farr, an attorney in Raleigh who backed a law that the courts called "the most restrictive voting law North Carolina has seen since the era of Jim Crow." All 49 Democrats oppose the nomination.

Andrew Gillum and Stacey Abrams, two black candidates who fell short in high-profile gubernatorial races this month, criticized the nomination in a new statement Tuesday, underscoring the national fight over Farr's nomination to a seat on the U.S. District Court for the Eastern District of North Carolina.

"Thomas Farr's record of hostility and disregard for fundamental civil rights disqualifies him for a lifetime appointment that will allow him to codify his discriminatory ideology into law," Gillum and Abrams said in a joint statement. "North Carolina's Eastern District—where most of the state's African Americans live—should be represented by a Bench that represents its diversity, not one that actively works to disenfranchise them."

Senate Republican leaders have been publicly confident that they will have the votes to confirm Farr, although they will almost certainly need to summon Vice President Pence to break a 50-50 tie.

Sen. Jeff Flake (R-Ariz.) has vowed to oppose all judicial nominations until the chamber votes on legislation that he is seeking that would protect special counsel Robert S. Mueller III. Sen. Tim Scott (R-S.C.) said Tuesday that he had made no decision on the nomination.

Farr worked on the 1990 campaign of Sen. Jesse Helms (R-N.C.), which came under scrutiny for distributing postcards that the Justice Department later said were sent to intimidate black voters from heading to the polls.

The postcard issue has become one factor in the unusually bitter nomination fight. In response to questions from Democrats, Farr has denied any role in drafting the postcards and said he did not know about them until after the mailers were sent, saying he was "appalled" when he found out about them.

A 1991 Justice Department document newly obtained by The Washington Post sheds some light on Helms's campaign and the state Republican Party's broader "ballot security" program, of which the postcards were one component. Farr served as a lead lawyer for Helms.

The DOJ document, called a justification memo, elaborates on a meeting disclosed by Farr in a letter to Sen. Cory Booker (D-N.J.) last year. In that five-page letter, Farr said he participated in a "ballot security" meeting of the Helms campaign in October 1990 in which he said there was no need to do a card mailing because returned cards could no longer be used to challenge voter legitimacy.

The DOJ document obtained by The Post outlined the basis for the DOJ complaint against the Helms campaign and the North Carolina Republican Party for the more than 120,000 postcards sent primarily to black voters that officials said were an attempt to dissuade them from voting.

At the meeting, Farr told others that there were a limited number of ballot security initiatives that the groups could undertake at that point in the race, according to the memo. He also said because the current Republican governor could tap a majority of county election officials statewide, the need for a ballot security program that year was lessened because "they would ensure a fair election process for Republican candidates."

During the meeting, participants also reviewed the Helms campaign's 1984 ballot security effort Farr had coordinated "with an eye toward the activities that should be undertaken in 1990," the DOJ wrote in the memo. The document did not say directly

whether the controversial postcards were discussed as part of that effort, and Farr has repeatedly denied any prior knowledge of those mailers.

Farr was not named in the DOJ complaint against the Republican entities, and he also signed a consent decree that effectively settled the issue in early 1992.

Sen. Thom Tillis (R-N.C.), one of Farr's most vocal supporters, had asked a former prosecutor to investigate the claims that Farr was directly involved with the controversial postcards. That investigation has turned up no evidence.

"I'd ask them one simple question: When in the history of the DOJ have they allowed somebody who was subject to the investigation negotiate the consent agreement and sign it?" Tillis said Tuesday. "Never happens, which is exactly why these are baseless claims."

Booker had requested DOJ release the justification memo, but it declined, citing confidentiality issues. A Justice Department spokesman declined to comment Tuesday on the memo. Farr did not return an email requesting a comment; nor did the White House.

The Senate Judiciary Committee advanced Farr's confirmation with a party-line vote in January. Republicans in control of the North Carolina General Assembly hired Farr and others in his law firm to defend congressional boundaries it approved in 2011. In 2016, a federal court struck down the map as a racial gerrymander.

Farr also helped defend a 2013 voter ID law that was considered one of the strictest in the nation. In addition to requiring residents to show identification before they could cast a ballot, the law also eliminated same-day voter registration, got rid of seven days of early voting and ended out-of-precinct voting.

A federal court ruled in 2016 that the primary purpose of North Carolina's law wasn't to stop voter fraud but rather to disenfranchise minority voters. The judges wrote that the law targeted African Americans "with almost surgical precision," in part because the only acceptable forms of voter identification were ones disproportionately used by white people.

Farr has a "well qualified" rating from the American Bar Association and was previously nominated to the same post by President George W. Bush.

Senate Minority Leader Charles E. Schumer (D-N.Y.) said he spoke to Gillum and Abrams earlier in the day and that they "were hurt by attempts to limit voting rights." During a floor speech, Schumer called Farr the "chief cook and bottle washer" for the contested laws in North Carolina.

"I don't care what your party is, and I don't care what your political ideology is," Schumer said. "How can you have this man in the court?"

The history of the seat Farr would fill also has contributed to the acrimony over his nomination. President Barack Obama nominated two African American women for the post during his tenure, but neither was granted a hearing. This is the longest current court vacancy nationwide.

Sen. Marco Rubio (R-Fla.) has been considered a potential "no" voted on Farr because he was prepared earlier this year to join Scott in voting against another judicial nominee with a history of racially charged writing. That nomination was withdrawn.

On Tuesday, however, Rubio—who was briefed by his staff on the nomination Tuesday evening—was prepared to vote for Farr barring any new information that may come out about him, according to a Senate official familiar with his thinking.

Sen. Susan Collins (R-Maine), another potential swing vote, also backs Farr.

ACTION MEMORANDUM—RECOMMENDED LAWSUIT AGAINST NORTH CAROLINA REPUBLICAN PARTY, HELMS CAMPAIGN FOR SENATE COMMITTEE, ET AL. UNDER 42 U.S.C. 1971(b) AND 42 U.S.C. 1973(b)

(June 19, 1991)

From John P. Dunne, Assistant Attorney General, Civil Rights Division.

Lee H. Rubin, Attorney, Voting Section, Civil Rights Division.

[EXCERPT: PAGE 8-9]

#### D. The Investigation

Our investigation began on November 1, 1990, the day we obtained reliable information that the postcards at issue had been sent primarily to black voters throughout the State. On that day, we requested that the FBI contact Jack Hawke, Chairman of the North Carolina Republican Party, and ask Mr. Hawke, among other things, the method used to select the voters who were sent postcards and all plans regarding the use of the returned postcards. Mr. Hawke refused to return FBI Agent George Dyer's phone calls, and eventually referred Dyer to his attorney, Thomas Farr, an attorney with Maupin, Taylor, Ellis and Adams, in Raleigh, who was immediately advised by Mr. Dyer of the information we sought from the North Carolina Republican Party.

On Monday, November 5, 1990, after receiving no information responsive to our request, you contacted Mr. Farr and insisted that he provide us with the information we requested by that afternoon. During this conversation, Farr assured you that no information obtained from the returned cards would be used as a basis to challenge voters on election day. Late in the afternoon on November 5, Farr telefaxed to us a list of precincts, which he orally represented to be the precincts in which the voters selected to receive the postcards resided. Although Farr also advised us that Hawke would be made available that day for an interview with Dyer and myself, Hawke in fact did not submit to a voluntary interview that day.

The lack of cooperation which marked the initial stages of the investigation has persisted during the course of our investigation. Soon after the election, we contacted the North Carolina Republican Party, the Jefferson Marketing Companies, Mr. Ed Locke, and Mr. Doug Davidson, and requested that they provide us with all information relevant to our investigation. Mr. Hawke and Ms. Effie Pernell, the Executive Director of the North Carolina Republican Party, voluntarily spoke with Dyer on November 9, 1990. In late November, we received a request from Mr. Michael Carvin, one of the attorneys representing the North Carolina Republican Party, for a meeting with Department attorneys to discuss our investigation. At the time we received this request, we were on the verge of obtaining voluntary statements from individuals associated with Jefferson Marketing and from Doug Davidson. However, the respective counsel chose to delay the scheduling of any interviews until we responded to Mr. Carvin's request. Asserting that the requested meeting would be "premature," we declined the invitation to meet with Carvin on December 21.

[EXCERPT: PAGE 11-14]

#### D. The 1990 "Ballot Security" Program

The postcard mailing was one component of the 1990 "ballot security" program financed by the NCGOP. The wheels for the 1990 "ballot security" program were set in motion long before the actual mailing of the postcards. According to Doug Davidson, of Campaign Management, Inc., "ballot security" was discussed at several meetings held during the summer months of 1990. These meetings were attended by Davidson, Carter



Wrenn, a consultant to the Helms Committee, Peter Moore, the campaign manager for the Helms committee, Jack Hawke, Chairman of the NCGOP, and Effie Pernell, Executive Director of the NCGOP. During these meetings, in addition to discussing general campaign strategy, Davidson recalls that a consensus was reached that some type of “ballot security” effort needed to be undertaken prior to the 1990 general election. Peter Moore confirmed Davidson’s recollections, as he recalls meetings in which discussions focused upon the need for a “ballot security” program in connection with the November, 1990 election. At one of these meetings involving the leadership of the Helms Committee and the NCGOP, the decision was made to budget \$25,000 for the 1990 “ballot security” program and to finance the “ballot security” program with NCGOP funds.

In early September, 1990, Ed Locke, a political consultant from Charlotte who had played a major role in organizing the 1984 “ballot security” program for the NCGOP and the 1984 Helms Committee, contacted Tom Farr to offer his services for coordinating the 1990 “ballot security” program.

On October 16th, Davidson and possibly Tom Farr, who had worked with Ed Locke on the 1984 “ballot security” program for the NCGOP and the Helms Committee, contacted Locke by telephone in Charlotte and asked Locke if he would be willing to meet in Raleigh to discuss the 1990 “ballot security” program. Apparently Peter Moore and Carter Wrenn had been consulted concerning contacting Locke for discussions on the “ballot security” program and had given their assent to pursue such discussions. Locke agreed to meet with the Helms Committee representatives and flew to Raleigh the next day.

In Raleigh, he met initially with Moore, Davidson, and Farr. This meeting was held at Farr’s law firm, Maupin, Taylor, Ellis & Adams. At the meeting, the participants apparently reviewed the 1984 “ballot security” program with an eye toward the activities that should be undertaken in 1990. Davidson stated that by the end of the meeting they had formulated a tentative outline for the 1990 “ballot security” effort. Davidson recalls that a mailing targeted at voters who no longer resided in the precinct in which they are registered was one of the projects suggested for 1990. They also discussed who would be best suited to coordinate the “ballot security” effort.

According to Farr, he told the attendees of the meeting that there was only a limited number of “ballot security” programs that could be undertaken with only about three weeks left in the election. Farr also stated that the need for a “ballot security” program was not as compelling as in 1984, since, unlike in 1984, the state had a Republican governor. Since the Governor has power to appoint two out of the three members of each county’s board of elections, Farr explained that the Republican-controlled county election boards throughout the state would serve effectively as a statewide “ballot security” program, as they would ensure a fair election process for Republican candidates. He suggested that contact be made with a Republican board of elections member in every county to ensure that they will be working on election day. He also suggested that, to the extent that any “ballot security” programs are undertaken, they should focus on those precincts with little or no Republican presence at the polls. To this end, he advised that the Helms Committee/ NCGOP should hire observers to watch the opening and closing of the polls in such precincts. He suggested that it may also be helpful to publicize the fact that a “ballot security” program is going to be undertaken.

When the idea of a card mailing was raised, Farr told us that he explained to Locke and the others that while during the 1984 election, state law provided that returned postcards may serve as prima facie evidence that a voter was not properly registered to vote in that precinct, such procedures had been altered subsequent to that election so that a returned mailing could no longer serve to support an election day challenge of voters. He told the others that in light of this change, a postcard mailing like the mailing conducted in 1984 would not be particularly useful, except for use as evidence in post-election challenges.

Mrs. FEINSTEIN. The memo includes Farr’s own retelling of meetings in which sending postcards to voters was discussed. In fact, Farr told colleagues that postcards might not be as effective in kicking voters off the rolls as they had been in 1984. It is impossible, though, to square this memo with Farr’s denial to the Judiciary Committee that he had any knowledge of these actions.

In addition, since that time, Mr. Farr has remained active in efforts to depress and dilute African-American voting. In several cases, Farr defended North Carolina’s congressional and legislative districts that were drawn after the 2010 Census against allegations that the State legislature drew them to dilute the vote of African Americans. Farr has defended these districts before North Carolina’s State courts, Federal courts, and the Supreme Court. However, in each instance, his arguments have been rejected.

In *North Carolina v. Covington*, a three-judge panel in the Middle District of North Carolina found that “race was the predominant factor motivating the drawing of all challenged [state legislative] districts.”

In *Harris v. McCrory*, two of the three Federal judges on a panel held that the State’s congressional redistricting plan violated the 14th Amendment’s equal protection clause.

In 2016, Farr also defended North Carolina’s restrictive voter ID law in the North Carolina State Conference of the NAACP v. McCrory. He had served as an adviser to the State legislature as it was considering that legislation. In arguing before the Fourth Circuit, Farr strongly denied that racial animus toward African Americans was the motivation for the voter ID law. The court, however, strongly disagreed. In striking down the law, the court strongly rejected Farr’s arguments, noting that the law’s requirements “target African Americans with almost surgical precision.” That is the Fourth Circuit’s confirming that racial animus was part of this.

The Congressional Black Caucus Foundation expressed its strong opposition to Farr’s nomination, writing that “Farr has amassed a record that puts him at the forefront of an extended fight to disenfranchise African-American voters.”

Opposition to Farr’s nomination has been compounded by the history of this particular vacancy, which has been

open for a long time—actually, since 2006. President Obama nominated two highly qualified African-American women to fill the vacancy. Either would have been the first African American to serve on the court—a long-overdue milestone in a district in which more than 25 percent of the population is African American.

The first nominee, Jennifer May-Parker, served as chief of the Appellate Division at the U.S. Attorney’s Office in the Eastern District of North Carolina. By that time, she had served in the U.S. Attorney’s Office for 14 years. Her nomination did not move forward because she didn’t receive a blue slip from the State’s Republican Senator even though he had initially recommended her to the White House as a potential nominee.

The second nominee, Patricia Timmons-Goodson, served as the vice chair of the U.S. Commission on Civil Rights. She had previously served as an associate justice on the North Carolina Supreme Court and as an associate judge for the North Carolina Court of Appeals. Again, Republicans did not allow her nomination to move forward.

While the Republicans have undermined the blue-slip policy to confirm President Trump’s judicial nominees, it is important to know that the only reason Tom Farr’s nomination is under consideration today is that Republican blue slips were honored by the Democrats during the Obama administration. In short, the Republicans blocked two highly qualified African-American women from filling the vacancy in order to hold the seat open for a White nominee with a history of disenfranchising Black Americans. I am sorry to say that, but that is the way it was.

It is impossible to see how the people Tom Farr would serve in the Eastern District of North Carolina would ever believe they would be getting a fair shot in his courtroom. The Senate should reject this nominee.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

#### IMMIGRATION

Mr. LANKFORD. Mr. President, on May 5 of this year, NASA launched the InSight rocket. That probe, the InSight probe, has traveled 300 million miles since May of this year and has touched down safely on Mars. It is a remarkable achievement. The United States is the only country in the world that has any probes on Mars. We have several now that are moving around and are stable. The technology behind that—the thought, the design, the engineering, the work—is a remarkable achievement for the science community.

The 300 million-plus miles that it has traveled since May and to be able to land safely is a remarkable achievement. I compared that 300-mile journey of the InSight probe and safely landing on Mars to our now two-decades-long conversation trying to solve immigration.

As Americans, we have figured out how to travel 300 million miles, but we have not been able to figure out how to manage our own immigration policy. This is the 10th time I have come to this floor to talk about immigration in just the last 3 years.

Earlier this year in February, we had a tremendous amount of work that was happening here in the Senate to try to come to a set of agreements about how we can manage the immigration policy in the United States, and those agreements failed. While InSight was traveling 300 million miles, the Senate still did nothing to solve the issue of immigration.

We watched today several thousand people in Tijuana living in a soccer stadium after they left from Honduras. They traveled into Guatemala. The Guatemalans deported several thousands of them and said: You didn't cross legally from Honduras into Guatemala.

Then they approached the border between Guatemala and Mexico, and Mexico put their law enforcement and their military on the border and said: You can't just cross the border illegally from Guatemala to Mexico. Then they charged the bridge, overran the law enforcement and the military of the Mexican police, went around into the river, and then regrouped again and continued to move forward to Mexico.

Mexico offered them asylum, which I thought was incredibly gracious, based on the way they crossed into Mexico. Mexico offered them asylum and the ability to stay in Mexico. They offered them assistance all along the way. They did arrest some troublemakers along the way.

Now they have made their way all the way through Mexico, and they are just outside San Diego. A few days ago, the same group rushed our border to see if our border would cave the same way the southern border of Mexico did. Yet we did not.

Interestingly enough, that group of several thousand people who rushed the border, who are now parked on that border, are literally living within a few 100 yards of the largest legal border crossing in the world—the San Diego crossing. There are 100,000 people a day who legally cross the border from Mexico into the United States, within feet of where they charged the border and demanded to get entry into the United States. Let me just set that for you again side by side. There are 100,000 people every single day who legally cross the border from Mexico into the United States at the Tijuana-San Diego crossing. Yet the attention is not on the 100,000 who are legally crossing the border. The cameras are turned toward the few thousand who are trying to rush the border illegally. Our perspective is out of whack.

We are not a closed country to immigration. We are an open country to immigration. There are 1.1 million people who last year became citizens of the United States—1.1 million—but we are a Nation that has order and structure.

We have 1 million people every single day who leave the United States, coming in legally either through Canada or through Mexico or based on flights. Our law enforcement folks who handle all the issues there—Border Patrol, customs, and all of the different folks from ICE—do a tremendous job every single day.

I think Secretary Nielsen and her leadership has been stellar in their leadership to help manage through a PR nightmare that has been created because the cameras want to focus on a few people crossing illegally and refuse to turn the cameras just 15 degrees and focus on 100,000 people coming across the border legally.

We do have to do something about our immigration policy. We are a Nation that has been open to immigrants our entire history as a nation, and we remain so and should remain so.

But the question seems to get spun up on this one issue: What do we do about someone who intentionally breaks the law to come into our country? How do we treat them versus the person who has gone through the process and who is legally coming into the country? Are they to be treated the same if they illegally cross the border at San Diego as someone who legally crosses the border at San Diego, or do we treat them differently?

Last year, there were 400,000 people who were arrested for illegally crossing our southern border—400,000. Again, that may seem like an incredibly large number, but let me put that back in perspective. Half a million people—that would be 500,000 people—legally cross our border on the south every day. So we had 400,000 people arrested crossing our southern border illegally—400,000—but yet over the total of an entire year, there are 400,000 people arrested, but every single day 500,000 people legally cross our entire southern border. As I mentioned, 100,000 of those are just at San Diego.

We, as Americans, need to make decisions about how we are going to handle immigration. I think we have to get some numbers and some perspective in place because all of the attention seems to be distracting us from the actual facts and numbers. So let me run through some things.

There has been a lot of conversation about family units, about what it means for family units to be able to come in and whether family units should be separated. Let me make it very clear. I have been very outspoken to say that family units need to stay together whenever possible.

We are Americans. We are very passionate about families. If a family unit crosses the border illegally, as much as possible, we need to keep that family unit together. That may mean we need to have them in a spot in a detention unit or someplace where they can actually stay together as a family as much as possible, but, for whatever reason, the courts have not allowed us to go through that system. I think that is

something that this Congress needs to respond to and needs to step up to, but this Congress has been unwilling to have the votes that it takes to make sure family units stay together because the drama of tearing families apart looks so much better on TV.

What has been the result of that? The result is a massive increase in the number of children who are coming to our border. This may sound familiar to you, and it should. In 2014, under the time of President Obama, he announced the DACA proposal, or Deferred Action for Childhood Arrivals. President Obama looked at those individuals who were living in the country here, who had been here for a long time, who came as children. Their parents broke the law by crossing the border, but they were children.

In American law, we do not punish children for the actions of their parents. We don't do that. So President Obama looked at these kids and said: You have grown up in our country. Your parents violated the law, but you did not. We are going to give you deferred action. We are going to give you the opportunity to be able to work and to be able to live here. It wasn't citizenship, but it is an opportunity to stay here and to work.

As soon as that was announced, within months, the American border started being flooded with unaccompanied minors—kids 17 years old and younger who would cross the border. They showed up in the thousands. They were brought by human smugglers from Central America who make their living moving people from Central America to the United States. That business started traveling all through Central America saying: President Obama is going to allow you to be able to stay in the country. He has just announced this program, and if you will go now with me, you will get to stay in America.

So parents were literally surrendering their teenagers, most of them boys, and saying to their boys: Go to America and go find a job and work and send money back. They would send their kids with human smugglers.

President Obama then said: Time out. That is not what I said. President Obama was very clear to say: You had to have been here years ago. You are not eligible if you cross the border now. Do not come.

Our State Department actively worked to get the message out in Central America, saying: Do not come. You will not be able to stay.

But the human smugglers were telling them: They are just kidding. I am going to take you, and we will show you that we can get you in.

What happened is that they started bringing kids by the thousands up to the border. When they got there, they were introduced to the border folks. They would go in, and they would get an opportunity to all stay. They would get a piece of paper that said they can't be deported while they go through their paperwork.



Those kids then were taking a picture of that piece of paper, saying: I got in, I am legal.

They were snapping that picture and sending it back on social media to their friends in Central America. It just accelerated, and it blew up into huge numbers.

In my State of Oklahoma, President Obama used one of the military bases there in Watonga, OK. He converted one of the dorms and was moving unaccompanied minors into this military base around a big giant fence in the middle of the base, just as he used other military bases to house unaccompanied minors because they were coming in such large numbers that they couldn't be managed. That was under President Obama's time.

It took a long time—several years—to get the message back out to Central America: Stop sending your unaccompanied minors because it is not just an automatic entry.

Then the conversation started about family units, saying: If you come as a family unit, you are going to be able to get in.

Now, that is not what everybody was saying here, but that is what the smugglers said back in Central America. They said: Hey, the Americans allow you to come in if you come in as a family unit. So bring a child with you, and you can get in.

Over the last year, we have watched the number of adults showing up with a child on our southern border dramatically increase by the tens of thousands—an unintended consequence.

It is interesting. Some may have noted over the weekend a Washington Post story that was titled: "For Central Americans, children open a path to the U.S.—and bring a discount." The Washington Post story was a story about research they are doing in Central America on these human smugglers and what they are doing now in their business. In the story they detailed that it will cost \$10,000 if you travel as an adult, but if you bring a child with you, you and the child can come for \$4,500. So it is half price if you bring a kid, and families are so desperate in that area to get some kind of assistance that, literally, adult males, mostly, are going to families and saying: Let me take your child with me. I will get a discount, and then I will send you some cash back, and I will try to enroll this child in an American school or find somebody to take care of them.

We have individuals who are now showing up at our southern border who are bringing a child they are not related to because they get a discount on their human smuggling time, and they get more expedited process to be able to actually get across the border to request asylum. Although, they are not actually requesting asylum. They are just getting across the border and trying to find a job. It is economics.

Do we not see what is happening? We are encouraging the human trafficking of children from Central America, from

unrelated adults, to come here. It has a nickname in Central America now, which the Washington Post story highlighted. It is called "adoptions." That is the new nickname—that I am going to take my child and adopt them out to some unrelated adult so they can get into America cheaper and faster, and, hopefully, things turn out for that kid as well. Our broken immigration system is encouraging this, and we need to address it.

Over the last 2 years, Congress has appropriated about \$1.7 billion to build 124 miles of new or replacement fencing along the border. This funding is not some tall, concrete tapeworm running along the southern border. It is a fence.

In 2006, it wasn't controversial for the Secure Fence Act. The Secure Fence Act built 650 miles of wall—fence—along the southern border. That fence was very effective.

For instance, earlier this year, Congress provided funding to replace 14 miles of fencing along the border between San Diego and Tijuana, Mexico. For the last 20 years, the border between Tijuana and San Diego has been actually old metal sheets from the Vietnam era that were used in Vietnam to lay out on the jungle floor to land helicopters on. They took that old sheet metal decades ago when they brought it back, and then they used it as the fencing between San Diego and Tijuana. That fencing is being replaced.

Congress provided the funding, and DHS has done 18-foot-high, bollard-style fencing, open fencing that you can see through, not the solid sheet metal that is up there. Although the actual final results haven't been released on it yet, the border agents on the ground have said they used to have 10 illegal crossings a day through that old-style fencing. Now they have one illegal crossing a month through that new fencing.

For all of the whining and all of the conversation I hear, which is that if you build a fence, it is just a ladder, it has dropped from 10 a day to 1 a month, just when the fencing changed. It also allows our agents to see a danger or a risk on the other side and respond to it.

By the end of the next fiscal year, DHS will have completed about 120 miles of new fencing in California, Nevada, and Texas. They have also installed 100 different video towers because it is not about fencing, it is also about technology and the ability to see what is happening at the border. We don't need fencing in every area of a 2,000-mile border.

Just since January 2017 until now, DHS has put up 31 different fixed surveillance towers along the southern border. They have put in 74 different remote video surveillance systems all along our southern border and 7 command and control facilities on the southern border. They put up a tunnel threat program. They have put in what is called a linear ground detection sys-

tem and a fiber optic detection system across our southern border in many areas to detect the tunnels that are being dug to move illegal narcotics, mostly, in those tunnels, rather than people. They put up mobile surveillance systems.

This is not just about fencing, it is also about technology. DHS has done both, and it is making a difference.

While the cameras are focused on children coughing from tear gas at our southern border, we need to ask ourselves a question: What are we doing in the policy that is encouraging people to bring children to the border thinking they are going to get faster access if they can illegally cross? Why is this happening? How do we stop it with our policy?

This Nation should continue to be open. We should continue to receive immigrants from around the world, including from Central America and from Mexico. I have neighbors and friends all through my community who are from Central America and from Mexico. They are welcome citizens of our country. They are part of the fabric of who we are—people from all over the world—but I have a very difficult time saying that 100,000 people at the San Diego crossing who are crossing legally should be ignored every single day for the sake of a few thousand who want to crash the fence, who crashed the barriers in Southern Mexico and who are working to crash the barriers here. We need to have a more reasoned response to this.

Listen, if you have never been to a naturalization service, you ought to go. I have a staff member whom I completely agree with who says: I can't ever go to a naturalization service and not cry. So far, I have never been to a naturalization service where I don't cry. They are exceptionally moving events, to watch a large group of people from all backgrounds, from all languages, standing and raising their right hand and pledging allegiance to a brandnew country. People who have set aside their old path to realize—for many of them this was years in the process, to legally go through all of the right checks and get to that point. For those 1.1 million people who do that every year, we honor those individuals and welcome them openly.

Let's honor people who are doing it the right way. Let's fix broken areas of the system that are encouraging people to bring children because they get a discount if they travel with children illegally across our border. Let's find a way to work out work visas. Let's deal with issues like temporary protective status that need to be resolved. Let's deal with the issues of our immigration, but let's not continue to stall.

If the Mars InSight probe can travel 300 million miles in 5 months, surely this Congress can sit down and resolve the immigration issue in a few months. I look forward to that in the next Congress and in the days ahead to finally getting this resolved.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

#### NOMINATION OF THOMAS FARR

Mr. VAN HOLLEN. Mr. President, there has been a lot of activity in the Senate today, and I wish to cover a couple of topics, starting with the nomination of Thomas Farr to be a U.S. District Court judge for the Eastern District of North Carolina. I understand we will not be voting on that nomination today.

I hope our colleagues will take the time between now and whenever we may cast a final vote on that nomination to take another look at the record because a number of very informative things have come out in recent days about Mr. Farr's record.

I want to take us back to a moment where this Senate Chamber was back in 2006. Back in 2006, the U.S. Senate passed the Voting Rights Reauthorization Act by a vote of 98 to 0. Ninety-eight Senators in favor of the Voting Rights Act Reauthorization—none opposed. The House passed the same bill by a vote of 390 to 33. President Bush signed that bill into law.

Fast forward to 2013, we have a case in the Supreme Court, *Shelby County v. Holder*. The Supreme Court, by a vote of 5 to 4, took a big bite out of the enforcement provisions of the Voting Rights Act. They eliminated the preclearance provisions. What we saw within a matter of weeks and months were States around the country that had previously been subject to the preclearance provisions beginning to enact laws putting up barriers to people's ability to vote, especially minority voters. Texas enacted legislation and North Carolina enacted legislation, among others.

I want to focus for a moment on what happened in North Carolina because in North Carolina the State legislature passed a bill that put up all sorts of obstacles that made it much harder—for African Americans especially—to cast their vote, to exercise their right to vote. When that bill was appealed to the Fourth Circuit, the Fourth Circuit found that North Carolina State legislation had targeted African-American voters with almost "surgical precision," and they threw out that North Carolina law.

Well, just a few days ago, this Senate confirmed a nominee to be legal counsel at the Department of Agriculture, Stephen Vaden, who was one of the people who filed and coauthored an amicus brief in support of the North Carolina law that was overturned. The Senate acted, and we did that.

It turns out that just a few days later, we have a nomination not for the general counsel for the Department of Agriculture but for somebody to be on the U.S. courts who was the architect and the defender of these North Carolina laws, Thomas Farr. That same law which the Court said targeted African Americans with almost surgical precision, trying to deny them their right to

vote, was also found by the Court to be "the most restrictive voting law North Carolina has seen since the era of Jim Crowe."

Thomas Farr wasn't just a key player in that case in defending North Carolina's discriminatory law, he was also a key player in passing other North Carolina laws that have been thrown out because of their discriminatory impact. He was in the middle of North Carolina's effort to redraw State legislative lines for both State House districts and State Senate districts that the U.S. Supreme Court threw out on the grounds that it was racially discriminatory, but his history in trying to put up barriers to minority voting rights goes back even further.

I have in my hand a memorandum, dated June 19, 1991, from within the Justice Department. It was during the administration of George Herbert Walker Bush. It is a memo recommending that the United States bring a lawsuit against the North Carolina Republican Party and the Helms for Senate Committee—that would be Jesse Helms, former Senator—for conducting a postcard mailing program designed to intimidate and threaten Black voters throughout the State of North Carolina in order to discourage them from participating in the November 6, 1990, general election.

I urge all of my colleagues to read this memorandum from the Justice Department during the time George Bush was President. I especially direct them to page 12. There is a footnote on page 12 that talks about Thomas Farr's work in this area of trying to put up barriers to voting, going way back to not just the 1990 election but back to the 1984 election of Senator Jesse Helms.

In fact, this Department of Justice memorandum states that Farr was the primary coordinator of the 1984 "ballot security" program conducted by the North Carolina GOP and the 1984 Helms for Senate Committee. He—referring to Thomas Farr—coordinated several "ballot security" activities in 1984, including a postcard mailing to voters in predominantly Black precincts which was designed to serve as a basis to challenge voters on Election Day.

I don't know what has happened to the Senate between 2006, when it unanimously voted to extend the Voting Rights Act, and today, when we have on the floor the nomination of Thomas Farr, who has a history of being the point person in trying to limit the ability of Americans to exercise their right to vote and, according to the Fourth Circuit of the United States, did so with "surgical precision" in denying African-American voters.

How can we in good conscience put someone on the Federal Court of the United States who has that history? How can people who come before that court have the confidence that the person—that judge—is really going to uphold their rights?

I urge my colleagues to oppose this nomination.

#### CLIMATE CHANGE

Mr. President, I also want to take us back to 2006 for another reason. Back in 2006, we had many of our Republican Senate colleagues recognizing the dangers of doing nothing about the mounting costs of climate change. Back in 2006, there was a bill in the U.S. Senate by Senators McCain and Lieberman, a bipartisan group, designed to finally take action. Here we are so many years later from 2006 and, my goodness, have we regressed.

We now have a President of the United States, in response to a report that came out from 300 scientists in the U.S. Government about the dangers of climate change, who says: Well, I don't believe it. They tried to bury this report, releasing it the day after Thanksgiving, but it backfired because it was a slow news day and people realized what was up. They realized this was a deliberate attempt by the administration to deep-six something that is important to all Americans and something all Americans can see with their own eyes, which is the escalating impact of doing nothing about climate change, whether it is forest fires or floods or rising sea levels.

If you look at the report, if you live in the Chesapeake Bay area, you have to be really worried: increasing precipitation, increasing storm events. We already have flooding in Annapolis, the home of the U.S. Naval Academy. If you talk to the Superintendent there, he is already worried about the impact. This report makes clear that we are going to have rising sea levels, a rising Chesapeake Bay, and we are going to see islands in the Chesapeake Bay disappearing, all because this body refuses to take any action and decides to instead kowtow to the President of the United States.

I would like to quote the President very quickly. When asked about this the other day, he said the following. When he was asked why he doesn't believe in climate change—this is the President of the United States: "One of the problems that a lot of people like myself—we have very high levels of intelligence, but we're not necessarily such believers."

He goes on to say:

And when you're talking about an atmosphere, oceans are very small. And it blows over and it sails over. I mean, we take thousands of tons of garbage off our beaches all the time that comes over from Asia. It just flows right down the Pacific, it flows, and we say where does this come from. And it takes many people to start off with.

Then he goes on in this bizarre answer. This is the President of the United States responding to a question about the reality of climate change.

I hope we will get back to where we were on climate change in this body in 2006 and work on a bipartisan basis to do something, because the cost of doing nothing is rising every day and hitting Americans and people across the world.

Finally, when it comes to denying the facts, including the facts presented

by his own administration, we have a President of the United States who apparently doesn't believe his intelligence community. This is just another rewind-the-tape moment. We remember after Helsinki, when the President sided with President Putin and said: No, the Russians were not involved in the 2016 elections—despite the unanimous conclusions of all the U.S. intelligence agencies.

Now we know from reports that the CIA has determined with a high level of confidence that the Crown Prince of Saudi Arabia was involved and helped orchestrate the assassination of Jamal Khashoggi in the Saudi consulate in Istanbul. Instead of accepting the conclusions of the CIA, the President instead has become the mouthpiece for the Saudi regime. Early on, he played into all their cover stories.

Just yesterday, we had a briefing of the Senate. We had the Secretary of State and the Secretary of Defense. Guess who did not show up. The Director of the CIA. It is pretty clear that the administration did not want the Director of the CIA telling Senators from both parties what her findings are, but they have been reported in our newspapers.

When you have the Secretary of State write in the Wall Street Journal complaining about what he calls "caterwauling" in the U.S. Congress about what happened, you bet people in the Senate are upset about the fact that an American resident—a writer for a major American newspaper—got murdered in the Saudi consulate in Istanbul, and the President of the United States wants to not only just look the other way but is actually complicit in providing the cover story for the Crown Prince of Saudi Arabia. So there is a lot of caterwauling going on.

The President made another bizarre statement that began with the sentence "The world is a dangerous place" and then went on to somehow justify ignoring Saudi's conduct and the murder. Yes, the world is a dangerous place, and it is made a lot more dangerous when the President of the United States looks the other way when one of our so-called allies—and they have been an important ally in some respects—is actually complicit in the murder of an American resident overseas. That makes the world much more dangerous for all Americans and all people around the world.

It is important that the United States act to hold the Crown Prince accountable. It is also important that we stop giving Saudi Arabia a green light on all sorts of other conduct. This is a Crown Prince who kidnapped the Prime Minister of Lebanon. This is a Crown Prince who blockaded Qatar against our best interests. This is a Crown Prince who essentially threw out the Canadian Ambassador because she had the temerity to tweet about Saudi human rights abuses against women in Saudi Arabia. The reason the Crown

Prince thought he could get away with killing an American resident in Istanbul is because this President has given him a blank check to do whatever he wants, and that includes Yemen.

#### YEMEN

Mr. President, I will close by making a few remarks about Yemen because what we have seen is an administration that has essentially given a blank check to the Saudi war in Yemen, and it has backfired and has actually strengthened the hand of Iran. The Houthis are an indigenous movement in Yemen. Saudi's conduct has given Iran an opening in a way it did not have before.

The best way is to get all the parties to the peace table to have a negotiation, and we are not going to get the Saudis to the peace table if the President of the United States continues to look the other way for all their bad conduct. That is why it is important that next week the Senate pass the resolution that was discharged here to the floor yesterday and send a clear message about what we stand for.

The PRESIDING OFFICER (Mrs. FISCHER). The Senator's time has expired.

The Senator from Massachusetts.

Ms. WARREN. Madam President, I ask unanimous consent to speak for up to 10 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. GARDNER. Reserving the right to object, we have a standing order.

The PRESIDING OFFICER. Is there objection?

Mr. GARDNER. I object.

The PRESIDING OFFICER. Objection is heard.

Ms. WARREN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Ms. WARREN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Ms. WARREN. Madam President, I ask unanimous consent to speak for 5 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### NOMINATION OF KATHY KRANINGER

Ms. WARREN. Madam President, 10 years ago, greedy financial institutes crashed our economy and crushed working families all across this country. Millions of Americans lost their jobs, millions lost their homes, and millions lost their life savings. That crisis was no accident, and it was no act of God. It was caused because Washington looked the other way while greedy Wall Street bankers scammed hard-working American families. It can happen again if we let it.

If we learned anything from the financial crisis that nearly drove our

economy over a cliff, it is that American families desperately need a strong consumer watchdog. Before the crisis, financial institutions sold consumers predatory loans that were like grenades with their pins pulled out. When they exploded, they wiped out trillions of dollars of wealth and caused millions of people to lose their jobs, their savings, or their homes.

The Consumer Financial Protection Bureau was created to level the playing field for consumers and make sure that Washington never again looks the other way while millions of families get squeezed.

On June 18, 2018, President Donald Trump announced his intent to nominate Kathleen Kraninger as Director of the CFPB. Ms. Kraninger is a political appointee at OMB who has spent more than a decade working on homeland security policy in the executive branch and on Capitol Hill. She has never—I repeat, never—worked on consumer protection issues either in public service or in the private sector. She has zero track record of standing up for consumers.

The White House championed Ms. Kraninger's experience as a manager when announcing her nomination. A White House official stated that Ms. Kraninger "will bring . . . much-needed management experience [to the CFPB]." A quick search on Google shows that is bogus.

Ms. Kraninger's tenure at OMB has been marred by systemic management failures. As an OMB official with primary responsibility over the Departments of Justice and Homeland Security, Ms. Kraninger was one of the officials responsible for managing and implementing President Trump's zero-tolerance policy. The policy resulted in a humanitarian catastrophe in which thousands of children were ripped from the arms of their mamas and daddies and thrown into cages.

Ms. Kraninger bungled the response to the three catastrophic hurricanes of 2017. Under Ms. Kraninger's leadership, OMB's budget requests in the wake of Hurricanes Irma, Maria, and Harvey were too little, too late.

Ms. Kraninger oversaw a budget that, if enacted, would have exacerbated, rather than alleviated, the Nation's affordable housing crisis.

No, it isn't Ms. Kraninger's management experience that got her a giant promotion; it is her enthusiasm for Mick Mulvaney's anti-consumer agenda that earned her this reward from President Trump. How do I know that? I asked Ms. Kraninger if she disagreed with one single action that Mr. Mulvaney took during the year he controlled the CFPB. She said: "I cannot identify any actions that Acting Director Mulvaney has taken with which I disagree." Not a single one. That means she agrees with Mick Mulvaney's decision to drop a lawsuit against payday lenders who were charging vulnerable buyers 900 percent interest. She agrees with Mick

Mulvaney's decision to gut CFPB's office that fights lending discrimination, which was designed to make sure communities of color aren't targeted with the most abusive loans, as they were before the financial crisis. She agrees with Mick Mulvaney's decision to stop checks that ensure that banks don't charge our military sky-high interest rates. She agrees with Mick Mulvaney's decision to censor reports to Congress and give student loan companies a free pass when they rip off students. She agrees with Mick Mulvaney's decision to load up the CFPB with more than a dozen political appointees to muzzle the CFPB's professional staff and keep them from doing their job. It is hard to imagine a stronger indication that Ms. Kraninger intends to continue Mr. Mulvaney's harmful trajectory of weakening CFPB to benefit big financial institutions at the expense of consumers.

Ms. Kraninger has absolutely no experience in consumer finance whatsoever, but she has been nominated to head up the Consumer Financial Protection Bureau because she is passionately committed to keeping it from leveling the playing field for working families. No thanks.

We have a lot of hard decisions to make in this body, but this one is a no-brainer. Hard-working American families deserve a fighter as the Director of the CFPB. When the CFPB fights for consumers, students can manage their loans. When the CFPB fights for consumers, servicemembers can serve their country without worrying that their families will be crushed by debt. When the CFPB fights for consumers, seniors can retire with dignity. When the CFPB fights for consumers, 29 million families get checks for over \$12 billion from financial institutions that cheated them—and that happened in just 6 years.

Working families need a CFPB Director who is a fighter with a proven track record of making the consumer marketplace safe and aggressively pursuing companies that cheat their customers. Kathleen Kraninger is not that person. Let's do our job. Let's reject this nominee.

#### CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The senior assistant 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 Jonathan A. Kobes, of South Dakota, to be United States Circuit Judge for the Eighth Circuit.

Mitch McConnell, Jerry Moran, Mike Crapo, Steve Daines, Richard Burr, James E. Risch, Thom Tillis, John Thune, Roger F. Wicker, John Hoeven, David Perdue, Pat Roberts, John Bar-

rosso, Mike Rounds, Lamar Alexander, John Boozman, John Cornyn.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Jonathan A. Kobes, of South Dakota, to be United States Circuit Judge for the Eighth Circuit, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant bill clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Oklahoma (Mr. INHOFE).

Further, if present and voting, the Senator from Oklahoma (Mr. INHOFE) would have voted "yea."

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

[Rollcall Vote No. 251 Ex.]

#### YEAS—49

Alexander	Gardner	Perdue
Barrasso	Graham	Portman
Blunt	Grassley	Risch
Boozman	Hatch	Roberts
Burr	Heller	Rounds
Capito	Hoeven	Rubio
Cassidy	Hyde-Smith	Sasse
Collins	Isakson	Scott
Corker	Johnson	Shelby
Cornyn	Kennedy	Sullivan
Cotton	Kyl	Thune
Crapo	Lankford	Tillis
Cruz	Lee	Toomey
Daines	McConnell	Wicker
Enzi	Moran	Young
Ernst	Murkowski	
Fischer	Paul	

#### NAYS—49

Baldwin	Hassan	Peters
Bennet	Heinrich	Reed
Blumenthal	Heitkamp	Sanders
Booker	Hirono	Schatz
Brown	Jones	Schumer
Cantwell	Kaine	Shaheen
Cardin	King	Smith
Carper	Klobuchar	Stabenow
Casey	Leahy	Tester
Coons	Manchin	Udall
Cortez Masto	Markey	Van Hollen
Donnelly	McCaskill	Warner
Duckworth	Menendez	Warren
Durbin	Merkley	Whitehouse
Feinstein	Murphy	Wyden
Gillibrand	Murray	
Harris	Nelson	

#### PRESENT AND GIVING A LIVE PAIR

Flake, against

#### NOT VOTING—1

Inhofe

The PRESIDING OFFICER. The Senator from Arizona.

Mr. FLAKE. Madam President, on this vote, I have a pair with the Senator from Oklahoma, Mr. INHOFE. If he were present and voting, he would vote "yea". He is absent due to a family emergency. If I were permitted to vote, I would vote "nay". I therefore withdraw my vote.

The PRESIDING OFFICER. The Senator has that right.

The VICE PRESIDENT. On this vote the yeas are 49, the nays are 49. The Senate being equally divided, the Vice President votes in the affirmative, and the motion is agreed to.

The clerk will report the nomination.

#### EXECUTIVE CALENDAR

The senior assistant legislative clerk read the nomination of Jonathan A. Kobes, of South Dakota, to be United States Circuit Judge for the Eighth Circuit.

The PRESIDING OFFICER (Mrs. FISCHER). The Senator from Colorado.

#### LAND AND WATER CONSERVATION FUND

Mr. GARDNER. Thank you, Madam President. I come to the floor today to talk about a very important conservation program—the Land and Water Conservation Fund. This is one of the crown jewels of our Nation's conservation effort. The preservation, protection, and conservation of our public lands is something we take great pride in in the western part of our country and, in fact, all four corners of our State, and this great country takes great pride in the Land and Water Conservation Fund and the efforts that it pursues to maintain our public lands, to show our public lands, to allow the exploration and use of our public lands for generations to come.

The Land and Water Conservation Fund has had over 40,000 projects in its existence, billions of dollars in consumer spending driven by the outdoors—\$2 billion in State and local tax revenue driven by our love of the outdoors. Hiking, hunting, fishing, skiing in the winter, rafting in the spring are all tied to the incredible conservation work we do in these incredible programs through the Land and Water Conservation Fund.

Colorado's outdoor recreation activities have made it the destination, not just part of the year but all of the year, for people looking for adventure opportunities in our great outdoors. As I mentioned, we generate \$28 billion in consumer spending just in the State of Colorado for our outdoors economy.

The Land and Water Conservation Fund isn't just about preserving land because we want to conserve the land; it is about our economy—our recreation economy—and those \$2 billion in State and local tax revenues generated by that. It employs over 200,000 people in an outdoors economy. The Land and Water Conservation Fund is a critical part of that. We have this economy because of our public lands—the extensive efforts we have undertaken to conserve them in a condition that the next generation will also get to enjoy.

One of those tools, the Land and Water Conservation Fund has lapsed. It has been 60 days since the Land and Water Conservation Fund expired. Those who would permanently reauthorize the Land and Water Conservation Fund cleared the committees of jurisdiction in both the House and the Senate. The Land and Water Conservation Fund authorization of full funding has bipartisan support—Democrat and Republican support, House and Senate support. It is a program to sustain access to land that would otherwise be cut off—public land held and owned by the American people that we don't