

administration's irrational immigration agenda. He will help transform zero tolerance into total tolerance of crime, and his inaction will only further advance the administration's recruit-and-release policies at our border, where we don't just allow illegal aliens into our country after catching them at the border; we go back and find them in Mexico and invite them to return to the border and then release them into the country.

This will attract an ever-growing surge of illegal migration and will result in more drugs and criminal aliens entering our country, as we see with the Biden border crisis growing worse every day.

Of course, the vast majority of meth, heroin, and cocaine—and a large quantity of fentanyl—is smuggled across the southern border each year. As our border facilities and personnel are overwhelmed by the Biden border surge, our security will falter and even more drugs will pour into our Nation.

Hardened criminals will accompany the flood of drugs from the Rio Grande. Thousands of confirmed and suspected gang members cross the southern border into our country, and even more will exploit the open border policies that Judge Garland will have a hand in creating. This will fuel skyrocketing violence in our Nation.

Last year, we experienced the largest single increase in murder in American history—the largest single increase in murders in our country's history. Preliminary data from the FBI indicates that there was a 20-percent increase—20-percent increase—in murder nationwide. In big cities, it was even worse. Murders rose in Atlanta by 60 percent; in Chicago, by 50 percent; in New York City, by 45 percent; and in Washington, DC, by 40 percent. There were also, I would add, over 500 violent riots last year that injured over 2,000 law enforcement officers.

Our police need our support more than ever before, but they wouldn't get it from a Garland Department of Justice. Personnel is policy, and Judge Garland has allowed two leftwing radicals to be selected as his chief lieutenants in the Department of Justice. Vanita Gupta and Kristen Clarke both support defunding, disarming, and defaming our police. They stand with the perpetrators of crime, not with the victims of it. There is little doubt that Judge Garland would empower these leftwing radicals embedded inside the Department.

In response to written questions from the Judiciary Committee, Judge Garland also responded with some variation of "I don't know"; "I haven't studied the issue"; "I am not familiar"; "I haven't thought about it"; "I am not aware of," or refused to comment altogether over 250 times. Again, this is a sitting Federal judge of almost a quarter century with a vast retinue of the country's best lawyers at his disposal for a week to answer written questions, and over 250 times he

couldn't answer the question. That was more than one-third of the colleagues—or more than one-third of the questions that I and my colleagues asked him.

Judge Garland may not have thought about these questions or thought about how to run the Justice Department, but I bet Ms. Gupta and Ms. Clarke have, and they will gladly fill this void of purpose with their radical ideology. The Garland Justice Department will make America less safe.

At the same time, Judge Garland would work to weaken our Second Amendment. At his hearing, he repeatedly refused to explain how he would deal with the Second Amendment. While he acknowledged accurately that it would be tough to overturn the Supreme Court's ruling in *Washington, DC, v. Heller*, which affirmed Americans' constitutional right to keep and bear arms, he said that he "can't promise"—he "can't promise"—that he won't try to overturn it. He also said he just doesn't know whether President Biden has the authority to ban certain semiautomatic rifles, some of the most popular sporting firearms today. He doesn't know if President Biden has the authority to ban them by Executive order. He has also said he is just not familiar with whether the Bureau of Alcohol, Tobacco, Firearms and Explosives—which would report to him if he is confirmed, I would remind everyone—would have the authority to indefinitely delay approving gun sales to Americans who have not had any flags show up in their background checks. Once again, Judge Garland demonstrated through his evasion that he would bow to the radical left to the detriment of normal law-abiding American citizens.

I urge every Senator who believes in the Second Amendment and the rule of law and who cares about stopping crime in our streets to reject Judge Merrick Garland's nomination for Attorney General.

Now is not the time for weakness, evasion, and obfuscation from our Nation's foremost law enforcement officer. We need strength, resolve, and certainty. Our Nation needs and deserves a better nominee for Attorney General. I will oppose his nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

NOMINATION OF MARCIA LOUISE FUDGE

Mr. TOOMEY. Mr. President, I rise this morning to oppose the nomination of Representative FUDGE to serve as the Secretary of the Department of Housing and Urban Development.

The confirmation of Cabinet Secretaries is one of the most important constitutional functions we have here in the Senate. I think most of my colleagues would agree that one of the important considerations is that Cabinet officials can be relied on to coordinate and work productively with Congress as they implement the policies of the legislation that we pass.

I am concerned that Representative FUDGE's past rhetoric makes clear that

she lacks the temperament to collaborate with Congress, particularly across the aisle with Republican Members, and her comments cast doubt on whether she even wants to.

Congresswoman FUDGE has made multiple statements throughout the years attacking and disparaging the integrity and motives of Republicans with whom she has policy disagreements. Policy disagreements are entirely understandable. It is reasonable. They happen every day. They are expected, especially in a legislative body. But consistently attacking the integrity and motives of people with whom you have these disagreements is another thing all together.

In September 2020, during a speech on the House floor, Congresswoman FUDGE attacked efforts to fill Justice Ruth Bader Ginsburg's seat on the Supreme Court. In her speech, she said, among other insults, that Senate Republicans had "no decency," "no honor," "no integrity." She went on to say, referring to Republican Senators, that we "are a disgrace to the Nation."

In June 2020, during a virtual town-hall, Congresswoman FUDGE admitted believing that Republicans did not care about minorities. She said that if Republicans "want to save face and let this country know that they care even a little bit about people of color, which I don't believe they do, but if they want to try, I want to listen."

Back in a January of 2013 PBS forum with Tavis Smiley, Congresswoman FUDGE harshly questioned the motives and character of Republicans again, this time Republicans who supported cuts to the food stamps program.

Congresswoman FUDGE said:

If we continue to send people to Congress who don't even understand what their job is—who don't understand that government's job is to take care of its people—then we are never going anywhere as a country because we deal with nuts every single day. These people are evil and mean. They care nothing about anybody but themselves. And so if you think you are going to have something bipartisan, you need to think again. It's not happening.

Overtly partisan attacks on integrity and motive simply have a toxic and detrimental impact on the working relationship that ought to be a constructive relationship between Members of Congress and members of the administration. The Senate should really only confirm officers who are willing to cooperate with legislators, especially now when we have rapid expansion of many government programs—we just passed a \$2 trillion bill that is probably going to pass the House and be signed by the President—and it is especially true for the administrator of HUD.

In addition to her recent statements impugning the integrity and motives of Republicans, Congresswoman FUDGE has very little or no housing experience. Except for her service as a smalltown mayor, Congresswoman FUDGE never worked in a capacity where she would be familiar with any of HUD's many programs. Even traditionally liberal media outlets criticized

Congresswoman FUDGE's nomination for HUD Secretary on the grounds that she lacked knowledge and experience in housing policy.

She did not show an interest in developing housing policy expertise as a Member of Congress, introducing or cosponsoring very few housing-related bills and choosing instead to serve on unrelated committees. I acknowledge that not all Cabinet nominees are experts in the policy areas that their Agencies cover. That is not unusual. But when they don't have that expertise, it is especially important that their temperament and their policy views—and their willingness to listen to Members of Congress on both sides of the aisle, especially the other side of the aisle, is all the more important.

Congresswoman FUDGE's views as reflected in her response to questions for the record are also a matter of concern. When she was asked whether HUD should better target its programs so that they are actually helping the low-income Americans they are supposed to help, she responded by saying, "The challenge for HUD programs isn't that they aren't targeted, it is that funding levels are inadequate to meet the need."

The fact is, funding for HUD spending has grown dramatically in recent years. That is not even including the \$15 billion for COVID assistance that the Senate appropriated and worked on, and it is not including the \$56 billion for housing assistance passed in the December omnibus and the reconciliation bill.

The Congresswoman's answer ignores the fact that HUD programs certainly can be better targeted to help those in need. For example, families with disqualifying high incomes nevertheless participate in a number of HUD-assisted rental programs, and that makes housing unavailable for lower income families for whom it is meant. FHA insures mortgages for home buyers who could access mortgage credit through private capital, also thereby making it less available for people who really need it.

So I worry that Congresswoman FUDGE's approach will simply be to ask Congress for ever more money without being willing to do the hard work of making the reforms that are necessary and working with Republican Senators to achieve those reforms. Those reforms are going to be necessary if we are going to ensure that HUD programs are improved so they actually better serve the low-income Americans they are meant for.

For these reasons, I cannot support Congresswoman FUDGE's nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Mr. President, I appreciate the candor of my colleague from Pennsylvania and the work that we do jointly on the Committee on Housing and Urban Affairs.

I ask unanimous consent to finish if I go a bit over and if my remarks con-

tinue into the next section or, potentially, the vote.

Have I said that right, Mr. President? The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BROWN. I urge my colleagues to join me in supporting a dedicated and talented public servant and great Ohioan, my Congresswoman for the last 12 years, MARCIA FUDGE, to be our next Secretary of Housing and Urban Development. The Presiding Officer served with her in the House of Representatives and appreciates her.

I can think no one better to lead us out of this pandemic and create strong communities for the future than MARCIA FUDGE. When she came before the Banking and Housing Committee, Congresswoman FUDGE's knowledge and passion for service and her commitment to the people who make this country work were obvious to all of us, Republicans and Democrats alike.

After a year when Black Americans endured so many painful reminders of the yawning gap between the promise of our founding ideals and our failure to make that promise real for everyone, it is meaningful that our committee's first nomination hearing featured two African-American women who will take leading roles in our economic recovery, MARCIA FUDGE and Dr. Cecilia Rouse, who has been confirmed already to be Chair of the National Economic Council at the White House. The Senate confirmed Dr. Rouse with broad bipartisan support this month.

It matters on so many levels. It is important for our future that little girls, including Black and Brown girls, see themselves in our leaders, from the Vice President to MARCIA FUDGE, to Cecilia Rouse, to so many people in this Cabinet, including the new Secretary of the Interior from the Presiding Officer's area of the country. It matters because of perspectives and life experience these two Black women bring to these jobs.

Congresswoman FUDGE will lead an Agency that supports families and communities, provides housing and safety to people experiencing homelessness, and it helps communities rebuild.

Today, HUD is grappling with a housing market where millions of families find it harder and harder to afford a decent home. New data out this week confirms that home prices are soaring around the country even while millions are out of work. Imagine that. The cost of housing is up, but wages are flat. So many workers have trouble making rent every month, with the kind of stress that brings and too often having to turn to predatory loans. The dream of home ownership is increasingly out of reach for too many families in New Mexico and too many families in Ohio.

None of this started with COVID-19. The affordable housing crisis is the product of decades of conscious policy decisions by Wall Street, corporations, and too often by government. This pandemic has exposed what millions of

families in this country already knew: that for far too many people, a hard day's work doesn't pay the bills.

Before the United States ever had its first case of COVID-19, one-quarter—listen to this—one-quarter of all renters of this country spent more than half their income on housing, on rent. If one thing happened in their life—their car broke down, their child got sick, they had a workplace injury that caused them to miss work for a week—any of those things and their life turns upside down. HUD should play an essential role in fixing that.

We know that the Black home ownership rate was nearly as low as it was in 1968 when Senator ROMNEY's father became Secretary of HUD and the work he tried to do in opening housing in 1969. We have made little or almost no progress in the Black home ownership rate. I am confident that soon-to-be Secretary FUDGE will change that. She understands the importance of expanding opportunity to every ZIP Code, allowing more families to have the peace of mind that brings.

Here is what I know about ZIP Codes. I am in Congresswoman FUDGE's district. My wife and I live in ZIP Code 44105 in Cleveland. That ZIP Code, in 2007, the first half of that year, had more foreclosures than any city in the United States of America. I still see the residue, the remains of what has happened because of all those foreclosures.

Congresswoman FUDGE will work to protect our kids from the lead poisoning that is still all too common in ZIP Code 44105, to restore the promise of fair housing, and to give communities the help and the resources they need to thrive.

She brings to the job critical experience, as Senator TOOMEY said, serving as a mayor in the industrial heartland for the kind of community that is either overlooked or outright preyed upon by Wall Street and big investors.

Even though Senator TOOMEY said that Congresswoman FUDGE doesn't have the experience in housing, I know up close—I was the Senator during her entire time in the House. I represented her in the Senate. We live in the same community. We worked on many of the same projects. She was helpful on a number of housing issues that I worked on in the Banking, Housing, and Urban Affairs Committee. She understands our communities.

She will lift up the voices of all the people left out of our housing policy, people who work hard to try to keep a roof over their family's head, whose hard work never pays off like it should; people who are just trying to make rent or pay the mortgage every month who just don't feel like they can keep up. Their wages are flat. Costs go up. Pressure builds on them.

Congresswoman FUDGE has the expertise and tenacity to fight back. That is why I ask my colleagues to confirm her for Secretary of Housing and Urban Development.

AMERICAN RESCUE PLAN ACT OF 2021

Mr. President, in so many ways, we know here that government is really about whose side you are on, whom you fight for, what you fight against. We know we passed—Senator CARDIN is here. He came to the Senate the same day I did, and we served in the House together. We both recognized what a big deal it was to pass that bill last Saturday. That is the biggest thing I have ever done in my career, and I heard other Senators say the same thing—shots in people's arms, money in people's pockets, kids back in school and workers in jobs.

But I think it is also important, just for a moment—I will be brief. This is a chart of the difference—the biggest issue that Senate Republicans and President Trump worked on in this Congress was the GOP tax bill, the tax bill in 2017. Senator CARDIN and I are on the same committee that fought against some of the overreach from Wall Street greed in that bill.

The purple, the blue is what our bill does. Just glance at this for a moment. The 20 percent lowest earners, we are increasing—we are increasing their after-tax revenue by 20 percent, essentially a 20-percent raise for people making \$20,000 or \$30,000 a year. There was no help in the Trump tax bill for that.

Then you work up to the second lowest 20 percent, to the people who are modest, working-class families, not quite middle class. They get a big bump in their incomes from our bill. Under the Trump plan, they got pennies.

Then you work your way up here to, essentially, the top 1 percent. All of the money went to them, essentially, overwhelmingly.

When you think about what we do with taxes and when you think about what this Congress did on Saturday when we put shots in people's arms and money in people's pockets and kids back in school, one of the most important things we did was to give working-class kids in Denver and in Santa Fe and in Albuquerque and in Baltimore and Salisbury, MD, and in Mansfield and Cleveland, OH—working-class people and poor kids—a chance, a shot, at the American dream.

This is the biggest thing. Senator TESTER and I came to the Senate on the same day. This is the biggest thing we have done in years. It will matter in people's lives. It is something to celebrate. More importantly, it is something we need to carry out and make sure that it matters in our constituents' lives.

I yield the floor.

Mr. VAN HOLLEN. Mr. President, I rise today to voice my support for the confirmation of my friend and colleague Congresswoman MARCIA FUDGE to be the next Secretary of Housing and Urban Development. I know that she will bring strong leadership to HUD at a time when our Nation needs it most.

Across my State of Maryland and throughout the country, our fellow Americans are struggling to keep a roof over their heads. Families are living in fear of eviction or of missing their next mortgage payment. In this time of crisis, we need a leader at HUD who will prioritize tackling the ongoing housing crisis spurred by COVID-19. Congresswoman Fudge has expressed her determination to do just that. She is a dedicated and experienced public servant who has earned a reputation for swift action and firm leadership. Her accumulated experience spanning a lifetime of service will be invaluable in helping the Federal Government mount a robust and coordinated campaign to bring those hardest hit back from the brink and ensure an equitable recovery.

While addressing the urgent needs of renters and homeowners during this pandemic, we can't lose sight of the bigger picture. The pandemic has exacerbated our country's affordable housing crisis and shone a spotlight on how it disproportionately harms communities of color. We are seeing the result of decades of discriminatory practices like redlining that have targeted minority families and left an enduring stain on our communities that won't be easily wiped away. President Biden has put forth a bold plan to combat our Nation's housing crisis, and as HUD Secretary, Congresswoman FUDGE will be charged with implementing it, reversing the damage caused by the Trump administration, restoring and improving our fair housing protections, rebuilding our Nation's supply of affordable housing, and investing in our housing infrastructure. She has her work cut out for her.

There is no doubt in my mind that Congresswoman FUDGE will work overtime to tackle these challenges head-on. She has spent her career fighting on behalf of those most in need and those who have been historically barred from stable living and home ownership. She has seen these issues up close: first as the mayor of Warrensville Heights, OH, and then as a member of the House of Representatives and as chair of the Congressional Black Caucus, where she has helped forge compromises that brought real results. She is guided by the principle that each of us has a responsibility to respect and uplift those most in need. In her words, "there is dignity and there is grace within every woman every man and every child in this nation—including those who live on the outskirts of hope." For MARCIA FUDGE, service isn't just a job, it is a calling. I know that, should she be confirmed, Congresswoman FUDGE will lead the Department of Housing and Urban Development with unwavering commitment. I look forward to partnering with her and the Biden administration to provide more Americans with the dignity of stable living as we work urgently to strengthen and grow our affordable housing programs across Maryland and throughout the country.

VOTE ON FUDGE NOMINATION

The ACTING PRESIDENT pro tempore. Under the previous order, all postcloture time has expired.

The question is, Shall the Senate advise and consent to the Fudge nomination?

Mr. HICKENLOOPER. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 66, nays 34, as follows:

[Rollcall Vote No. 113 Ex.]

YEAS—66

Baldwin	Heinrich	Portman
Bennet	Hickenlooper	Reed
Blumenthal	Hirono	Romney
Blunt	Hoeven	Rosen
Booker	Kaine	Rounds
Brown	Kelly	Sanders
Cantwell	King	Schatz
Capito	Klobuchar	Schumer
Cardin	Leahy	Scott (SC)
Carper	Lujan	Shaheen
Casey	Manchin	Sinema
Collins	Markey	Smith
Coons	McConnell	Stabenow
Cortez Masto	Menendez	Sullivan
Cramer	Merkley	Tester
Duckworth	Moran	Van Hollen
Durbin	Murkowski	Warner
Feinstein	Murphy	Warnock
Gillibrand	Murray	Warren
Graham	Ossoff	Whitehouse
Grassley	Padilla	Wyden
Hassan	Peters	Young

NAYS—34

Barrasso	Fischer	Risch
Blackburn	Hagerty	Rubio
Boozman	Hawley	Sasse
Braun	Hyde-Smith	Scott (FL)
Burr	Inhofe	Shelby
Cassidy	Johnson	Thune
Cornyn	Kennedy	Tillis
Cotton	Lankford	Toomey
Crapo	Lee	Tuberville
Cruz	Lummis	Wicker
Daines	Marshall	
Ernst	Paul	

The nomination was confirmed.

The PRESIDING OFFICER (Mr. HICKENLOOPER). The Senator from Delaware.

Mr. CARPER. Mr. President, I ask unanimous consent that I be permitted to complete my remarks prior to the recess.

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

Mr. CARPER. Mr. President, I ask unanimous consent that with respect to the Fudge nomination, the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

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

NOMINATION OF MERRICK BRIAN GARLAND

Mr. CARDIN. Mr. President, I rise today to support the nomination of Merrick B. Garland to be the 86th Attorney General of the United States and urge the Senate to confirm this nomination without further delay.

Merrick Garland is a fellow Marylander, and I was proud to introduce him in a statement before the Judiciary Committee on February 22. I was