



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 117<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 168

WASHINGTON, THURSDAY, MARCH 31, 2022

No. 57

## Senate

The Senate met at 10 a.m. and was called to order by the Honorable JACKY ROSEN, a Senator from the State of Nevada.

### PRAYER

Mr. SULLIVAN. Today's opening prayer will be offered by our guest Chaplain, Rabbi Mendy Greenberg, Director of Mat-Su Jewish Center, Chabad-Lubavitch, in Palmer, AK.

The guest Chaplain offered the following prayer:

Almighty God, Master of the Universe, we stand before You in prayer in these troubling times when innocent men, women, and children have lost their lives and millions fled their homeland due to the catastrophic war in Ukraine. In the words of King David, Psalms, Chapter 121:

I lift my eyes to the mountains—from where will my help come? My help will come from the Lord, Maker of heaven and earth.

May You, Almighty God, grant the Members of this honorable body wisdom and understanding that the ultimate way to eliminate the cause of war and bring true peace to the world is by embodying the universal values of the seven commandments issued to Noah after the great flood, foremost of which is not to commit murder.

Almighty God, I beseech You to bless the U.S. Senate assembled today to fulfill one of Your seven commandments to govern by just laws and in the merit of the global spiritual giant and leader, Your servant, the Rebbe, Rabbi Menachem M. Schneerson, whose 120th birthday will be celebrated this coming month on the 11th day of Nissan, Tuesday, April 12.

In 1978, this honorable body established the Rebbe's birthday as Education and Sharing Day USA and is proclaimed annually by the President of the United States in recognition of the Rebbe's global campaign to bring awareness and educate our youth about these ethical values of the Seven

Noahide Laws as the basis for a just and compassionate society.

Almighty God, may it be in the merit of realizing the Rebbe's vision for humanity, we speedily see the fulfillment of Isaiah's promise:

Nation shall not lift up sword against nation, neither shall they learn war anymore.

With the coming of Moshiach, Amen.

### PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. LEAHY).

The senior assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, March 31, 2022.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JACKY ROSEN, a Senator from the State of Nevada, to perform the duties of the Chair.

PATRICK J. LEAHY,  
President pro tempore.

Ms. ROSEN thereupon assumed the Chair as Acting President pro tempore.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

### LEGISLATIVE SESSION

MAKING APPROPRIATIONS FOR THE DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2022—Motion to Proceed—Resumed

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to H.R. 4373, which the clerk will report.

The senior assistant legislative clerk read as follows:

Motion to proceed to H.R. 4373, a bill making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2022, and for other purposes.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

RABBI MENDY GREENBERG

Mr. SULLIVAN. Madam President, thank you for allowing me to open the Senate with you. It was a true honor to have Rabbi Mendy Greenberg, who is doing amazing work in Palmer, AK, open the Senate with his very powerful and meaningful prayer and very appropriate prayer for what is happening in the world.

I just want to say a little bit about our incredible Jewish community in Alaska. Rabbi Greenberg's parents are actually up in the Gallery watching—his father, Rabbi Greenberg and his incredible wife, Esti.

I just want to say what they do for our—community—communities throughout Alaska—is so powerful, so meaningful, and touches so many lives way beyond the Jewish community of Alaska—way beyond that community. I love the phrase referring to our wonderful Jewish community of Alaska, the “frozen chosen,” because it is a little cold in our State, as most Americans know.

But here is the thing about this community: They are incredible in terms of

• This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



Printed on recycled paper.

S1875

bringing all Alaskans together. We have this annual event called the Jewish Gala that has hundreds and hundreds of Alaskans of all faiths who participate in this every year. It is one of my favorite things to do as an Alaskan, to come and celebrate not just the Jewish community, but the spirit of togetherness, the spirit of faith, and the spirit of taking care of one another. That is what this incredible community does, led by both Rabbi Greenbergs, who we saw the younger today give this very powerful prayer.

I want to thank him and his parents for being here today. It is not always easy to get to DC from Alaska—a couple of thousand miles at least. To our Jewish community back home, to the Greenbergs for all they have done, I just want to, on the Senate floor here, offer my deepest thanks for the example they set for the entire State of Alaska. It is great having them here, and what they do for our State is really powerful, really important.

Thank you, Madam President, for allowing me to participate in the opening and the prayer this morning.

I yield the floor.

#### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

H.R. 4373

Mr. SCHUMER. Madam President, first on COVID negotiations, yesterday, I met with a group of my colleagues—Senators MURRAY, COONS, ROMNEY, BLUNT, BURR, and GRAHAM—for another round of talks as we work toward a bipartisan COVID agreement. We spoke throughout the day; we talked late into the night; our staffs are continuing talks this morning.

The gap has been narrowed greatly, and we are intent on working with Republicans to cross the finish line because this is vital for our country if, God forbid, a new variant arises in the future, and that is all too likely. We would like considerably more money than our Republican colleagues, but we need to reach 60 votes to get something passed through the Senate, and so we are going to push as hard as we can.

When it comes to replenishing COVID response funding, we simply can't afford to kick the can down the road. The White House has been more than clear and more than transparent about the fact that public funds for COVID are at risk of running out. We all know that a possible future variant can quickly undo much of the progress we have made against the virus, so it makes no sense whatsoever to hold off on COVID funding that we know is very much needed right now. The more we wait, the bigger the problem will be later, God forbid a variant hits.

The bottom line is this: Both sides should work to complete COVID funding soon because that will mean more vaccines, more therapeutics, and more testing so we can keep schools and communities open. We can stay “back to normal,” which we are doing right

now. Woe is us if a future variant extends its nasty tentacles across the country, and we don't have the resources in place to respond. Woe is us. So, again, I am pleading with my Republican colleagues: Join us. We want more than you do, but we have to get something done. We have to get something done.

We will keep working to arrive at a deal in good faith, and we hope—hope, hope, hope—our Republican colleagues ultimately join us in supporting a robust enough package to deal with this problem.

As I said, we are making good progress. We are getting closer and closer, but the sooner we get this deal done, the better for the country.

#### BUSINESS BEFORE THE SENATE

Madam President, on cost cutting, it has been a productive few days here on the Senate floor as we pass legislation that will help reduce costs, relieve supply chains, and build on the incredible economic growth we have seen under President Biden.

I am glad to announce that the Senate is on track to pass bipartisan legislation by Senators KLOBUCHAR and THUNE to reform unfair shipping practices that are clogging up our ports, diminishing American exports, hurting our farmers, and ultimately hurting consumers. It hurts both ways when shipping costs go way up, as they have. The exports we send over—a lot of it agricultural goods—the imports that come back—a lot of it consumer goods—all are higher priced, and Americans pay that higher price.

So the bipartisan shipping bill is exactly the sort of thing the Senate should focus on because when there is a logjam at the Port of Los Angeles, it hurts farmers and small businesses in Minnesota, North Dakota, and across the country, and it hurts consumers in every corner of the country, from Portland, ME, to San Diego, from Seattle to Miami, New York, and everywhere in between.

So I am glad we are making progress to getting this legislation done. The sooner the better, again.

The legislation, of course, is not the only step we have taken this week to strengthen supply chains to help lower costs throughout the economy. Earlier this week, the Senate passed a strongly bipartisan jobs and competitiveness bill in the works for over a year, which will help increase our domestic manufacturing, help address the critical chip shortage, and grow our economy by investing in American innovation.

Yesterday, the House passed a motion requesting a conference committee, and the Senate will soon do the same. We are on track to initiating a conference, hopefully, before the end of this work period.

Off the floor, committees held numerous hearings zeroing in on the many dimensions of our lowering cost agenda. To name just a few examples, the Banking Committee held a hearing on Monday on the growing burden of

medical debt, a problem that is facing so many Americans.

The Small Business Committee also held a hearing yesterday exploring the supply chain crisis and its implications for smaller businesses, including struggling restaurants.

And, today, the Banking Committee is on the matter of seniors who struggle with affordable housing.

These are just a few examples of how, both off the floor and on, Democrats are continuing our focus on legislation that will lower costs, help American families, and solve the deep and difficult challenges that everyday Americans face to make ends meet. And we are going to keep pushing in the months ahead to translate these ideas into legislation we can consider here in the Chamber, as we are doing with shipping right now.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant clerk proceeded to call the roll.

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

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

#### RECOGNITION OF THE MINORITY LEADER

The Republican leader is recognized.

#### BORDER SECURITY

Mr. McCONNELL. Madam President, well, the Biden administration is on track for another record-shattering year on our southern border—in all the wrong ways.

The Department of Homeland Security is reportedly preparing for up to 18,000 attempted border crossings per day—18,000 per day.

President Biden's border crisis is a symptom of the modern Democratic Party's inability to support any remotely reasonable policy of border enforcement.

Now, thus far, the Biden administration has kept the chaos at least somewhat in check by leaning on emergency authorities that are specific to the COVID pandemic. To be clear, even with these title 42 authorities in place, our border has still been in crisis. Last month was the worst February in more than 20 years. We just saw the worst 12-month period for illegal crossings since at least—listen to this—1960. This is with title 42 in place. Just imagine if President Biden kills it.

But the open-borders far left doesn't like title 42. So now, according to public reports, the Biden administration is preparing to cave to the radicals, end title 42, and effectively throw our borders completely wide open.

Ending title 42 without any real border security plan in place would spark a humanitarian and security crisis like we have never seen before. But it is pretty obvious the far left doesn't care. Open borders are their objective.

So at the same time Washington Democrats are pushing for more Federal spending on the pandemic, they

want to declare the pandemic is finished at our southern border. This doesn't add up.

Throwing the floodgates open for an historic spring and summer of illegal immigration would be an unforced error of historic proportions. It would be right up there with the administration's \$2 trillion in inflationary spending and their botched retreat from Afghanistan.

But this goes deeper than just title 42 and COVID. The fundamental point is this: Today's Democrats need the pretext of the pandemic to justify having national borders at all. The left feels they need the pretext of COVID to have any—any—border enforcement whatsoever.

This is absolutely mind-boggling.

Republicans and the American people reject this false choice between permanent COVID versus open borders. We can't only be a sovereign nation during pandemics. Americans deserve secure borders all the time.

Functional open borders have pervaded the Biden agenda at literally every level. The President chose a Supreme Court nominee, Judge Jackson, who has displayed a major streak of judicial activism on this very subject, illegal immigration.

In 2019, the judge sided with the left-wing activists and overlooked plain statutory language that gave DHS "sole and unreviewable discretion" over the speedy removal of illegal immigrants. Judge Jackson literally just brushed aside the plain text of the law to reach the policy outcome she wanted, and she went even further. She issued a nationwide injunction—a nationwide injunction—to impose her radical policy view on our entire country.

This was a blatant case of judicial activism. The ruling read like it belonged on the opinion pages of the Washington Post. Even the very liberal DC Circuit completely disagreed and overturned Judge Jackson, with an Obama appointee writing the opinion.

It should not be this hard for an administration to understand that a nation actually needs borders.

I strongly urge the President to keep title 42 in place and quickly produce an actual strategy to do his job and secure our border.

#### THE ECONOMY

Madam President, on another matter, the American people know our country is hurting. One national survey just found that only 22 percent say our country is headed in the right direction. Seven in ten Americans just told another poll that our Nation's economy is "in poor shape."

The worst inflation in 40 years is fleecing American consumers from the gas pump to the grocery store. American workers are earning raises, but prices are climbing faster than their pay.

The Biden administration has tried to pass the buck for this mess. They have tried to blame everything but

their own radical policies. They have claimed that a year of runaway inflation was actually—listen to this—"Putin's price hike," because of a war in Europe that is barely a month old. They have claimed the problem is evil profiteering CEOs, because, apparently, the private sector was not seeking profits back when the Republicans had the economy humming with low inflation just a few years ago.

American families aren't buying the spin for one second. When asked by another poll what they think is the main reason for rising gas prices—listen to this—Americans' top answer was "the Biden administration's economic policies."

An outright majority of the country agrees the President has made inflation worse, but the administration isn't changing course. They are actually doubling down.

The Biden administration began the week by proposing a budget that would skyrocket domestic discretionary spending on liberal wish-list items and smack the country with the biggest tax hike in American history.

Just last night, Democrats tried to ram through another radical nominee who would only have compounded the economic pain. President Biden's choice of David Weil for a senior post at the Department of Labor was a naked attempt to achieve through bureaucracy what the far-left cannot achieve through legislation. This nominee is famous in Washington for hostility to small business. He has received tens of thousands of dollars from Big Labor to do their bidding. He openly sought to end both the franchise system and the gig economy as we know them.

Fortunately—fortunately—last night, a bipartisan majority of Senators rallied together. We saved the President and the Democratic leader from digging themselves into an even deeper hole with this nominee.

Also overnight, we learned President Biden is going to try to slap another bandaid on gas prices by draining more oil out of the Strategic Petroleum Reserve. The reserve is supposed to exist for giant unforeseen crises, such as a war between great powers. It is not there so that anti-energy politicians whose policies have raised gas prices can try to hide that from the public.

It is also worth remembering that back in 2020, as oil prices were cratering, Republicans tried to seize the opportunity to rebuild the Strategic Reserve. It would have been a win-win-win to help stabilize our energy industry in the early days of the crisis, gotten American taxpayers an incredible deal with oil at bargain-basement prices, and enhanced our readiness going forward.

But you know what happened. Senate Democrats blocked it. They said buying oil at rock-bottom prices and building up our reserve would have been—listen to this—"a bailout for Big Oil." So the Democratic leader bragged about killing that proposal.

You can't make this stuff up.

Our colleagues misunderstand basic economics and basic national security every chance they get. Taxing, spending, radical nominations, and gimmicky half-measures—the American people already blame the Democrats for the fix we are in, and, every week, our colleagues seek new ways to prove them right.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

#### NOMINATION OF KETANJI BROWN JACKSON

Mr. GRAHAM. Madam President, this morning, I am going to announce my decision on Judge Jackson's nomination to the Supreme Court. I will oppose her, and I will vote no.

My decision is based upon her record of judicial activism, flawed sentencing methodology regarding child pornography cases, and a belief Judge Jackson will not be deterred by the plain meaning of the law when it comes to liberal causes.

I find Judge Jackson to be a person of exceptionally good character, respected by her peers, and someone who has worked hard to achieve her current position. However, her record is overwhelming in its lack of a steady judicial philosophy and a tendency to achieve outcomes in spite of what the law requires or commonsense would dictate.

After a thorough review of Judge Jackson's record and information gained at the hearing from an evasive witness, I now know why Judge Jackson was the favorite of the radical left, and I will vote no.

In the area of child pornography, there has been an explosion in this country of child pornography on the internet. In 2021, groups that follow sexual abuse of children on the internet reported 29.3 million reports of individuals accessing information regarding child pornography on the internet. It has gone from 100,000 in 2003 to 29.3 million in 2021.

It is estimated that there is 85 million images and videos and other files involving sexually exploited children on the internet.

Now, why is this important?

This is the venue of choice for the child pornographer. It is not the mail. As you can see, the internet is where these people go. In a matter of minutes, they can download hundreds, if not thousands, of images and videos of the most disgusting abuse of children; and my goal is to deter that, not discount it.

Judge Jackson's sentencing methodology, in my view, misses the mark. I don't doubt that, personally, she is offended by the behavior that we are all

talking about, but as a judge, she has an opportunity to deter the behavior of going on the internet and downloading images of exploited children. Every time she has that opportunity, she refuses to exercise it.

Now, why is Judge Jackson's sentencing so different?

In possession cases, she gives 29.2 months, and the average nationally is 68 months. In the distribution of child pornography, her sentence is 71.9 months, and the minimum is 60 months. That is what you have to give. The average nationally, they tell me, is 135 months. The length of sentence for the possession of child pornography imposed by Judge Jackson is 57 percent less than the national average. In the area of distribution, it is 40 percent less than the national average.

Why?

Under the sentencing guidelines, judges, if they choose, can enhance the sentence based on the fact that the perpetrator used the internet.

Now, why do we want that as a sentencing enhancement?

We want to deter the use of the internet when it comes to child pornography because there are already 85 million images and videos of children being abused, and that is the venue of choice. So, instead of deterring that behavior, Judge Jackson routinely says that she will not hold that against a perpetrator.

I think that is a mistake. She basically said: It is so easy, in a matter of minutes, to push a button and download a bunch of files. That seems, to me, to be an unfair way to sentence somebody.

She also takes off the table a sentence enhancement for the number or the volume of child pornography being possessed or distributed.

I think that is absolutely backward. I think what we should be doing is that every time you push the button and download an image of a child being exploited, your time in jail should go up. That should be held against you. Accessing the internet should be deterred, not ignored.

What I have to say is that the National Center for Missing and Exploited Children released a report on the 2020 data. There has been a 35-percent increase in child sex abuse material in a single year, 29.3 million reports last year of people accessing child pornography on the internet, and at least 85 million images and files on the internet.

When it comes time to sentence these people, Judge Jackson will not impose additional punishment on the fact of the volume involved and the fact they are using the internet, the venue of choice.

The more you download, the more you go to jail, is my view. I am going to work with Senator HAWLEY to correct these practices. I think she is making a terrible mistake by not enhancing sentences based on the volume because every click of the computer is

destroying a life. We should be deterring the use of the internet when it comes to child pornography. Judge Jackson chooses not to. When it comes to the volume, that should be held against you. The more you abuse children, the more in your possession, the more you distribute, the longer you go to jail.

The reason her numbers are so low is due to that sentencing methodology. I think, if we don't fix this, we are making the problem worse. I think her approach to this issue is absolutely wrong; it loses all deterrence. I will be watching like a hawk future nominees who are in the sentencing business to see if they follow this model.

The model Judge Jackson has created is one wherein the more you do, it doesn't matter. The fact that you use the internet where all the child pornography lies is not held against you, and I believe it should be. Every click, every download means you go to jail longer in the world that I want to create.

The other area of concern is Guantanamo Bay. Remember this? This is 9/11.

Guantanamo Bay has been a place to house enemy combatants captured in the war on terror. Judge Jackson was a public defender, I think, for four or five GTMO detainees, and that is a noble thing. I have no problem with somebody—a public defender anywhere in the country—defending very unpopular people, and people at GTMO deserve representation.

What I found during this representation is that her amicus briefs in the defense of GTMO detainees accused President Bush and his team of being war criminals. That is not defending somebody charged or held as an enemy combatant as being part of the enemy force. That is an accusation against your own government that, I think, buys into the language of the left.

You can vigorously defend anyone captured as an enemy combatant or who is potentially charged with a crime against terrorism. That is a noble thing. Yet, when you use the language that was in her brief—and she said: "Well, I really don't remember that"—I have a hard time believing that you put your name on a brief that calls the President of the United States and his team war criminals. That is not about defending somebody; that is an activist approach to the war on terror.

It goes further. In her legal briefs, she wanted to deny the United States the ability to hold GTMO detainees under the law of war indefinitely. There are about 37 or 38 GTMO detainees still being held who have never been charged. We know, through the intel and the evidence, that they are hardened killers committed to the jihadist cause. Under the law of war, once their habeas petition has been reviewed by the Federal courts—where the courts agree with the government that the person is, in fact, an enemy combatant—under the law of war,

there is no requirement to release him, but Judge Jackson took the position as an advocate that we could not hold them indefinitely, creating a dilemma whereby you have to charge them with a crime or let them go.

I don't consider these people criminals as much as warriors in the cause to destroy our way of life. If you choose to charge them with a crime, fine; but you don't have to make that choice. The reason that there are 30-plus still in detention is we have chosen—Republicans and Democrats—to hold these people off the battlefield. If we had accepted Judge Jackson's legal reasoning, that tool would not have been available to us as a nation, and it would have compromised our ability to defend ourselves.

I think that approach was the most extreme view of representation in this area, and I think it shows a lack of understanding of the war in which we are in. We are not fighting criminals. These are not wayward goat herders. These are people committed to the jihadist cause and would kill us all if they could.

Before I leave GTMO, 31 percent of the people who have been detained since the beginning of the war have gone back to the fight—I will introduce that at the hearing next week—and some of the senior leadership of the current Taliban government were GTMO detainees who have now not only gone back to the fight but have actually gone back to serve in the Taliban government that is reining oppression on the Taliban people.

So, to those who think this is a crime we are fighting, you are wrong. It is a war for the survival of good against evil.

Immigration—in case you haven't noticed, this country is being invaded by illegal immigrants. Right after taking office, President Biden rolled back virtually every policy of President Trump's regarding asylum and deportation. He basically destroyed the regime created by President Trump that gave us the lowest number of illegal crossings in this country in 30 or 40 years at the end of 2020. Now, every week, we are setting new records.

Why?

The policies that existed during the Trump administration worked. They are being reversed by President Biden, and we are being overwhelmed, and the worst is yet to come. If the Biden administration—the CDC—does away with the ability to deport illegal immigrants under title 42 of the public health law, presenting a threat to COVID, then you will see the numbers go up even further. There will be thousands—18,000 to 20,000 people a day—coming across our border from countries with low vaccination rates. So, when it comes to illegal immigration, policy matters.

When Judge Jackson was a district court judge, there was a case brought by Make the Road New York, et al., v. McAleenan, who was the Acting DHS

Secretary under President Trump. The group Make the Road New York was an Arabella activist group. This is kind of a holding company, for lack of a better word—an umbrella group—funded by George Soros and a bunch of other liberal billionaires. This group in that chain, in receiving money from these folks, filed a lawsuit, arguing against the Trump decision to deport, under expedited immigration authority, people who have been here 2 years or less. In changing the Obama policy and actually fully implementing the authority given to the DHS Secretary, they decided to go the full 2 years. Anybody here 2 years and under in the category in question could be deported with expedited procedure—meaning, it was a quick turnaround.

This was the authority given by the Congress to the DHS Director. Obama didn't use that authority fully. Trump decided to do it. Make the Road New York, et al.—a bunch of liberal groups—sued the Trump policy change. Judge Jackson was the judge, and she overruled the Trump decision. The statute in question says that the Secretary has the “sole and unreviewable discretion” to use expedited deportation for people here 2 years or less. The statute could not have been written any clearer.

If you are looking for what an activist judge is all about, this is the case, exhibit A.

The law was written in the most clear terms, saying the decision of the Secretary's is unreviewable and solely in their hands when it comes to using expedited removal procedures for people here 2 years or less. She ruled against the Trump administration. She basically said this was arbitrary and capricious; it reeked of bad faith; and it “[showed] contempt for the authority that the Constitution's Framers have vested in the judicial branch.”

That contempt she is talking about was a congressional act. The congressional act was designed to tell judges that the DHS Secretary has discretion in this area, solely and unreviewable. She found that concept offensive. Instead of following the plain letter of the law, she did legal gymnastics to find against the Trump administration.

When she says the statute “[created] contempt for the authority that the Constitution's Framers have vested in the judicial branch,” what she is saying is, I will be damned if I am going to be limited by a congressional act that tells me I can't do what I want to do.

The plaintiff in that case was from the radical left. She ruled for them in spite of the plain meaning of the statute, and she was overturned by the DC Circuit court.

The court said—and this is a fairly liberal court:

There could hardly be a more definitive expression of Congressional intent to leave the decision about the scope of expedited removal, within statutory bounds, to the Secretary's independent judgment. The “forceful phrase ‘sole and unreviewable discre-

tion’” by its exceptional terms, heralds Congress's judgment to commit the decision exclusively to agency discretion.

She ignored the plain meaning of the statute, the language of the statute, to get a result she wanted, and the DC District Court of Appeals said that there could hardly be a more defended expression of congressional intent.

That is judicial activism on steroids, and it makes managing our immigration problem even worse when you have activist judges who ignore the law and take discretion away, given by Congress to the executive branch, because they don't like the outcome. That is, in fact, the premier definition of judicial activism. I find, in her judging a desire to get an outcome and no matter what she has to do to get that outcome, she will pursue it. This is a case where you couldn't have written a statute more clearly, and she did. She just went around it, got the results she wanted, and got slapped down on appeal.

Now, she is the first African-American female slated to go to the Supreme Court. She, however, is not the first African-American female who had potential to be on the Supreme Court.

Janice Rogers Brown was nominated by President Bush 43 to be on the DC Circuit Court of Appeals—one of the premier appellate courts—like Judge Jackson was nominated to. She is from Alabama. She was the daughter and granddaughter of sharecroppers, growing up in Alabama during the Jim Crow era. She moved to California as a teenager, and she wound up serving on the California Supreme Court. She was a single mother raising children.

In June 2005, she was confirmed to the DC court in a 56-to-43 vote. That was after the Gang of 14 broke a filibuster by my Democratic colleagues against her and others. She was nominated in 2003, and her nomination was stalled for 2 years.

Here is what Senator SCHUMER said:

Judge Brown was the least worthy pick this president has made for the appellate court, and that's based on her record.

Senator DURBIN in 2005:

One of the [President's] most ideological and extreme judicial nominees.

In 2005:

If the President sends us a nominee who, like Janice Rogers Brown, believes that the New Deal was the triumph of a “socialist revolution,” there will be a fight.

Here is what then-Senator Biden said about Janice Rogers Brown. Not only did he filibuster her, he said: “I can assure you that would be a very, very difficult fight, and she probably would be filibustered” if she were nominated to the Supreme Court.

So, to my Democratic colleagues, as you celebrate Judge Jackson's potential ascension to the Court, as those of us on the committee who asked penetrating, relevant questions of Judge Jackson's judicial philosophy, how she sentenced people and why—you know, the liberal media that is completely in the tank on issues like this sat on the

sidelines and watched you, my Democratic colleagues, stop the ascension of an African-American conservative nominee by President Bush. When it came to her potential of being on the Supreme Court, you threatened to filibuster her. You considered her ideology unacceptable and too conservative.

So if you are a conservative nominee of color, a woman, it is OK to use your ideology against you. If you question the ideology and the judging ability of a liberal African-American nominee, you are a racist. Those days are over for me. So I have very little respect for what is going on in modern America when it comes to judging.

Miguel Estrada was nominated by President Bush 43—a highly qualified man, Hispanic—to be on the Court, and he fell victim to the wholesale filibuster of Bush nominees in the 2003 era. He didn't make it through the Gang of 8. Judge Janice Rogers Brown got on the Court—2 years delayed, and when she was being considered to go on the Court, Joe Biden, Senator Joe Biden, said she will be filibustered very, very likely.

So we live in a world where, if you are a person of color, a woman, and you are conservative, everything is fair game. If you are a person of color and liberal, how dare anybody question or use the same standard against you that was used against the other nominees? I don't accept that.

Finally, about the hearing itself, to the liberal media, comparing this hearing to Judge Kavanaugh's is an absolute offense. Nobody on the Republican side held information back, accusing Judge Brown of doing something that was either made up, not credible. Nobody questioned her high school annual. Nobody took a bunch of garbage and made it seem like the nominee had been Bill Cosby in his teenage years. Crazy stuff. Offensive stuff.

What we did ask Judge Jackson is, Why do you sentence the people the way you do? Explain the reasoning in the cases involving child pornography. We went after her judicial philosophy, and it had to be contentious because the judge seldom would answer a question. But to me, if you are going to be nominated to the Supreme Court for a lifetime appointment, you should expect to be asked hard questions. You should not expect to have your life destroyed. And if you don't see a difference between the two hearings, then you are blinded by your desire to get an outcome.

Here is where we are in 2022: The only person qualified to go to the Supreme Court as an African-American woman is a liberal. You can be equally qualified as a conservative, but you need not apply because your ideology disqualifies you. That is not exactly the advancement I was hoping we would have in America in 2022.

So, Judge Jackson, I will vote no.

I find her sentencing methodology to reinforce and take deterrence of the most heinous offenses off the table.

The statements she made during the sentencing hearings showed a tilted sense of compassion. I am sure she doesn't like the behavior and feels sorry for the kids, but every time she had a chance to increase punishment for the volume of material in the hands of the perpetrators, she chose not to do that, and I think she should. Going to the internet, to her, and downloading a bunch of files was too easy to enhance punishment? Well, it is just too easy to destroy lives.

So when it comes to immigration, it is the most egregious case I have ever seen, quite frankly, of a judge ignoring the plain meaning of the law to get a result they wanted. When it comes to the War on Terror, I think the position she wanted our country to take would make us less safe. The language of the left in her briefs of calling Bush a war criminal says more about the politics than it does the merit of the argument.

So now, I know why Judge Jackson was the preferred pick of the radical left. Now, I know why they went after Michelle Childs, somebody I could have supported—even though she had been liberal—a highly qualified, sensible, commonsense person. Now, I know. Now, I understand better. And that is why I am voting no.

To my Democratic colleagues, I will work with you when I can, but this is a bridge too far.

Thank you.

The PRESIDING OFFICER (Mr. BOOKER). The Democratic whip.

Mr. DURBIN. Mr. President, I listened carefully to the presentation by my colleague and friend, Senator GRAHAM of South Carolina. I wanted to come to the floor to make it clear that he didn't tell you the whole story. In fact, in some ways, he didn't even get close.

Who is this judge, Ketanji Brown Jackson? How could she even be considered for the Supreme Court if she is the preferred pick of the radical left? Well, let's take a look at her background: an extraordinary story of a daughter of two public school teachers; the daughter of a father who decided he was going to go to law school, basically stopped working full time. Her mother supported the family. She was a little girl at the time. She remembers it well because there would be law books stacked on the kitchen table. She would come in as a little girl and bring her coloring books to sit next to her daddy while he was studying for law school. He went on to become a lawyer. Family members were policemen. One of her uncles turned out to be the chief of police in Miami. She grew up in a very ambitious, determined, orderly family, and she certainly had respect for her family ties to law enforcement.

She was on the debate team in high school. One of the trips took her from Florida up to the campus of Harvard University. She was dazzled, believed that this just might be the answer to her dreams.

She came back to her high school and sat down with her high school coun-

selor, who said to this young Black woman: Honey, you are shooting too high. I don't want your heart to be broken. Think about other schools. Don't think about that Harvard University school.

Luckily, she ignored that advice, applied, and was accepted.

She told the story before the hearing about being on the campus at Cambridge, not sure that it was the right decision, looking around, seeing a much different world than the one she grew up in, a much different group of people than she was used to socializing with. She must have shown it in her face because as she was walking across the campus one day, an African-American woman saw her, looked at her, and said: Persevere. Persevere.

Just that simple word captured everything for her, and she did. She persevered and completed her education at Harvard and went on to Harvard Law School. She was an outstanding student at the law school, so much so that she became a clerk to the Federal district court. She did such a good job, she was promoted to become a Federal circuit court clerk and then—the ultimate prize for any graduating law student in America—clerk to a Justice of the Supreme Court—Ketanji Brown Jackson—and what an irony that she worked for Justice Stephen Breyer, whose retirement has created the vacancy which she seeks.

Along the way, she staffed the Sentencing Commission. She worked in the Public Defender's Office. She became a Federal district court judge, cleared by this committee, the Judiciary Committee. This was her fourth time before the committee. Each time she appeared, there was bipartisan support, including the Senator who just spoke against her. Then, ultimately, the opportunity of a lifetime to fill a vacancy on the Supreme Court.

For the hearing itself, first, I want to commend my Republican colleague CHUCK GRASSLEY. As chairman of the committee, a Democrat couldn't be any luckier than to have sitting in the chair next to you CHUCK GRASSLEY. He is a gentleman. He is a strong, faithful Republican, but he is a gentleman. We were determined to make this hearing for this judicial nomination to the Supreme Court different than some that had gone before.

I want to commend the Republicans on the committee. There are 11 of them. The majority of those Republicans asked tough, probing questions, as they should. They never got personal. They never raised their voices. They were respectful throughout, the majority of them. I am sorry to say that in a few instances, there were exceptions on that side of the aisle. But I think the hearing, by and large, was a good hearing despite a few differences, which I will note in a minute.

At the end of the day, you could not help but leave that hearing and think you had just seen, you had just witnessed a moment in history—not just

the first African American to aspire to serve on the Supreme Court but also a pillar of strength during her hearing. They threw it at her in every direction.

I can't tell you how many people have come up to me everywhere I have gone since that hearing and said the same thing: How did you sit through that? How could you put up with that?

And I thought, and I said to them: Think about her sitting in front of her husband and her daughters and some of the things that were said about her, things said again this morning on the Senate floor. She came out a pillar of strength, grace and dignity under pressure.

I looked up at that table several times and thought, Judge, if you stood up at this moment and said "Enough. I am taking my family, and we are out of here," I would understand. But she never did. She never wavered. She was solid as a rock, and that is why it is my honor to support her and believe that she is going to make history.

Some of the things they said were outrageous. This case they want to make about her sentencing guidelines when it comes to sex crimes involving children and child pornography—what did she say about it? She said they were horrible and despicable crimes. But she didn't just say it before the committee when she was under assault. Listen to what she said in one of her cases, *United States v. Hillie*, a case involving sexual misconduct toward children. The true nature of these offenses, Judge Ketanji Brown Jackson said, lies in how they affected the children who you tormented for nearly a decade when you lived on and off with their mother. That is a substantial portion of their childhood. These two children carried a burden no child should have to shoulder—the burden of protecting themselves from a man charged with their care but who instead exploited them.

Then she went on to say:

This family has been torn apart—

she said to the defendant—

by your criminal actions. You saw it on the faces of those women. You heard it in their voices. And the impact of your acts on those very real victims who are still struggling to recover to this day makes your crimes among the most serious criminal offenses that this Court has ever sentenced.

Does that sound like she is soft on crime? Does that sound like she didn't remember she is a mother of daughters who cared for the impact those criminals had on the children and the family? Not in any way whatsoever.

You would draw a much different conclusion if you just listened to the arguments being made recently here on the floor, and it would be an unfair conclusion.

The bottom line, as far as I am concerned, is this: What they have left out in the presentation is critical to the very truth of their allegations. Judge Ketanji Brown Jackson is in the mainstream of sentencing when it comes to these cases. Seventy to eighty percent

of Federal judges divert from the guidelines as she has in some cases. And, let me add, her accusers have been voting for Federal judges proposed by President Trump right and left who do exactly the same thing she does.

Mr. President, I ask unanimous consent to have printed in the RECORD a New York Times article of March 25, 2022, entitled “Jackson’s Critics Backed Judges With Like Rulings.”

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

[From the New York Times, Mar. 24, 2022]  
JACKSON’S CRITICS BACKED JUDGES WITH LIKE RULINGS  
(By Linda Qiu)

WASHINGTON.—Several Republican senators repeatedly and misleadingly suggested during this week’s Supreme Court confirmation hearings that Judge Ketanji Brown Jackson had given uncommonly lenient sentences to felons convicted of child sex abuse crimes.

But all of the Republican critics had previously voted to confirm judges who had given out prison terms below prosecutor recommendations, the very bar they accused Judge Jackson of failing to clear.

Just 30 percent of offenders who possessed or shared images of child sex abuse received a sentence within the range suggested by nonbinding federal guidelines in the 2019 fiscal year, and 59 percent received a sentence below the guideline range. And in general, it is not uncommon for judges to impose shorter sentences than what prosecutors have recommended.

“I listed these seven cases in which you had discretion and you did not follow the prosecutor’s recommendation or the sentencing guidelines,” Senator Josh Hawley, Republican of Missouri, said at Judge Jackson’s hearing on Tuesday. “I’m questioning how you used your discretion in these cases.”

Mr. Hawley’s point was echoed by three of his Republican colleagues: Senators Lindsey Graham of South Carolina, Tom Cotton of Arkansas and Ted Cruz of Texas. Mr. Cruz said the sentences imposed by Judge Jackson in cases involving images of child sex abuse were 47.2 percent less than the prosecutor’s recommendations on average.

“You always were under the recommendation of the prosecutor,” Mr. Graham told the judge on Wednesday. “I think you’re doing it wrong, and every judge who does what you’re doing is making it easier for the children to be exploited.”

But Mr. Hawley, Mr. Graham, Mr. Cotton and Mr. Cruz all voted to confirm judges nominated by President Donald J. Trump to appeals courts even though those nominees had given out sentences lighter than prosecutor recommendations in cases involving images of child sex abuse. Mr. Graham had also voted to confirm Judge Jackson to the U.S. Court of Appeals for the District of Columbia Circuit in 2021 in spite of the sentencing decisions she had made as a district judge.

In 2017, Judge Ralph R. Erickson was confirmed by a 95-to-1 vote to the U.S. Court of Appeals for the Eighth Circuit, with Mr. Cotton, Mr. Cruz and Mr. Graham voting in the affirmative. (Mr. Hawley was not yet a senator.) While serving as a district court judge in North Dakota, Judge Erickson imposed sentences shorter than the prosecutor’s recommendations in nine cases involving child sex abuse imagery from 2009 to 2017, averaging 19 percent lower.

In the case with the greatest discrepancy—in which a 68-year-old man pleaded guilty to

possessing and transporting such illicit materials—prosecutors asked for 151 months and Judge Erickson imposed a 96-month sentence.

Judge Amy J. St. Eve was confirmed by a 91-to-0 vote in 2018 to the U.S. Court of Appeals for the Seventh Circuit. While serving as a district court judge in Illinois, Judge St. Eve imposed lighter sentences than prosecutor recommendations in two such cases. In *United States v. Conrad*, she sentenced a man who transported images of child sexual abuse to 198 months, 45 percent less than the prosecutor’s recommendation of 360 months.

All four Republican senators voted to confirm Judge Joseph F. Bianco to the U.S. Court of Appeals for the Second Circuit in 2019. Previously, as a district court judge in New York, Judge Bianco sentenced three defendants to prison terms shorter than what prosecutors had sought.

At a 2013 hearing for a 25-year-old defendant who possessed and distributed illicit materials, Judge Bianco stated that the court had “discretion” to impose such sentences and spoke of “mitigating circumstances”—an echo of what Judge Jackson repeatedly told the senators during this week’s hearings. The defendant received a 60-month prison term, while prosecutors had asked for “a sentence above the 60 months.”

“The guidelines here are just way disproportionate under the facts of this case, and I don’t view them as particularly helpful in this case,” Judge Bianco said at the time. “I disagree with the government that this case is sort of in the heartland of normal cases. There are a number of mitigating factors in this case that I believe are compelling.”

Most recently, Mr. Cotton, Mr. Cruz and Mr. Hawley voted to confirm Judge Andrew L. Brasher to the U.S. Court of Appeals for the 11th Circuit in 2020. (Mr. Graham was not present for the vote.) As a district court judge in Alabama, Judge Brasher had sentenced a defendant to 84 months in prison, below the prosecutor recommendation of 170 months.

In a 2019 hearing before he issued the sentence, Judge Brasher noted that “one of the things that I’m required by law to evaluate and consider with respect to” the defendant “is disparities between offenders who are similarly situated.”

That, too, was similar to an explanation that Judge Jackson gave for her sentencing decisions.

“Judges all over the country are grappling with how to apply this guideline under these circumstances,” she told Mr. Hawley on Wednesday. “The judge is not just evaluating what the government says in these cases. In every criminal case, a judge has to take into account all sorts of factors.”

Mr. DURBIN. It tells a story, and the story is very clear. We have a situation in this country where we have not upgraded the child pornography and sexual misconduct statutes in years. Across the board, 70 to 80 percent of sentences by Federal judges take the same position as Judge Ketanji Brown Jackson. These so-called deviations from the guidelines have become commonplace. As I said, the overwhelming majority of Federal judges are doing this.

Well, is there a problem? There is. But the problem is that we have not upgraded the statute. We bear responsibility for this. The decision was made before the Supreme Court that these guidelines would not be mandatory. It was a decision joined by Antonin

Scalia—the originalist, the conservative. It put the burden back on Congress, and we have not picked up that responsibility.

So you say to yourself: Well, if she were so soft on crime, it surely would have shown up in other places. Well, let me tell you what happened. The American Bar Association did a review of her career as a prosecutor, as a defender, on the bench. They interviewed 250 individuals—judges, prosecutors, defense lawyers, other counsel who worked with her.

And I asked, pointblank, Judge Ann Williams, who led this investigation by the ABA: Did you hear from anyone who said she was soft on crime; that she somehow was not in the norm when it came to sentencing?

None. Not one. Two hundred fifty people interviewed, and not one came up with it.

All we have heard against her has come out of the mouths of three or four people on the committee, and that is it because there is no record for it.

Well, how did the American Bar Association grade her when it was all said and done? Unanimously “well qualified.” Unanimously “well qualified.” It doesn’t sound like the same person just described, does it, because it isn’t. What you have heard on the floor here is a mischaracterization of her record, and I am sorry to say it is unfair. And I wish it hadn’t been part of the record today.

What about Guantanamo? Well, I have some serious differences with the Senator from South Carolina about Guantanamo. Hundreds of detainees have been sent to Guantanamo since the War on Terror began. Many of them should have been there, but hundreds and hundreds of them have been released by Presidents, Republican and Democratic. We are now down to 39 detainees. We are spending over \$10 million for each one of them each year at Guantanamo Bay.

And when it comes to the resolution of who was responsible for 9/11, the families have come and testified before us. They have waited over 20 years, and they still don’t have an answer. They understand that the approach at Guantanamo Bay is not leading to justice, and it is not answering the basic factual questions.

So what is her situation? Why would she dare to call the Republican President of the United States a war criminal? What was she thinking? Well, it sounds like a terrible charge until you read the facts.

The facts were she presented a brief, and the brief referred to a body of law known as the Alien Tort Statute. And the person she was representing in this brief was arguing that he was tortured and mistreated at Guantanamo Bay. So he filed a claim under the Alien Tort Statute. When you do that, you sue the President of the United States and the Secretary of Defense. They were the named defendants. That included President Bush.

What the Senator from South Carolina failed to disclose was that, as that case was winding its way through, the administration changed, and if there was an allegation of a war crime against President Bush, it was the same allegation that was made when the administration changed and the name of the defendant changed to Barack Obama.

To argue that this was a personal charge against the President of the United States as a war criminal is a gross exaggeration and unfair on its face. The named defendants were required under the Alien Tort Statute for the allegations that were made. That wasn't her decision; that was the decision of Congress to write the specifics of the Alien Tort Statute.

The third point I want to make is immigration. Yes, we have challenges in immigration. I think we all know it. But to blame her and say that she is somehow responsible for the invasion—you saw the crowd of people coming across the border—is really unfair.

What happened was there was a lawsuit filed challenging a Trump decision on policy, and she was asked to rule on it. And she ruled in one direction. The appeal was taken, and she was reversed at the circuit court.

Now, according to the Senator who just made the presentation, evidence she is in the pocket of the radical left when it comes to immigration, evidence that George Soros somehow is controlling her decisions, is preposterous. The fact of the matter is, if you look at almost 600 decisions handed down by Judge Ketanji Brown Jackson, you will find a small, small percentage that were actually reversed.

And if you are looking for a second case to build the theory that she is on the radical left, I don't even think you found the first one. She has a balanced approach. She has ruled for and against Democratic and Republican Presidents. She has shown the kind of balance we expect on the Supreme Court.

I would say this notion that somehow Joe Biden has chosen someone who is radical is a shame. She is not. She is as solid as they come, and her testimony and her appearance before the committee proved that over and over again.

I also want to say I have nothing against the South Carolina judge who was in the finals but wasn't chosen by the President. In fact, President Biden has asked that she be promoted from the Federal district court to the Federal circuit court, and I would like to get that done as quickly as we can. I think Judge Childs is well deserving of that opportunity. She certainly is a good jurist.

But the choice by President Biden was clear, and it was the right choice. These charges that somehow she is soft on crime because she is an African-American woman and she was a public defender belie the actually record of this woman.

We should all be judged on our records. This notion that we are asked

to identify ourselves by labels—we know that story, the 100 of us who sit on this side of the Capitol in the Senate Chamber. We are attached to labels which we embrace and some we don't embrace, but most people who are fair will say: I am not going to judge you by your label; I am going to judge you by your record.

If you judge Ketanji Brown Jackson by her record—written opinions, the fact that this was the fourth time she appeared before the Judiciary Committee and had been approved the three previous times, serving on the Sentencing Commission and so many other things—you know that it is an outstanding and stellar record, but you know it almost has to be. If you want to be the first, you have to be the best. She is the best.

Despite some of the things that have been thrown at her today and in other places, the American people came out of that hearing and felt better and stronger about her nomination than before the hearing began. It is evidence of the strengths that she brings to this nomination and the value that she will bring to the Supreme Court.

I yield the floor.

**THE PRESIDING OFFICER.** The Republican whip.

**MR. THUNE.** Mr. President, I ask unanimous consent that I be permitted to speak for up to 10 minutes, Senator MURPHY for up to 12 minutes, and Senator GRASSLEY for up to 10 minutes prior to the scheduled vote.

**THE PRESIDING OFFICER.** Without objection, it is so ordered.

#### 2023 FARM BILL

**MR. THUNE.** Mr. President, it has now been more than 3 years since the 2018 farm bill, and it is time to start thinking about the next one. The House Agriculture Committee has already begun holding hearings on the 2023 farm bill, and I am hoping that the Senate Agriculture Committee will begin holding hearings soon as well.

Agriculture is the lifeblood of our economy in South Dakota, and advocating for farmers and ranchers is one of my top priorities here in the Senate. I am fortunate enough to be a longtime member of the Senate Agriculture Committee, which gives me an important platform from which to address the needs of South Dakota ag producers.

During my time in Congress, I have worked on four farm bills, and I am particularly proud of the nearly 20 measures I was able to get included in the 2018 farm bill. Among other things, I authored provisions to improve the Agriculture Risk Coverage Program, improve the accuracy of the U.S. Drought Monitor, and include soil health as a research priority at the U.S. Department of Agriculture.

I was also able to secure a number of improvements of the Conservation Reserve Program, including a provision to increase the CRP acreage cap, increased flexibility for acres enrolled in CRP, and cost sharing for fencing and

water distribution practices on CRP-enrolled acres.

I also secured approval for a new, short-term alternative to CRP—the Soil Health and Income Protection Program—to provide an option for farmers who don't want to take their land out of production for the 10 to 15 years required under the Conservation Reserve Program.

And I was able to secure important provisions to increase the approval rate of Livestock Indemnity Program applications for death losses due to weather-related diseases.

I would never have been able to get all this done without the input of South Dakota farmers and ranchers. These provisions were a direct result of extensive conversations with South Dakota ag producers that provided insight into the challenges that they were facing and what improvements could be made to make things easier in this demanding way of life.

As I look to the 2023 farm bill, I will once again be relying on South Dakota farmers and ranchers to lend their firsthand knowledge to this effort. In fact, last Friday, I held the first of a series of roundtables I am planning to hold to hear from South Dakota agricultural producers. Friday's roundtable focused on the commodity and crop insurance titles of the farm bill, and I was grateful to be able to hear from representatives of the South Dakota Farm Bureau; South Dakota corn, soybean, and wheat producers; as well as crop insurance industry representatives.

I will be holding additional roundtables to cover other farm bill priorities, including livestock, conservation, and forestry issues. And, of course, I will continue to rely on the many informal conversations I have with South Dakota ag producers as I travel around the State.

There is nothing worse than having "experts" in Washington come in and dictate to the real-world experts: the farmers and ranchers who spend every day producing the food that feeds our Nation. And my goal is always to make sure that any farm legislation is directly informed by farmers and ranchers in South Dakota and around the country. I already have a list of issues that I am looking to see addressed in the next farm bill, and I plan to refine that list over the coming months in my conversations with South Dakota ag producers.

One thing that emerged clearly from Friday's roundtable is the importance of the farm safety net and the critical role of crop insurance and commodity programs. Agriculture Risk Coverage and Price Loss Coverage payments, which help offset losses when prices for agricultural products drop, are not always proving sufficient, particularly with our current high inflation, which has sent the price of inputs like fertilizer soaring.

As I mentioned earlier, I was able to secure improvements to the Agriculture Risk Coverage Program in the

2018 farm bill, and I plan to seek further commodity title program improvements in the 2023 farm bill.

I also want to secure further improvements to the Conservation Reserve Program. From my conversations with South Dakota ag producers, it is clear that we need to make changes to ensure that CRP continues to be an effective option for producers and landowners. In fact, last week, I introduced the Conservation Reserve Program Improvement Act, which I will work to get included in the 2023 farm bill.

Among other things, my legislation would make CRP grazing a more attractive option by providing cost-share payments for all CRP practices for the establishment of grazing infrastructure, including fencing and water distribution. And it would increase the annual payment limit for CRP, which hasn't been changed since 1985, to help account for inflation and the increase that we have seen in land values. This would expand the enrollment options available to landowners to ensure the program effectively serves farmers and ranchers, as well as conservation goals.

The Conservation Program Improvement Act is the first of multiple bills I plan to introduce in the runup to the 2023 farm bill to address the concerns of farmers and ranchers.

The one issue I have been working on extensively over the past year is the challenges facing livestock producers, particularly cattle producers. I will work to make sure the farm bill will provide resources to help them face these challenges.

The life of a farmer and rancher is a challenging one. The work often starts long before the Sun rises and concludes long after the Sun has set. The labor can be backbreaking, not to mention the deep uncertainty that goes along with this existence. There are few other industries so subject to the whims of the weather, which can wipe out an entire crop or herd in a very short period of time.

I am profoundly grateful for all those who have chosen and continued this way of life, often for generations. The food we eat every day depends upon their work, and our country would not long survive without them. I am proud to have the honor of representing South Dakota's farmers and ranchers here in the Senate, and I will continue to work every day to ensure that their needs are addressed. I look forward to ensuring that the 2023 farm bill reflects the priorities of South Dakota farmers and ranchers and farmers and ranchers around our great country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

TRAFFICKING VICTIMS PROTECTION  
REAUTHORIZATION ACT

Mr. GRASSLEY. Today, I come to the Senate floor to discuss the Trafficking Victims Protection Reauthorization Act. This has been introduced in the House and now introduced in the Senate by this Senator and by my colleague and friend, Senator FEINSTEIN.

This bill is a product of bipartisan work and much collaboration. I also want to thank Senators CORNYN and KLOBUCHAR, who are true leaders in this area and also introduced their trafficking legislation this week. I look forward to continuing to work with those two Senators, as well, on this issue.

Many Americans tend to view human slavery as a thing of the past. We read about it in our history books and collectively cringe at the concept of such injustice. Unfortunately, however, the reality is that human slavery is alive and well, even today, in the form of sex and labor trafficking. According to the State Department's annual Trafficking in Persons Report, human trafficking is a \$150 billion business worldwide. Through deception, through threats, through violence, the perpetrators of these crimes will do whatever—whatever—it takes to turn a profit at their victims' expense.

With the introduction of this bill, we are acting as a voice for those human trafficking victims in the United States who cannot speak for themselves. To combat this crime within our borders, we have addressed the scourge on multiple fronts. The bill we have championed would extend several key victims' services programs that were established under the Trafficking Victims Protection Act. It would promote screening of human trafficking victims, enhance training for Federal investigators, and start a pilot program for young people at high risk of being trafficked.

Our bill also includes the Survivor's Bill of Rights, a bill I developed with survivors and an advocate named Amanda Nguyen, which encourages States to ensure that survivors have, at minimum, the rights guaranteed to survivors under Federal law.

Fighting for victims has been one of my top priorities as chairman and now ranking member of Senate Judiciary. I consider it a privilege to shape the law to ensure that trafficking victims receive necessary services. I also take pride in helping law enforcement and prosecutors hold the perpetrators accountable for these selfish acts.

Lastly, this bill has the support of the National District Attorneys Association, Rights4Girls, Shared Hope International, Covenant House, the National Center for Missing and Exploited Children, the Rape, Abuse & Incest National Network, and the National Center on Sexual Exploitation. I am grateful for all of these groups and the important work that they do.

This bipartisan bill is a strong start, and, of course, the work doesn't stop with a single piece of legislation. I look forward to marking this bill up in the Judiciary Committee and getting it signed into law.

PRESCRIPTION DRUG COSTS

Mr. President, on another relatively short matter, as well, something I come to the floor frequently to speak about and something I waited through-

out last year to see if the Democrats' approach to prescription drugs was going to become law—and it doesn't look to me like that route is going to be successful.

So I continually bring up another piece of legislation that I am working on with Senator WYDEN. It is a bill that says very clearly that this Senator—and I think I speak for many, many Senators—that we want lower prescription drugs now. I said that in the Finance Committee hearing 2 weeks ago, and I say it again: I want lower prescription drugs now.

What are we waiting for? We have a bipartisan prescription drug package called Wyden-Grassley that will save seniors \$72 billion and the taxpayers \$95 billion.

Senator WYDEN said during the Finance Committee's most recent drug pricing hearing that "there is no question that the committee came" forward—I am going to start this quote over again:

There is no question that the committee came together in the last Congress and came up with a number of constructive bipartisan reforms. Period. Full stop.

Why aren't we then advancing this bipartisan bill? What is the majority waiting for?

One of my colleagues on the other side tweeted this:

POTUS has the authority to lower drug prices all on his own—he should use it.

The Congressional Progressive Caucus is calling for this same thing, as well.

And then in the Washington Post, I read this headline:

Advocates seek other pathways to lower drug prices.

Far-left groups are pushing President Biden to bypass Congress and exert executive authority. Is that some sort of statement that we are giving up on the legislative path? Why would we, in Congress, not move ahead? It is not like all options for legislation have been exhausted.

The majority has spent 15 months attempting to pass their partisan prescription drug bill. It has gone nowhere. It doesn't have 60 votes. But that is not the only option. Has the Democratic majority given up on lowering prescription drug prices and is counting on doing it only by Executive order? Are they saying they have to do it in a way where only Democrats get credit or not do anything at all? Do Democrats really want to help seniors or would they rather have a campaign issue?

The longer we wait, patients and taxpayers are going to continue to pay those high prices, and for some families, that is a suffering position to be in.

Let's work to advance a bipartisan prescription drug bill that can pass with 60-plus votes. We can do it today. It is already negotiated and ready to go. I will work with anyone who wants to pass the bipartisan Wyden-Grassley bill. Just give me a call.

I said something about last year, that you had to sit around and wait for the Democrats to get something done on a totally partisan basis. I don't say that they didn't work hard to get a bill passed that would have reduced prescription drug prices.

But I just didn't sit around all of 2021. In the past 15 months, I want to give you some of the things that I have been doing to try to sell a bipartisan bill. I spoke with President Biden's White House staff—although I did have a short conversation with President Biden himself. I met with Speaker PELOSI. I met with Leader McCARTHY. I had a phone call with HHS Secretary Becerra. I met with the 10 Democrats who were wise to this issue that you can't pass a bipartisan prescription drug bill.

These 10 House Democrats wrote to the Speaker, way last summer, wanting a bipartisan prescription drug pricing bill. I met with not all 10 of them, but I will bet I met with at least 5 of them, and they were receptive to doing what I am doing. It doesn't mean they were receptive to doing it exactly the way I wanted to do it, but they were receptive to working in a bipartisan way.

Then I met with the Republican and Democrat group that is called the Problem Solvers Caucus Healthcare Working Group.

PETER WELCH, a Democrat from Vermont, has been on top of this issue for years and years. I had breakfast with him.

I met with Congresswoman McMORRIS RODGERS because she is the top Republican in the House dealing with this issue.

I met with Senators SINEMA and CAPPER and other rank-and-file Members of Congress.

While Democrats talk about lowering drug costs, they haven't made any progress. The only bipartisan progress that has been made on drug pricing has been under Republican leadership. If Republicans take control of the Senate next Congress, Republicans will be lowering prescription drug prices. We shouldn't have to wait another 8, 9 months. And who knows who will control the next Congress in the first place. We don't have to wait a whole year. Let's lower prescription drug prices today.

I yield the floor.

TRAFFICKING VICTIMS PROTECTION  
REAUTHORIZATION ACT

Mrs. FEINSTEIN. Mr. President, I am pleased to join Senator GRASSLEY in introducing the Trafficking Victims Prevention and Protection Reauthorization Act of 2022.

Human trafficking and modern slavery are abhorrent crimes that are a scourge on our country and the world. In 2022, there are an estimated 40 million victims of human trafficking and modern slavery worldwide. These crimes generate approximately \$150,000,000,000 of revenue annually.

Perpetrators of human trafficking prey on vulnerable and marginalized

communities, which disproportionately impacts women and girls, migrants, people of color, and LGBT individuals.

According to Polaris—the anti-human trafficking organization that runs the National Human Trafficking Hotline—in 2021, the hotline was contacted directly over 13,000 times by victims and survivors of human trafficking in the United States. In the last 2 years, since the beginning of the COVID-19 pandemic, the hotline has had a 60 percent increase in total contacts.

There is also evidence that labor trafficking in the agricultural industry may have increased during the pandemic. In June 2021, Polaris released a report finding that, “[a]mong reported labor trafficking victims, there was more than a 70 percent increase in those who held H-2-A visas.”

This is unconscionable, and more must be done to combat human trafficking. That is why Senator GRASSLEY and I have introduced the Trafficking Victims Prevention and Protection Reauthorization Act of 2022.

This bill builds on the pillars of anti-human trafficking policy—prevention, protection, prosecution, and partnership—in order to protect victims and rid the world of this heinous crime.

This bill aims to prevent human trafficking by requiring enhanced anti-human trafficking education and training for all Federal departments and agencies.

It would also require all Federal contractors to certify that they do not engage in the trafficking of persons and that no human trafficking occurred in that contractor's supply chain. The bill also encourages large private corporations to make the same types of certifications.

I am particularly proud of how this bill advances the goal of protecting victims and survivors of human trafficking. This bill not only reauthorizes existing grant programs, but it also creates a new grant for education and employment training for survivors of human trafficking.

The bill establishes a pilot program that provides services—such as education and employment programs, housing, and substance use disorder treatment—for youth who face a heightened risk of trafficking.

And to continue learning how to best support victims and survivors of trafficking, the bill calls for a study on the accessibility of mental health and substance use disorder services for survivors.

This bill also enhances the Federal Government's ability to prosecute human traffickers.

Importantly, it bars government officials investigating human trafficking cases from engaging in sexual contact with victims during the course of the investigation. And it further provides protection from retaliation and intimidation and creates a new penalty for obstructing human trafficking investigations.

Finally, the bill will facilitate partnerships by creating a new grant program that encourages collaboration between State child welfare and juvenile justice agencies. This is important because youth involved in the juvenile justice and child welfare system face a heightened risk of human trafficking.

Additionally, the bill promotes coordination at the Federal level by encouraging enhanced communication and data sharing between State and Federal agencies and across the branches of government.

This bill will strengthen our government's response to human trafficking as well as the services that we provide to victims and survivors.

I am hopeful that we will be able to pass this bipartisan bill this Congress. I urge my colleagues to support the passage of this important, comprehensive legislation to protect trafficking victims.

The PRESIDING OFFICER. The Senator from Connecticut.

U.S. SUPREME COURT

Mr. MURPHY. Mr. President, the process of confirming a Supreme Court Justice is supposed to be lengthy, thoughtful, rigorous. I am grateful to the Presiding Officer and Chairman DURBIN for doing it right with Judge Brown Jackson.

Judge Jackson has answered hours of questions about her judicial philosophy, why she made certain decisions, why she represented certain clients, how her background has shaped her world view. Nearly every detail of her professional and personal life has been and will continue to be interrogated publicly as she goes through the final stages of this process.

But a strange thing is going to happen when Judge Jackson finally takes her seat on the Supreme Court. She will, after all of this review and scrutiny, become effectively immune from ethics standards.

Why is that? Because every Federal judge—circuit judges, district judges, court of international trade judges, court of Federal claims judges, bankruptcy judges, magistrate judges—every Federal judge is bound by a code of ethics in order to safeguard the judiciary's neutrality and transparency—all Federal judges, except for nine: the Supreme Court.

It is not because the Supreme Court is so highly regarded by the American people. In fact, the opposite is true.

Trust in the institution's reputation is in rapid decline right now. According to a recent C-SPAN poll, only 30 percent—about 37 percent, actually—of likely voters believe that the Supreme Court acts in a “serious and constitutionally sound manner.”

In a democracy that prides itself on a fair and independent judiciary, that is unacceptable. It is worrying, but it is not surprising. Recent revelations surrounding Justice Thomas and his wife's involvement in the events of January 6 have finally brought attention that

those standards we try to uphold during the confirmation process quickly disappear upon confirmation.

Now, this isn't some new phenomenon. We have seen Justices—both liberal and conservative—promote political fundraisers, speak at partisan events, fail to recuse themselves from cases with pretty clear conflicts of interest. And if the past is prologue—the recent incident that has gained a lot of attention regarding Justice Thomas's family—it won't be the last.

Now, I first introduced a bill that would require the Supreme Court to adopt a code of ethics 10 years ago. And I have reintroduced a version of that bill in every Congress since.

The majority of Americans agrees with me: There is absolutely no reason why the Supreme Court shouldn't be subject to a code of conduct just like every other Federal judge.

But the Court disagrees. John Roberts said in 2011 when he was asked about this:

The Court has no reason to adopt a code of conduct as its definitive source of ethical guidance.

Well, it has a reason now. And to be clear, I am not talking about a code of conduct that is written by Congress. Instead, my legislation would require the Judicial Conference to create a binding code of conduct that applies to all Federal judges and Justices, including those on the Supreme Court.

It is a simple step that would improve transparency, enforce accountability, and restore some lost faith in the institution. And, frankly, because of that diminishing faith, it is in the Court's interest to do everything possible to try to help rebuild public confidence.

During Justice Kavanaugh's confirmation process, Justice Kagan put it best. She said:

The Court's strength as an institution of American governance depends on people believing [it has] a certain kind of legitimacy, on people believing it is not simply an extension of politics, that its decision-making has a kind of integrity to it.

If people don't believe that, they have no reason to accept what the Court does. Justice Kagan said it well.

And right now, that belief is teetering dangerously close to the edge. The spouse of a Supreme Court Justice was involved in an effort to organize a coup and overthrow of a democratically elected President of the United States. That is extraordinary. That is not normal. It should not be treated as just another flavor of legitimate political action, and the fact that there is no clear binding code of conduct that addresses this kind of behavior and no clear standards of recusal for Supreme Court Justices that the American people can see and trust is just unacceptable.

I think that my Democratic and Republican colleagues can agree on this, the American people deserve to know that our Supreme Court Justices are being held to the highest standards

whether they be Justices appointed by Democratic Presidents or Justices appointed by Republican Presidents. It is not enough for us to just trust the Court any longer to self-enforce a secret internal code of ethics.

The highest Court in the land cannot be exempt from the standards that we hold every other Federal judge to. I am glad that this piece of legislation has gained additional cosponsors just over the course of the last week. I hope that it eventually becomes a bipartisan piece of legislation, and I would urge my colleagues to join me in holding the Court to account.

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. President, finally, I know votes are pending, but I am also coming to the floor to request, as I will in a moment, unanimous consent for the nomination and approval of Javier Ramirez to be Director of the Federal Mediation and Conciliation Service.

I would guess that not a lot of my colleagues know much about the Federal Mediation and Conciliation Service, and that is because we normally don't have to have a debate over the confirmation of its Director on the floor of the U.S. Senate.

The Agency is an independent one that has been in place since 1947. Its mission is to preserve and promote labor management peace and cooperation by providing mediation and conflict resolution services to industry, government agencies, and communities. The FMCS has 10 regional offices, more than 60 field offices. Its headquarters are here in Washington, DC.

It does the basic blocking and tackling of keeping our economy running. It is charged with trying to avoid conflict between labor and management so that we don't have strikes, so that we don't have work stoppages, so that our economy runs as smoothly as possible. It is a pretty noncontroversial Agency, and the individual who has been selected to run it is equally noncontroversial. He is a career public servant.

Javier Ramirez began at the FMCS in 2005. He is currently the director of Agency initiatives there. To me, this would be a no-brainer, that we could come together and decide as a body that we are going to make sure that we have someone running an Agency that is pretty vital to the smooth flow of our economy and the mediation of disputes between labor and management.

And so I would ask unanimous consent that the Senate proceed to executive session to consider the following nomination: Calendar No. 665, Javier Ramirez, of Illinois, to be Federal Mediation and Conciliation Director; that the Senate vote on the nomination without intervening action or debate; that the motion to reconsider be considered made and laid upon the table; that any statements related to the nomination be printed in the RECORD; and that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER (Mr. SCHATZ). Is there objection?

The Senator from Indiana.

Mr. BRAUN. Reserving the right to object.

Mr. President, Senator MURPHY indicates there should be no discussion, really, because this is such a slam dunk. I am coming up to talk about it.

We do not do regular order. Our job is to be there for advice and consent on any nominee. We have tried to shortcut the process, not only on nominations, but even things as important as our budgets. We don't do anything anymore with discussion that gets out maybe the rest of the story.

I believe that on any of these, rather than proceeding to the floor, you ought to at least have a discussion in committee. That didn't happen. There was a vote, but not a discussion.

And when you look at this non-controversial nominee, I think there are at least some things to think about. Harry Katz, a professor at the Cornell University School of Industrial and Labor Relations, said Mr. Ramirez could be open to expanding the range of disputes that the Agency will consider.

So kind of hinting at some political enterprise that you would be doing more than just interpreting. He is not alone. Wilma Liebman, a former NLRB chair under President Obama, has told media that Mr. Ramirez should be "open to creative expansion of what the mediators do."

We need public servants who are going to strictly interpret the law, and this looks like if we don't at least have a recorded vote, it could slip through when it is not maybe as uncontroversial as Senator MURPHY might indicate.

I have reservations about the nominee, mostly about the process, very indicative of the way that things work here in general, not only for nominations, but critical policy. I think that has got to change.

Therefore, I do object.

The PRESIDING OFFICER. Objection is heard.

Mr. MURPHY. I know colleagues are eager to get this vote going, but 20 seconds in response.

This place is grinding to a halt. And it is absolutely extraordinary the number of noncontroversial nominees who are now required to move through full votes, cloture motions on the floor. U.S. Attorneys who never, ever had to come before this floor for votes and debate now do.

This is an exercise in fundamentally breaking the Senate. This place only works with UC. We cannot run every single nominee through regular order or we would be here 24 hours a day, 7 days a week.

I am grateful for my colleague's comments. I hope that we will be able to confirm Mr. Ramirez. But this is the kind of work that the Senate used to be able to do through UC, and it is unfortunate that we continue to have this breakdown in process.

I yield the floor.

---

EXECUTIVE SESSION

---

EXECUTIVE CALENDAR

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

The bill clerk read the nomination of Sarah Elisabeth Geraghty, of Georgia, to be United States District Judge for the Northern District of Georgia.

VOTE ON GERAGHTY NOMINATION

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

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 52, nays 48, as follows:

[Rollcall Vote No. 124 Ex.]

YEAS—52

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

NAYS—48

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

The nomination was confirmed.

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

---

EXECUTIVE CALENDAR

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

The bill clerk read the nomination of Georgette Castner, of New Jersey, to be United States District Judge for the District of New Jersey.

VOTE ON CASTNER NOMINATION

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

Mr. MURPHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from North Carolina (Mr. BURR).

The result was announced—yeas 52, nays 47, as follows:

[Rollcall Vote No. 125 Ex.]

YEAS—52

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

NAYS—47

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

NOT VOTING—1

Burr

The nomination was confirmed.

(Mr. KING assumed the Chair.)

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

---

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

The majority leader.

ORDER OF BUSINESS

Mr. SCHUMER. Mr. President, I have an update on today's floor schedule. At 1:45, the Senate was scheduled to hold a procedural vote related to a shell legislative vehicle we could use to pass COVID response funding. Our Republican colleagues have requested that we do not hold a cloture vote on the mo-

tion to proceed at the present as we are getting close to a final agreement that would garner bipartisan support.

We are working diligently to finalize language, scoring, and a final agreement on what should be funded in the final COVID package, both domestic and international. As a sign of good faith and to encourage us to come to a final agreement, I will reschedule today's procedural vote to a later time.

H.R. 4373

Mr. President, now, when it comes to replenishing COVID response funding, we simply cannot afford to kick the can down the road. We need more money right away so we have enough vaccines and testing and lifesaving therapeutics.

We want our communities to go back to normal and stay normal.

If a new virus comes—if a new variant comes, and we are not prepared, we could lose that ability to go back to normality, for our schools to stay open, for events to occur, for people to gather. We don't want to do that.

Well, the best way to avoid that from happening if, God forbid, a new variant comes—and it is likely that it will—is to have us prepared, and this COVID legislation has us prepared by having an adequate supply of these new, almost miraculous therapeutics that can greatly reduce the severity of any illness and that can be given right after testing.

We need tests, and we need to make sure that the vaccines we have are ready and updated. We can't wait. We can't wait until COVID is upon us to do this.

The prospect of not being prepared is scary, and Americans should all—Democrats, Republicans—be able to unite in making sure we are prepared. We need to get COVID funding done for the country before the end of the work period. It is very much needed, and so we are going to keep talking with the Republicans so we can hopefully agree to a robust package that keeps our country prepared.

UNANIMOUS CONSENT AGREEMENT—H.R. 4373

Mr. President, I ask unanimous consent that the cloture motion with respect to the motion to proceed to Calendar No. 310, H.R. 4373, ripen at a time to be determined by the majority leader in consultation with the Republican leader.

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

---

SAVE THE LIBERTY THEATRE ACT OF 2021

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 309, H.R. 3197.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3197) to direct the Secretary of the Interior to convey to the City of Eunice, Louisiana, certain Federal land in Louisiana, and for other purposes.