United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 117th CONGRESS, SECOND SESSION

Vol. 168 WASHINGTON, WEDNESDAY, APRIL 6, 2022 *No. 61*

Senate

The Senate met at 10 a.m. and was called to order by the Honorable BEN RAY LUJÁN, a Senator from the State of New Mexico.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, listen to our cries for help. Guide our lawmakers, empowering them to act with integrity. Lord, give them wisdom to test their motives as they become more aware of Your mercy. Keep them from drowning in shallow water. Inspire them to resolve to cultivate an unwavering trust in the unfolding of Your prevailing providence.

Lord, we thank You that Your mercies are new each day. Great is Your faithfulness.

And, Lord, we continue to pray for Ukraine.

We pray in Your merciful Name. 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, April 6, 2022.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BEN RAY LUJÁN, a Senator from the State of New Mexico, to perform the duties of the Chair.

PATRICK J. LEAHY,
President pro tempore.

Mr. LUJÁN 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.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session and resume consideration of the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Ketanji Brown Jackson, of the District of Columbia, to be an Associate Justice of the Supreme Court of the United States.

RECOGNITION OF THE MINORITY LEADER

The Republican leader is recognized.

NOMINATION OF KETANJI BROWN JACKSON

Mr. MCCONNELL. Mr. President, yesterday, I explained how Democrats created the current norms around judicial appointments.

These days, the Senate takes an assertive role. In particular, most Senators do not merely check resumes and basic legal qualifications but also look into judicial philosophy.

This is a discussion Republicans welcomed because judicial philosophy is not a routine policy disagreement, like debates over spending or tax rates or energy. These are the sorts of normal policy differences that our system of government is built to handle.

But if judges misunderstand the judicial role, that damages the system itself.

Our genius Founding Fathers set up three branches of government. Two of them get to make policy. Congress writes and passes laws, Presidents sign or veto them, and they are both accountable through frequent elections.

The third branch responsibilities are completely and totally different. The courts exist not to rewrite laws but to apply them as written; to protect every American's right to the consistent, impartial rule of law. So the judiciary is insulated and independent.

Republicans want to uphold the separation of powers the Framers left us. We want judges to honor their limited role in our Republic, stick to the text, rule impartially, and leave policymaking to policymakers. And then we want those judges to have total freedom from political threats and bullying.

The political left has long held exactly the opposite. They believe the Framers got the judicial role wrong. They want the Supreme Court to be another forum where progressives can pursue policy outcomes and social changes.

When liberals fail to convince 218 House Members and 60 Senators of a position, they want to cross the street and try to persuade five lawyers instead. They want judges going beyond the text, roaming through policy questions and moral judgements.

So this is a huge difference. It has consequences for American families on issues from crime to border security, to religious liberty, and to the health of our institutions.

So the key question for the Senate is this: Where does Judge Jackson come down? Where does her record land along this spectrum?

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

Well, before the nominee was announced, President Biden gave a troubling hint. He said whomever he nominated to the Court would have to ''have an expansive view of the Constitution,'' acknowledge rights that our founding documents leave unsaid, and guarantee specific outcomes in certain categories of cases. The President promised he would only nominate a judicial activist for the job.

So I could only support Judge Jackson if her record and testimony suggested President Biden actually made a mistake; that he had accidentally chosen a nominee who was not the kind of liberal activist that he promised.

But, unfortunately, Judge Jackson's record and testimony suggests she is exactly the kind of liberal activist that the President promised. In case after case, when statutory text, standards, or guidelines pointed in one direction, Judge Jackson set them aside and charted a course for a different outcome.

As a district court judge, the nominee heard the case of a liberal activist group challenging the Federal Government's authority to deport illegal immigrants. The statute in question plainly gave the Department of Homeland Security ''sole and unreviewable discretion'' to enforce the policy.

But, apparently, it didn't lead to the policy outcome Judge Jackson wanted. So she ignored the statute, sided with the activists, and used a nationwide injunction—a nationwide injunction—to impose her new policymaking on the entire country.

This was such a blatant act of judicial activism that even the liberal DC Circuit overturned her ruling.

Or take another case involving a fentanyl trafficker. If you read the initial trial transcripts, Judge Jackson editorialized and expressed regret that the law forced her to punish him somewhat harshly. She literally apologized to this self-described ''kingpin'' that she wasn't allowed to go softer.

But the next time she saw this criminal at a compassionate release hearing, Judge Jackson was ready to legislate from the bench to give him the sentence she wished that she could have given him before.

Even after the judge explicitly acknowledged the First Step Act was not retroactive, she tortured its compassionate release provisions to make it retroactive anyway.

The fentanyl kingpin will be coming soon to a neighborhood near you, thanks to Judge Jackson. Congressional intent was no match for Judge Jackson's intent.

And then there is Judge Jackson's troubling record in a variety of cases involving child exploitation. On average, where these awful crimes are concerned, Judge Jackson's peers on the Federal bench fall within the stiff sentences Congress prefers a third of the time. But in 11 cases, Judge Jackson didn't fall within the guidelines even once.

At her confirmation hearing last month, the Judiciary Committee gave Judge Jackson a chance to clear up the activist track record. The nominee did not reassure.

She repeatedly declined to answer why her discretion slanted so dramatically and consistently in the direction of going soft on crime. She just kept repeating that she had the discretion. Clearly, what Senators wanted to know is why she used the discretion the way she did.

Judge Jackson did tip her hand on a few occasions. She acknowledged that her ignoring the guidelines amounted to ''making policy determinations.'' Another time she referenced her personal ''policy disagreements'' to explain her jurisprudence.

So if you look at her sentencing transcripts, that is exactly right. Not only did the judge herself make frequent reference to her ''policy disagreement'' with the guidelines, but you can see the prosecutors in her courtroom knew they had to acknowledge her bias as well before arguing that she should finally get tough in their particular case. But always in vain, of course, because she never got tough once—not once—in this area. But prosecutors knew what policy bias they were going to get when they showed up in Judge Jackson's courtroom.

Of course, this is exactly, precisely what we do not want judges doing.

Senate Republicans gave the judge many opportunities to reassure, but in many cases, the nominee just dug deeper. At one point, the judge even echoed an infamous quotation from one of the most famous judicial activists in American history, the archliberal Justice Brennan used to say the most important rule in constitutional law was the ''Rule of Five''—the ''Rule of Five.''

And Judge Jackson told the Senate ''any time the Supreme Court has five votes, then they have a majority for whatever opinion they determine.''

That is judicial activism summarized in one sentence.

So to summarize, Judge Jackson's nomination started off on the wrong foot because President Biden had promised he would only nominate a judicial activist. I hoped that maybe the judge's record and testimony would persuade us otherwise. Maybe she would persuade the Senate that she understands the proper judicial role. Unfortunately, what happened was just the opposite.

I opposed Judge Jackson's confirmation to her current post last year over these very same concerns, and this process has only made those concerns stronger.

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. DURBIN. I ask unanimous consent that the order for the quorum call be rescinded.

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

The majority whip.

NOMINATION OF KETANJI BROWN JACKSON

Mr. DURBIN. Mr. President, I listened to the Republican leader speaking about the Supreme Court nominee Judge Ketanji Brown Jackson, who is coming before the Senate either today or tomorrow, we hope, for a confirmation vote. We have solid support for her nomination on the Democratic side and three Republican Senators who have announced that they will join us to make it a bipartisan majority in her favor.

She is deserving of this. She has an extraordinary background. She has the kind of resume that every lawyer would dream of: to graduate from Harvard Law School and then to clerk at every level of the Federal judiciary, including clerk to the Justice she hopes to succeed, Stephen Breyer; and then to serve on the Sentencing Commission, which is considered one of the more prestigious assignments, trying to rationalize the sentencing under Federal law; and then, of course, to serve on the district court in the DC district and to issue some 570 or 80 different opinions—written opinions—during that time; to be elevated to the DC Circuit Court, often called the second highest court in the land, where she served as well with distinction; and now to be the first African-American woman nominated to serve on the U.S. Supreme Court. It is an incredible record.

And she has made the rounds, as they say, in the Senate, visiting 95 or 96 different Senators, sitting down with them privately in their offices, answering any questions or concerns that they wish to express.

So I think she is an exceptional person. If you look at her record in all of these cases that she has handed down written opinions in—as I said, it is close to 600, and 100 of them were criminal cases where she imposed sentences, and some 10 or 15 of those cases which have been highlighted by her Republican critics, relating to the issue of the exploitation of children and pornography, in every single case, she imposed a prison sentence.

So to argue that she is soft on crime is to ignore that reality and to ignore the reality that she is endorsed—endorsed—by the largest law enforcement organization in America, the Fraternal Order of Police. She is endorsed by the International Association of Chiefs of Police and other noteworthy organizations, the National Organization of Black Law Enforcement, former prosecutors in the District of Columbia.

She has made it very clear that when it comes to applying the law to the facts, she does it with evenhandedness, so much so that she is respected by both sides of the table—the prosecutor's side of the table and the defense side of the table. That takes some doing, but she has achieved it. And

that is why her selection by President Biden is the right person for the right time for the right job. She is going to make history if we give her this confirming vote.

Now, I will tell you, when you publish some 580 to 600 opinions, you are going to find something in one of those opinions to raise. I listened carefully as Senator MCCONNELL went to one of those opinions and drew his own conclusions. I would ask him to take care in accepting that as the fair way to measure a person. People often say that in the U.S. Senate—they ask us: Are you conservative or are you liberal or are you a fiscal conservative? Where do you stand on civil liberties? And people announce a position that they would like to believe they fit in. Then folks go back and look at your voting record and then ask: Well, how do you explain this, Senator? So in any given day, any given vote can raise a question as to a generalization about who you are and what you believe.

For instance, there was a time, as hard as it may be to believe, when people were suggesting amending the Constitution of the United States to make burning an American flag a violation—controversial. All of us revere the flag, but the notion of making this an amendment to the Constitution was a matter of great controversy and debate.

I remember it well in the Senate Judiciary Committee. I came down against it, saying that I revered the flag, but the principles and values behind it were equally or more important to me, and so I opposed flag burning and so did the Senator from Kentucky. Yes, the minority leader, Senator MCCONNELL, opposed flag burning. The organization that agreed with our position was the ACLU. Now, can I generalize from that position which Senator MCCONNELL took years ago that he is an ACLU-type of Senator? It would be wrong to draw that conclusion. There may have been other instances where he agreed with them, but it was rare.

What I am saying is, if you can take one vote and measure a Senator and realize that it falls short of being an accurate and honest measurement, the same thing is true for a judge, to take one opinion and say: Well, she ruled against President Trump on the issue of immigration, therefore, she is an activist liberal judge. She ruled as well for President Trump in other cases in his favor, and ruled against Democratic Presidents when they came up with their proposals before the court. So generalizations are not fair for her or for individual Members of the Senate based on one opinion, one vote, and that is what many are trying to do.

I will also tell you that this notion—and it pains me to even bring it to the floor, but I know it is going to come up in the next day or two—that she is soft on crime. As I mentioned, the law enforcement groups would not be endorsing her if they believed she was soft on crime.

And the notion that she is somehow, in the words of one Republican Senator—that her sentencing ''endangers children,'' that is painful because he said as much in front of her family. And I thought about that, how painful that must have been for her to hear those words. They are not true. And to take one or two situations, each of them unique in their factual circumstances, and to generalize in terms of her position on an issue of that gravity is fundamentally unfair. But we have done it, too, on the Democratic side, and I am going to be the first to admit, as I look back in history, there are things that should have been handled better when Republican nominees were before us.

And the majority of Republican Senators on the Senate Judiciary Committee, led by Ranking Member CHUCK GRASSLEY, I believe, were respectful and dealt with the judge in a fair manner. They asked tough questions, as they were expected to, but did not cross the line into personal attack.

There were three or four who broke that rule, as far as I was concerned, but the vast majority of Republican Senators were factual, were fair, and were basing their questions on sound legal questions before any Supreme Court nominee's consideration. That I think will be talked about over the next couple days, as it should be.

TRIBUTE TO ERIK RAVEN

Mr. President, I want to take a moment to thank a former member of my staff who is an extraordinary man. He is smart, he gives wise counsel, and is truly devoted to this Nation. He worked for me for years.

I have worked with Erik Raven since 2014, when I became ranking member of the Senate Appropriations Subcommittee on Defense, and Erik was the chief clerk of the subcommittee. The title ''clerk'' is misleading. He was the brains and the operational force behind that subcommittee.

As my right hand, Erik led the massive and critically important effort to appropriate an average of $700 billion a year for our national defense budget. Incidentally, that is about half of our Government's annual discretionary spending—a big assignment—and Erik was the right person for that assignment.

As I mentioned before, my first introduction to the Senate was many years ago, as an intern to a former Illinois Senator, Paul Douglas. Douglas was a respected economist who joined the Marines at age 50—50—to defend democracy in World War II. He was badly wounded, became a war hero, and then was elected to the Senate.

Douglas famously said that you don't have to be a wastrel to be a liberal. Douglas fought against waste in government because he understood that every misspent dollar weakens our national defense, every wasted dollar undermines our ability to build a better future. I think Paul Douglas would have liked Erik Raven.

Erik has been a stalwart ally in my efforts to advance our national defense capabilities while also protecting taxpayers' dollars and investing in things like defense medical research and domestic sourcing of the components critical to our defense industrial base.

I traveled with Erik to more places than I can remember. There was one particularly eye-opening visit to a classified facility in a desert outside Las Vegas. You might say it was out of this world. I will also remember a trip we made to Poland and the Baltics in 2018, wherein we discussed the danger of the overreliance on Russian gas and other issues. Today, we see that playing out, tragically, in Ukraine.

It was also a relief to have Erik at my side. His deep institutional knowledge, his sense of humor, and his black bag full of secrets have served me and the committee and America well.

I know that Senator JON TESTER of Montana, the new chair of that same subcommittee, and other Senators with whom Erik worked share my high regard for him.

In his 20 years in the Senate, Erik has worked for Senator DIANNE FEINSTEIN, the late Senator Ted Kennedy, Robert Byrd, Senator Inouye, our former colleague Senator Mikulski, and our current chairman, Senator LEAHY. To countless Senate staffers along the way, Erik has been a mentor, a cheerleader, and always a friend.

In addition to his public service, he is a pilot and a black belt in karate. He enjoys golfing and running. He is a devoted husband to Ann, his wife, and father to Edward, his 7-year-old son.

Very soon, pending Senate approval, he will be our Nation's next Under Secretary of the Navy.

The Senate's loss is the Navy's and America's gain. I am confident that Erik will excel in his new challenge just as he has in the Senate. I wish him the very best of luck and thank him for his outstanding service.

FOR-PROFIT COLLEGES

Mr. President, it has been almost 6 years since the disastrous collapse of the infamous for-profit college chain ITT Tech.

At that time, ITT Tech was one of the largest chains of for-profit colleges in the country—130 campuses spread over 38 States and 40,000 students enrolled. It closed its campuses 2 weeks after the Federal Department of Education barred the parent company from enrolling any more students while using Federal student aid dollars.

I have come to this floor countless times to talk about the deceptive, predatory, desperate tactics of the for-profit college industry at large.

At the peak of its profitability, in 2000 to 2003, it was the hottest sector on Wall Street. Publicly traded shares in for-profit colleges rose 460 percent according to one analysis. In 2010, these for-profit colleges swept up more than $32 billion in Federal student aid dollars. Hundreds of millions more flowed in through the GI bill. For ITT

Tech, the total haul in Federal dollars that year reached $1.1 billion. Six years later, the whole ITT Tech house of cards collapsed in a cloud of scandal, leaving students and taxpayers holding the bag.

Now a new report by the Project on Predatory Student Lending reveals disturbing facts about ITT Tech—their deception, their high-pressure recruiting tactics, and other forms of fraud and abuse that they used to rack up massive profits. The report is entitled ''Dreams Destroyed: How ITT Technical Institute Defrauded a Generation of Students.''

What makes this new report particularly damning is that the details of these abuses came not only from defrauded students but from the company's own recruiters and top executives. Like the internal company memos that finally shed light on the inner workings of the tobacco industry, the ITT records reveal a company that prioritized profits over everything else.

Two years before ITT Tech's collapse, the company's disgraced CEO, Kevin Modany, wrote in an email to his marketing chief:

> I do not have anything more important on my agenda . . . [recruitment] is my personal top priority.

Prospective students were lied to and bombarded with high-pressure tactics to get them to enroll and sign up for more and more and more student loans.

One former ITT Tech recruiter compared the working conditions to a ''sweatshop,'' where all that mattered was hitting a ''quota.''

Appallingly, recruiters were instructed to use the ''pain funnel,'' they called it, which was a set of eight questions designed to reveal all prospective students' vulnerabilities. By identifying a student's pain points, such as working at a dead-end job or feeling unappreciated, recruiters were trained to exploit that pain and present ITT Tech as the solution to this poor student's problems.

ITT Tech then inflated grades and falsified attendance records to keep students enrolled so they could squeeze out more Federal dollars and leave more student debt for the kids. The company routinely, falsely, filed financial aid forms, including stealing students' passwords and signing financial aid forms without the students' knowledge or consent. The list goes on and on.

The result: Modany and the ITT shareholders made millions. Taxpayers got ripped off. Students ended up holding the bag with worthless diplomas, if they finished, and with a mountain of student debt whether they finished or not.

What did Modany think about the students he was defrauding?

Look at his words. This is the man who was the executive who was doing this to these students.

He said: ''Take off the gloves with the student and slug back. Do not hold back in any way, and anything that we can put out there to question the legitimacy of his complaint we should most definitely do so. We need to call him out publicly.''

That is the kind of respect they had for these students.

Many of these students, as the majority leader knows, were first-generation college students. Their mothers and fathers were so proud that they were at ITT Tech—that they made it into college. Mom and dad thought they would have to work extra hours, but it would be worth it. It was a fraud from start to finish—a fraud on American taxpayers and a terrible fraud on these students and their families.

Modany was equally contemptuous of public officials who asked questions about ITT Tech's business practices.

This 2015 email is a racist tirade against an Education Department official, Rohit Chopra, a longtime foe of predatory lenders who is now Director of the Consumer Financial Protection Bureau.

Mr. Modany rails that Mr. Chopra ought to be jailed at Guantanamo and waterboarded.

Now, you might say, ''That's great, but ITT Tech is gone. Why does it matter?''

First: There are still tens of thousands of ITT Tech students who were defrauded. Under the Higher Education Act's Borrower Defense provision, their loans should be discharged by the Education Department.

The evidence revealed in this report—evidence collected by the Education Department and numerous State attorneys general—clearly shows that fraud was rampant and systemic at ITT Tech.

The Department should do more to provide ITT Tech borrowers with the relief to which they are entitled under the law—without requiring individual applications.

The second reason is stated in the report's conclusion, which asserts ''ITT was able to escape responsibility for its financial insolvency by declaring bankruptcy in September 2016. Its executives simply walked away from the disaster they created.''

Kevin Modany was fined $200,000. But that is essentially a parking ticket for a man who made $36 million defrauding students, taxpayers, and investors between 2007 and 2014.

The Federal Government must use its authority to hold for-profit college executives personally accountable. Claw back some of their fat profits to repay students and taxpayers.

And third, the for-profit college industry continues to prey on students using the same tactics as the band of thieves at ITT Tech.

For-profit Ashford University and its former parent company Zovio were just found to have given students false or misleading information about career outcomes . . . cost and financial aid . . . and transfer credits . . . to get them to enroll. Sound familiar?

Ashford was ordered to pay more than $22.37 million in penalties.

But . . . Zovio recently sold Ashford to the University of Arizona while continuing to operate much of the school.

What actions will the Education Department take to protect students . . . and taxpayer dollars . . . at the now-renamed Arizona Global Campus—formerly Ashford?

I've spoken about these matters with both Education Secretary Miguel Cardona and Rich Cordray, head of the Department's Federal Student Aid office.

I'm glad the Biden administration has committed publicly to improving enforcement at the Department of Education.

There are other ITT Techs out there. For the sake of students and taxpayers, the Education Department under this administration must begin to use its immense enforcement authority to protect them from the swindlers and conmen.

Mr. President, I have been talking about for-profit colleges for a number of years. Luckily, we have a President and a Secretary of Education who are putting watchmen in place, guardians of students in place, who believe that it is more important that kids are treated fairly and honestly than it is for some executive to make millions of dollars off of an abuse of the system.

I yield the floor.

RECOGNITION OF THE MAJORITY LEADER

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

Mr. SCHUMER. Mr. President, first, I want to thank my friend and colleague, the senior Senator from Illinois, not only for his wonderful remarks here today but for his passion on this issue. He was one of the first to blow the whistle on these colleges.

When you hear about this, it just boils your blood—boils your blood. These kids did nothing wrong. It is one of the reasons we believe student debt should be forgiven. The Federal Government gave them the loans—that was required by law—but they were taken advantage of through no fault of their own.

I wonder if this Mr. Modany has been prosecuted for any of these things. He does not deserve to have, probably, the millions he has on the backs of all of these students.

But I thank the Senator from the bottom of my heart. This boils our blood, what they did to these kids. That is one of the reasons we believe that the White House ought to forgive up to $50,000 of student debt.

OK. Let's go to another subject.

CORONAVIRUS

Yesterday, Mr. President, was, truly, a sorry sight here on the Senate floor. Senate Republicans, down to the last Member, blocked critical funding for more vaccines, more testing, more lifesaving therapeutics that our country needs to protect against the dangers of future COVID variants.

The proposal we had before the Senate was exceedingly reasonable, carefully negotiated, and desperately needed, but Senate Republicans blocked a mere debate on COVID aid, knowing full well of the consequences for the American people. In knowing the consequences, Republicans said no to merely debating more money for booster shots and vaccinations and research into future treatments. In knowing the consequences, Republicans said no to merely debating more testing. In knowing the consequences, Republicans said no to merely debating no less than $5 billion for lifesaving therapeutics—an indispensable tool for those with COVID illnesses.

And why did Republicans say no?

Because they wanted to cripple COVID funding legislation with poison pills that they knew would derail this bill—would derail the bill. Let me say it again. Instead of joining Democrats to begin a simple debate on COVID legislation, Republicans wanted to kill this bill with unrelated poison pills.

This is potentially devastating for the American people. Vaccines, therapeutics, and testing were negotiated in good faith, and they should not—they should not—be held hostage to extraneous, unrelated issues. This is too important for the health of our country.

The administration, for months, has made clear that new COVID funding is a matter of the highest urgency. Some critical COVID response measures are already being scaled back due to dwindling funding. Their message that Congress had to act—the administration's message—was unmistakable.

I hope Republicans will get serious about this. It should not be so difficult to do something so good and important for our country.

Let me say one other thing.

Our Republican colleagues think they may be gaining some temporary advantage, but God forbid a second variant hits and people ask: Why aren't the vaccines there? Why aren't the therapeutics there? The answer will be that the Senate Republicans, to a person, blocked the ability to move forward and get this legislation done because they wanted to play politics and inject extraneous issues into the debate.

But it is not going to deter us from getting this done. It is vital for keeping schools, churches, business, and other communities open if and when a future, more potent variant rears its ugly head. It is certainly better to act now than to pay the price 10 times down the line. We are going to keep working to make sure that Congress sends COVID funding to the President's desk.

NOMINATION OF KETANJI BROWN JACKSON

Mr. President, on SCOTUS, the U.S. Senate, happily, wonderfully, is on the brink of completing one of the most important responsibilities entrusted to it under the Constitution: consenting to the President's nominee for the U.S. Supreme Court. As I said, happily and wonderfully, it will be the first African-American woman to ever serve on that august body.

Any time the Senate elevates someone to the highest pinnacles of the Federal judiciary, the impact literally lasts a lifetime and, often, far beyond that. The men and women who sit on the Supreme Court have the power to render judgment on any question they see fit that comes before them. The consequences of their decisions are seen and felt and reckoned with from here to the farthest corners of our country. So confirming a Supreme Court nominee is, in other words, a big deal to the Senate—one of the biggest deals, in fact. And, before the week is out, the Chamber is set to follow through, once again, on this august and awesome responsibility.

But, of course, even though this is one of the biggest deals for the Senate to do in any situation, it is even a bigger deal now. This time is different. The nominee, the 116th Justice, is different in some important ways than those who came before.

Judge Ketanji Brown Jackson, like many before her, is brilliant, accomplished, and qualified to be on the Court, but never—never before—has the Supreme Court had a Black woman bear the title of Justice. She will be the first, and I have no doubt, in my mind, that she will pave the way for others in the future.

The exultation among so many who have waited for this moment—of young girls throughout America who may say, ''I can do this, too''; the untapped potential even for young people, particularly women of color, who are not interested in the law or in the Supreme Court but who say, ''I can go somewhere; I can do something; I can get there''—is going to be great for America.

There are many considerations that the Senate should ponder when we are faced with the question of confirming judges. Diversity and representation is certainly one of them. It is a key feature of a healthy and vibrant democracy. When Americans of all walks of life come before the court, of course they should have confidence that those who don the robes have the ability to walk in their own shoes—to see and understand their sides of the story.

That is why diversity of background and experience has been one of the most important priorities in the Senate as we have confirmed the President's judges, and over the last year, as has been noted, we have made incredible progress on that front.

Of the 58 Senate-confirmed judges, three-quarters have been women, and two-thirds have been people of color. To be clear, these judges are diverse not just through their backgrounds but in their experiences. More public defenders, more civil rights attorneys, more nonprofit lawyers have been added to the Federal bench.

After years of the previous administration's confirming judges who were disproportionately White, disproportionately male, disproportionately from big law firms, Senate Democrats are working to bring balance back to our judiciary. It will make our democracy healthier, fairer, and stronger.

As the country grows increasingly diverse in this century, Judge Jackson's confirmation will be a major step toward achieving that goal, and I so look forward to finishing the work to confirm this most qualified, most deserving, most historic nominee.

RUSSIA

Mr. President, finally, as Russia's war in Ukraine reaches an abominable level of brutality—you see these pictures of the people, innocent civilians who were shot—young, old, children, men, women—every single American should unite on the side of the Ukrainian people and against Putin's indiscriminate violence.

The pictures we have seen coming out of Ukraine and coming out of the town of Bucha are a pure manifestation of evil, hundreds of civilians murdered in cold blood—men, women, children, the elderly, the defenseless, people who were tied with their hands behind their backs, clearly civilians, shot in the back of the head because they are Ukrainians. It is the only reason. It is a genocide. It was called a genocide today by a Ukrainian official. It is a genocide. When these people are shot simply because of their nationality—they don't have arms—that is genocide, especially when it occurs in the large numbers it has already, individuals trying to live their own lives, targeted to be killed because of their nationality.

Putin is a war criminal. When Putin says Ukraine and Russia are together after he did this, no Ukrainian is ever going to believe it. Even the isolated Putin must know that, but he is cornered. And so he is a war criminal.

Any nation that indiscriminately and intentionally targets civilians should not enjoy doing business with American companies. But, shamefully, Koch Industries is continuing to do business in Putin's Russia and putting their profits ahead of defending democracy.

There is an explosive report this morning that the Koch political arm is now pushing for the United States to abandon our allies and back off the hard-hitting sanctions the Biden administration has imposed on Russia. The Kochs are selling out democracy for their own profits.

Every Senator—Democrat, Republican—we all care about Ukraine. Every Senator needs to condemn this push by the Koch brothers and call on Koch Industries to immediately suspend their operations in Russia. I look forward to every tough-talking Senate Republican to come here to the floor and call out the Koch brothers for undermining America's resolve against Putin's illegal, unprovoked, and criminal invasion of Ukraine.

Senate Democrats are working on legislation to add Russia to existing

laws that already deny foreign tax credits for taxes paid to North Korea and Syria. American companies that continue to do business in Russia should not receive U.S. tax benefits that offset taxes paid to Putin's regime.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

NOMINATION OF KETANJI BROWN JACKSON

Mr. KAINE. Mr. President, I proudly rise to speak about the nomination of Judge Ketanji Brown Jackson to be an Associate Justice of the U.S. Supreme Court.

When I began law school in the fall of 1979, the only woman Justice at the Supreme Court was a white marble statue on the steps. There were no women members of the Court. There had never been women members of the Court.

The motto engraved over the Court's entrance, ''Equal Justice Under Law,'' sounded great, but it also rang hollow for the more than half of the U.S. population that had never seen themselves represented on the U.S. Supreme Court.

And it was more than just the absence of women on the Court. In 1868, the 14th Amendment to the Constitution was adopted in core memorable phrase guaranteeing to all persons the equal protection of the law. But the Court, for more than 100 years, refused to extend equal protection to women.

In one of the first cases testing the meaning of the phrase ''equal protection of the law to all persons,'' the Supreme Court considered an Illinois State law restricting the practice of law to men only. A dynamic, young, feminist activist, Myra Bradwell, passed the Illinois bar exam and applied for a law license to practice law in Illinois. She was turned down because she was a woman. She appealed her case to the Illinois Supreme Court, and they turned her down because she was a woman. And then she came to the U.S. Supreme Court and said: We have just changed the Constitution to guarantee equal protection of the law to all persons, surely, you cannot turn me down in my quest to practice law after I have passed the Illinois bar exam.

The Supreme Court of the United States, in 1873, by a vote of 8 to 1, ruled that she was not entitled to an equal right to practice the profession of her choosing.

Let me read you a key part of the decision in that case:

> The paramount destiny and mission of women are to fulfill the noble and benign office of wife and mother. This is the law of the Creator.

So a wife and mother can't be a lawyer? So every woman must be a wife and mother? That is what the Supreme Court determined in analyzing the simple phrase ''all persons are entitled to equal protection of the law.''

Here is a great trivia question: When did the Supreme Court finally decide that equal protection of the law applied to women? 1971. It took 103 years after the 14th Amendment was adopted for the Supreme Court to say: Wait a minute, equal protection of the law to all persons, that means women.

In the case of Reed v. Reed, the Court ruled that a State statute providing that males must be preferred to females in the administration of estates—it was an estate administration case—the Court ruled, wait a minute, that violates women's rights to equal protection. Who was the lawyer in that case? A dynamic, young civil rights lawyer with the ACLU named Ruth Bader Ginsburg.

So within my career as a civil rights attorney, from when I started law school in 1979 to today—43 years later—I have seen great change in the law's treatment of women and in their representation on the U.S. Supreme Court.

The nomination of Judge Ketanji Brown Jackson will make history. She will be the first African-American woman on the Court. And she will move a Court that had never had a woman member when I started law school to a Court where four of the nine members are women.

What powerful evidence of the capacity we have as a nation to come closer and closer to the equality ideal that was articulated as our moral North Star in the opening phrase of the Declaration of Independence drafted by a Virginian in 1776.

So I celebrate the history-making nature of this appointment, but it is not the reason for my support.

I support Judge Jackson's nomination because of her stellar academic credentials, her prestigious judicial clerkships, her dedicated service as an attorney and member of the U.S. Sentencing Commission, her well-respected tenure as a Federal trial and appellate judge, and the multiple attestations that she has received attributing to her fairness and to her character.

In particular—in particular—I think that her successful confirmation as a Justice will add two critical skill sets to this nine-member collegial body: first, that she is a public defender; and, second, that she has been a trial judge.

That she was a public defender—so much of the Court's docket deals with issues that are at the heart of the American criminal justice system. There are currently members of the Court—Justice Sotomayor, Justice Alito—who had experience as prosecutors in both the State and Federal courts before they began their service in the judicial branch. That experience as prosecutor is really important experience, and it is an important expertise to have on the Supreme Court.

But a Justice Ketanji Brown Jackson will be the first public defender ever to sit on the Court. And for a Court of nine to share perspectives and grapple with resolution of questions involving the criminal justice system, for that Court only to have people who prosecuted cases and not have people who have defended, in particular, the most indigent criminal defendants—it is a Court that doesn't have the balanced 360-degree perspective that we would want in these important matters. So the fact that she served honorably as a Federal public defender, in my view, is a strong trait for her, but it is even a better trait if you think about what we would need in a nine-member Supreme Court.

Second, she has been a trial judge, a Federal district court judge in the district court for the District of Columbia. And that is really, really important. There is only one other member of the Court now who was a trial judge, and that is Justice Sotomayor. Some of the members of the Court, as far as I know—I can find no evidence—not only were they not trial judges, some of them I am not sure ever tried cases.

What does it mean to have a trial judge on the Court? Well, again, think about the docket of the Supreme Court. So much of the docket of the Supreme Court is ruling on questions and controversies, whose ultimate goal is to make the Nation's trials—civil and criminal trials—more fair: admissibility of evidence, sentencing standards, definitions of police misconduct that could either gain or shed sovereignty immunity in a trial going on in a trial court, how to impanel jurors, how to instruct jurors, when to strike a juror if there is evidence that the juror may have a bias or prejudice. These are all cases that come before the Supreme Court all the time. And these kinds of cases, it is particularly important to have a Court that is well-represented by people who have actually been in the courtroom and done it.

What trial judges have to do is they have to figure out how to instruct and impanel jurors and deal with the juror who may have a bias question. They have to rule on evidentiary objections in a split second; dispose of discovery disputes; rule on dispositive motions like motions to dismiss or summary judgment motions; in bench trials, actually render judgments, which usually involves credibility determinations among competing witnesses.

The judges in the Federal system are those with the power of sentencing, the most difficult power of all. If you have not been a trial lawyer or a trial judge, you might underestimate how difficult and challenging each of those tasks are. But if you have had the experience of being a trial lawyer or trial judge, you understand how important they are.

I asked Judge Jackson as I interviewed her, tell me how you think that being a trial judge might help you on the Court. She said, so much of our opinions are essentially instructions to State and Federal trial courts, here is how to conduct a fair trial. I think my experience will enable me to write opinions that are more workable; that are more understandable; that are more practical; that are more likely to lead to a result that is fair to the parties, but also one that will increase the

respect for the decision making in courts themselves.

When I was Governor of Virginia, I did not have the power to put judges on the bench, except in rare instances. In the Virginia State system, I wouldn't even nominate judges. The legislature would choose the judges, and the Governor had no role, except—except—when the legislature would deadlock. If the house and senate couldn't agree on filling a position, then the Governor got to put in a judge or a justice until the legislature came back next year, and then they would have to vote on whether to ratify what the Governor had done.

Three times, when I was Governor, my two Republican houses deadlocked on an appellate judge: one on the court of appeals and two on the Virginia Supreme Court. So I had this opportunity. As somebody who practiced civil rights law for 17 years, as somebody who was married to a juvenile court judge, I had the opportunity to consider and then nominate people to be appellate judges.

I decided pretty quickly, as I analyzed who should be appellate judges—and I followed this rule in all three of my opportunities—that I would appoint a great trial judge. In each of the three instances, I appointed a great trial judge because I knew that that great trial judge would be able to sit on an appellate court and render rulings that weren't sort of philosopher, king-or-queen rulings that might sound good in a law review article or in a panel discussion, but they could render rulings that would be instantaneously understood in courtrooms all across the Commonwealth and be able to be implemented by the other trial judges, who were doing their best every day to conduct fair trials.

So that is why I think the second factor that Judge Brown Jackson was a district court judge handling trials, multiple trials and motions every day, will put her in such good company as she joins Justice Sotomayor as the only other member with that experience.

I will conclude and just say a Justice Ketanji Brown Jackson will add depth and perspective to a Court that needs it. As we near the 150th anniversary of Myra Bradwell's quixotic case, the confirmation of Justice Ketanji Brown Jackson will make the statue of justice and the engraved phrase ''Equal Justice Under Law'' more accurate reflections of our Nation's highest Court.

With that, Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from South Dakota.

Mr. THUNE. Mr. President, I ask unanimous consent that the following Senators be permitted to speak prior to the scheduled vote: myself for up to 15 minutes, Senator CRUZ for up to 25 minutes, and Senator STABENOW for up to 10 minutes.

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

TITLE 42 AND THE BORDER

Mr. THUNE. Mr. President, we are moving from disaster to catastrophe at our southern border. Last week, the Biden administration announced that title 42 COVID–19 restrictions, which had provided for the immediate deportation of those who crossed the border illegally, will end in May.

Now, it is ironic that just as the administration presses for more COVID funding, it is apparently declaring COVID is over at the border. Now, I just want everybody to think about the inherent contradiction in what is being said here. By ending title 42, the administration says, for all intents and purposes, the pandemic is over; it is over at the border. But, today, it was announced that the student loan program—repayments on student loans—would be extended until the month of August. Why? Presumably because of the pandemic.

There is still a policy in place, Mr. President, if you can believe this—yesterday, I had the chance to question, at the Senate Finance Committee, Secretary Becerra of the Health and Human Services Department about a policy that is in place right now that has not yet been repealed that requires children under 5 in Head Start facilities to wear masks—masks not just when they are in the classroom but when they are outside on the playground—children under 5, to wear masks.

Now, who says that is a bad idea? Well, for one, the World Health Organization. The World Health Organization isn't exactly a conservative-leaning institution. The World Health Organization says that it is not necessary for children under 5 to wear a mask because there is no discernible health or safety benefit derived from that.

So that policy is still in place. Kids under the age of 5 at Head Start facilities still have to wear masks, not just inside but when they are outside.

Now student loans, again, have been deferred. You don't have to repay your student loans at least until August. It has been extended again.

These policies reflect a belief on behalf of the administration that we are evidently still in a pandemic that requires these policies to stay in place.

So the student loan deferral request has been made or is going to happen. They are just going to do it. So they are doing that by fiat. And this rule that requires children under 5 to wear masks suggests we are still very concerned about the pandemic and about the spread of COVID–19. Yet, Mr. President, title 42 is going to be lifted at the border, which is a pandemic measure. It was put in place as a result of the pandemic and has enabled our officials at the border, Customs and Border Protection, to be able to at least somewhat manage the flow of illegals coming across the border. Think about that. Think about the inherent contradiction, the messages that you are sending—in addition, I would add, to the $10 billion, which was originally $15 billion, that is being requested by the administration to deal with COVID.

So you are asking for more funding. You are requiring kids to wear masks. You are extending the deferral on student loan repayments. Yet you are lifting title 42 restrictions.

Let me tell you what that means. Once title 42 restrictions are officially lifted, the flood of illegal immigration across our southern border is expected to become a tsunami. The Department of Homeland Security expects as many as 18,000 per day to attempt to cross our southern border after the policy is lifted—18,000 per day. That adds up to more than half a million migrants per month.

To put those numbers in perspective, in fiscal year 2021, Border Patrol encountered more than 1.7 million individuals attempting to cross our southern border. That was the highest number ever recorded in a single year. Now we are talking about a rate of migration that would lead to our hitting that 1-year record in just over 3 months.

Title 42 restrictions were never intended to be a permanent border solution, and lifting them would not be a problem if the President had some meaningful plan in place for dealing with the border crisis that has been going on since he took office, but he doesn't—again, evidenced by the fact that the President has no interest in visiting the border, nor has his border czar, the Vice President of the United States. Neither has been to the border.

Lifting title 42 without a plan to curb illegal immigration is nothing more than an invitation for our current crisis to get exponentially worse, which is exactly, exactly what the Department of Homeland Security expects is going to happen.

Now, you don't have to take my word for it on these problems with the administration's decision. Here is what one Democratic Senator had to say about the administration's title 42 decision:

> This is a wrong decision. It's unacceptable to end Title 42 without a plan and coordination in place to ensure a secure, orderly, and humane process at the border.
>
> This is a wrong decision. It's unacceptable to end Title 42 without a plan and coordination in place to ensure a secure, orderly, and humane process at the border.

That is from a Democratic Senator.

Another Democratic Senator noted:

> I think this is not the right time and we have not seen a detailed plan from the administration. We need assurances that we have security at the border and that we protect communities on this side of the border.

Another Democratic Senator.

This is another Democratic Senator, a third one:

> Today's announcement by the CDC and the Biden Administration is a frightening decision. Title 42 has been an essential tool in combatting the spread of COVID–19 and controlling the influx of migrants at our southern border. We are already facing an unprecedented increase in migrants this year, and that will only get worse if the Administration ends the Title 42 policy. We are nowhere near prepared to deal with that influx.

We are nowhere near prepared to deal with that influx.

Again, a third Democratic Senator on the subject of ending title 42.

Mr. President, under the Biden administration, we have had 12 straight months of border encounters in excess of over 150,000. In February, U.S. Customs and Border Protection encountered 164,973 individuals attempting to cross our southern border illegally—the highest February number in more than 20 years. And, of course, those numbers only reflect individuals the Border Patrol has succeeded in apprehending. There is no question that many other illegal immigrants have crossed the border in the past year without being apprehended and have disappeared into the United States. The President is largely responsible for this situation thanks to the series of actions he has taken to weaken border security and immigration enforcement since his administration began.

Mr. President, illegal immigration is a very serious problem for several reasons. First of all, it is dangerous for any country not to know who is entering the country, who is crossing its borders. Illegal border crossings are not confined to individuals wanting to build a better life for themselves. Weak borders are an invitation to human traffickers, drug smugglers, gangs, and even terrorists.

We currently have a very serious fentanyl problem in this country. In fact, fentanyl overdose is the leading cause of death for U.S. adults between the ages of 18 and 45. And where is this fentanyl coming from? It is being trafficked across our southern border. In fact, Mexico has replaced China as the dominant source of fentanyl in the United States. There is no question that the worse the situation at the border gets, the easier it is for drug smugglers to evade detection and capture.

Our Border Patrol officers do heroic work, but they are stretched incredibly thin and have been for the past year. It is simply common sense to acknowledge that the greater the flood of illegal immigration they have to contend with, the easier it is going to be for bad actors to get across the border.

So there are real security concerns that illegal immigration represents. There are also serious humanitarian concerns. The journey to our southern border for those attempting to cross illegally is frequently fraught with danger, and there is nothing compassionate about encouraging individuals to undertake that journey, to run the risk of exploitation and disease and exposure.

Finally, encouraging or tacitly endorsing illegal immigration shows a real disregard for the rule of law. I am a strong supporter of legal immigration. I am one generation removed from immigrants in this country, and I hope this country will always serve as a refuge for individuals seeking a new life for peace and for freedom. But immigration laws are not exceptions to the principle that the law must be respected.

We can and should make changes to immigration laws as needed to address problems or to expand opportunities, but immigration must proceed according to the law. To suggest otherwise is to cultivate contempt for the rule of law, not to mention how unfair it is to those who have done what is required to come here legally.

As President, President Biden has a particular responsibility to care for the country's security. When it comes to the border, at least, he is failing in that responsibility, and he is betraying the duty he owes to the American people, who should be able to count on their President to care about security concerns, including border security.

We are less than 2 months away from the end of title 42 restrictions and the border surge that we expect to follow. I hope that the President will use that time to get serious about developing a plan to secure our southern border because he owes the American people nothing less.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

NOMINATION OF KETANJI BROWN JACKSON

Mr. CRUZ. Mr. President, I rise today ahead of the Senate's vote on Judge Ketanji Brown Jackson to be a Justice on the U.S. Supreme Court. There are few responsibilities the Senate has that are more important than confirming judges and, in particular, confirming Justices on the Supreme Court of the United States.

The Supreme Court is charged with the responsibility of defending and upholding the Constitution and the Bill of Rights. It is charged with the responsibility of upholding the rule of law and protecting your rights and my rights.

Judge Jackson is someone that I have known personally for 30 years. She and I went to law school together. We were both on the law review together. Judge Jackson is someone who, on a personal level—she is smart; she is talented; she is charming. I have always liked Judge Jackson. But the responsibility given to the Senate is not to make an assessment on a personal level, but rather to assess a nominee's record and the kind of job they would do for the position to which they have been appointed.

Now, many Democrats in this Chamber and their cheerleaders in the corporate media insist that we cannot examine Judge Jackson's record. They insist, in fact, that any scrutiny of her record, any difficult questions directed her way, and, certainly, any opposition to her nomination must, must, must be rooted in racism or sexism. Sadly, this is a common talking point for Democrats. Whenever anyone disagrees with them on substance, you must be a racist. If you are not a socialist, you are a racist. That is their standard go-to.

And in this instance, all should acknowledge and should celebrate the historic milestone that would be having the first African-American woman serve as a Justice on the Supreme Court. Given our Nation's troubled history on race, that is a major important milestone. I would note, though, that the Democrats celebrating that fact—patting themselves on the back—there is more than a little irony in their celebrating that fact because the reason that we have not, to date, had an African-American woman on the Supreme Court—a major reason—is that the Democrats who are so proud of themselves filibustered a qualified African-American woman nominated to the U.S. Court of Appeals for the DC Circuit. Her name was Janice Rogers Brown. She was a justice on the California Supreme Court, and 20 years ago, President George W. Bush, a Republican, nominated her to the DC Circuit. And Senate Democrats realized that a qualified African-American woman on the DC Circuit was a real threat to go to the U.S. Supreme Court.

Janice Rogers Brown is a conservative and a constitutionalist, and for Democrats, that was unacceptable. So Democrats filibustered Janice Rogers Brown. CHUCK SCHUMER filibustered Janice Rogers Brown. Joe Biden filibustered Janice Rogers Brown. DICK DURBIN filibustered Janice Rogers Brown. PAT LEAHY filibustered Janice Rogers Brown. DIANNE FEINSTEIN filibustered Janice Rogers Brown.

So now, all the Democrats who are celebrating putting the first African-American woman on the Supreme Court have themselves to thank for that because it could have happened 20 years ago.

But in Senate Democrats' way of viewing things, if a Black woman or a Black man or a Hispanic woman or a Hispanic man dared to disagree with leftist orthodoxy, they do not count. Indeed, it was not just Janice Rogers Brown. Democrats also filibustered Miguel Estrada to the DC Circuit. Miguel Estrada, an advocate with superb credentials, was criticized, as the staff for Senator Ted Kennedy wrote at the time in internal memos that they could filibuster ''because he is Hispanic.''

Mr. President, this was before your time and my time in this body.

Here is what Ted Kennedy's staff told them:

> Identify [Miguel Estrada] as especially dangerous . . . because he is Latino.

That is racism—which the Democrats put in writing. If you are Black, if you are Hispanic, we will target you, we will filibuster you, we will block you, and that is what they did. For that matter, that is what Democrats have done for three decades now to Justice Clarence Thomas, one of the greatest Justices to ever serve on the U.S. Supreme Court. And yet, in Democrats' minds, he is not a Black man because he dares disagree with their leftist ideology. It is wrong; it is racist; it is cynical; and it is offensive.

What we should be doing—what every Senator should be doing—is examining Judge Ketanji Brown Jackson's record, her actual record. If you look at her substantive record, it is far out of the mainstream. It is an extreme record. If you look at her record, I believe it demonstrates that Judge Jackson, if she is confirmed, will be the single most liberal Supreme Court Justice ever to serve on the Supreme Court. I believe she will be to the left of Justice Sotomayor; she will be to the left of Justice Kagan; and she will be way, way, way to the left of Justice Stephen Breyer, the Justice she would be replacing.

What does that mean as a practical matter, left and right? Why do the American people care about the Supreme Court? They care because they care about their rights. As a practical matter, what it means—I believe the odds are nearly 100 percent that Judge Jackson would vote to overturn the case of Heller v. District of Columbia.

What is that case? It is the landmark case that upholds the Second Amendment right to keep and bear arms, a fundamental protection for all of us. That case was decided 5 to 4. Judge Jackson, I believe, is a vote to overturn that case to take away our Second Amendment rights, and that means every Senator who votes to confirm her is voting to take away the Second Amendment rights of Americans.

Judge Jackson, I believe the odds are nearly 100 percent that she would vote to overturn the Citizens United case. What is Citizens United? It is a landmark case that protects our right to free speech, our right to speak in the political process to support candidates, to oppose candidates, to express our views, and participate in democracy. Citizens United was 5 to 4, one vote away from being taken away.

By the way, in the Citizens United case, the Obama Justice Department argued that the Federal Government has the power to ban books. The case was 5 to 4. There were four Justices willing to go there. Judge Jackson, I believe, would support the assertions of government power to silence you, to silence me, to silence the men and women we represent.

When it comes to religious liberty, I believe Judge Jackson will vote consistently over and over again against the religious liberty of Americans, against our right to live according to our faith, according to our conscience. One of the most precious rights, the very first right protected in the first clause of the First Amendment of the Bill of Rights—that is what our Framers thought about it—is that without the right to seek out and worship the Lord God Almighty with all of your heart, mind, and soul, no other rights matter. I believe she will consistently vote to undermine that right and, in particular, one of the applications of that right, the context of school choice.

School choice is the civil rights issue of the 21st century. If you care about civil rights, if you care about advancement and opportunity for young kids, for young African-American kids, for young Hispanic kids, there is nothing, nothing, nothing that matters more than school choice. And yet, the Supreme Court, in the case of Zelman v. Simmons-Harris, upheld Ohio school choice program by one vote, 5 to 4. I believe Judge Jackson would vote to overturn Zelman v. Simmons-Harris and vote to strike down school choice programs across the country.

You know, one of the problems with politics today is Members of this body like to avoid accountability for what they are doing. But everyone in this body is on notice that this is a Justice who will vote to take away our free speech rights, vote to take away our religious liberty rights, vote to take away our Second Amendment. And that means every Senator that votes for her cannot avoid responsibility for those lawless outcomes.

When it comes to abortion, Judge Jackson's record is extreme. I believe she would vote to strike down every single restriction across the country on abortion. I believe she would vote to strike down prohibitions on Federal partial-birth abortion, a truly horrific practice opposed by the vast majority of Americans. The Supreme Court upheld the Federal ban on partial-birth abortion by a vote of 5 to 4—one vote away. Judge Jackson, based on her record of being a radical advocate for abortion, will consistently vote to strike down reasonable restrictions.

All of those are extreme positions. But if you want to understand just how extreme, there was one portion of the confirmation hearing that I thought spoke volumes: when Senator Marcia Blackburn asked Judge Jackson, ''What is a woman?''

''What is a woman'' didn't used to be a trick question. One hundred fifteen men and women have served on the Supreme Court, and all 115 of them would have no difficulty whatsoever answering the question, ''What is a woman''—not so Judge Jackson. Judge Jackson's response: I can't define a woman.

''I am not a biologist'' was her defense.

Now, does that really mean that Judge Jackson doesn't know what a woman is? Of course not. What it does show is her sensibility that she is completely in line with the radical left that wants to redefine what a woman is and erase it from the dictionary. You know, yesterday, a reporter stopped me. A reporter from a left-leaning publication said he was asking every Senate Republican on the Judiciary Committee the following question: What is a woman?

You could tell from the expression on his face he thought this was a great ''gotcha'' question.

I looked at him and said: An adult female human.

He looked at me astonished, and he said: Did you look it up? He said, That is actually the dictionary definition.

I said, No. I just speak English. If you would like another definition, how about this one: A Homo sapien with two X chromosomes. For all of recorded history, people have known what a woman is, but Judge Jackson is such a fellow traveler with the radical left that she cannot acknowledge common sense.

There is a reason the radical left groups in this country pressured the Biden White House to nominate Judge Jackson because she was the most extreme of the nominees being considered. There is a reason they pledged billions of dollars to support her confirmation because she is the most extreme of the nominees being considered.

Let me give an example of just how extreme. In the written questions, I submitted a question to Judge Jackson that says:

> The theory that humans possess inherent or inalienable rights is reflected in the Declaration of Independence, which states:
>
> We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness.

Do you hold a position on whether individuals possess natural rights, yes or no?

Judge Jackson answered—this is in writing:

> I do not hold a position on whether individuals possess natural rights.

That is a radical broad statement. Our country was founded on the quote I just read from the Declaration of Independence, with those words that Thomas Jefferson penned.

We declared our independence from Great Britain. We declared that we were our own Nation. We started a revolutionary war. We drafted a Constitution based on the proposition ''We hold these truths to be self-evident.'' They are not evident to Judge Jackson.

She doesn't hold a position that ''all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are Life, Liberty, and the pursuit of Happiness.'' Judge Jackson says she has no position on whether you have a right to life. She has no position over whether you have a right to liberty. She has no position on whether you have a right to the pursuit of happiness.

If you are a modern leftist, if you are a socialist who wants the government to control every aspect of your life, every aspect of your freedom, then a judge who has no view on whether we have natural rights is exactly the kind of judge you want.

By the way, to understand how radical her opinion is, you can look at the Make the Road decision. This is a decision in her court, in the district court, that was challenging the Trump Department of Homeland Security deporting people illegally in this country.

The statute under which the Secretary was removing illegal aliens explicitly gave the Secretary discretion

and said that discretion is unreviewable in Federal courts. It was a clear and explicit authorization and a removal of the authority of Federal courts to second-guess the policy determinations. That didn't stop Judge Jackson at all. She ignored the plain text of the statute. She issued a nationwide injunction to stop the Federal Government from removing illegal aliens. Her decision was so extreme that, on appeal, it was reversed by the Federal Court of Appeals for the DC Circuit unanimously. This is a left-leaning court, with a majority of Democrat appointments, and unanimously, the DC Circuit reversed her because she ignored the plain language of the statute.

But there is no area that is more extreme than Judge Jackson's record on crime. This was the central focus of the confirmation hearing, and her record is far, far, far out of step with the mainstream.

When it comes to crime generally, nationally, the average for Federal judges sentencing criminals is 45.1 months. That is the average sentence nationally. Judge Jackson's average is 29.9 months—33.8 percent less than the national average. If you are a criminal, you want to be in Judge Jackson's court because you are going to get a sentence more than a third less than you will get in the average district court. That is far out of the mainstream.

As you know, there was considerable focus not just on her leniency on criminals, her leniency on violent criminals, her leniency on sexual predators, her leniency on drug dealers, but there was a particular focus on her very disturbing record as it concerns child pornography.

When it comes to child sex offenders, it is a truly grotesque problem we face in this country. I spent a number of years in law enforcement. As the solicitor general of Texas, I worked on many criminal cases. There were no cases that were more disturbing to me personally than the cases where people abused kids, where they hurt kids, the evil, sick predators who carry out unspeakable acts on little children.

I have to say, when I first heard that there was a concern about her record on child pornography, I thought, come on now, that can't possibly be the case. Who is soft on child pornography? That didn't sound plausible. Then I examined her actual record. I examined cases. She had roughly a dozen child pornography cases as a district judge. In every single case where she had discretion, 100 percent of the time where she had discretion, she sentenced the defendant way, way, way below the Federal sentencing guidelines and way, way, way below what the prosecutors recommended, the very liberal DC prosecutors.

Now, when this issue was first raised, the Democrats responded: Well, Federal judges across the country sentence defendants below the sentencing guidelines, especially concerning child pornography. And that claim, insofar as it goes, is true. But her record is not simply sentencing below the guidelines; it is sentencing way, way, way below prosecutors.

Then we examined, how does she sentence in child pornography cases compared to other Federal judges? Let's compare apples to apples. When it comes to possession of child pornography, the national average for all Federal judges is 68 months, a little over 5 years. It is a serious crime with a serious prison sentence. Judge Jackson's average is 29.2 months. Now, note, the national average sentences child porn offenders to a longer sentence than your typical crime. Judge Jackson sentences child porn defendants to a shorter sentence than your typical crime. When it concerns possession of child pornography, it is a 57-percent difference.

But it is even more disturbing in a separate category, and that is distribution of child pornography. Distribution of child pornography, the national average is 135 months—11 years—a long time for a horrific crime. Judge Jackson's average sentence was 71.9 months. That is a full 47 percent less than the national average.

But it is even more egregious than that when you understand that with distribution of child pornography, Congress has passed into law a minimum sentence of 60 months. So Federal judges have no discretion to sentence below 60 months. That is the bare minimum. When you look at that, you realize that judges across the country—and we are not talking just Republican judges; we are talking Democrat judges: Bill Clinton judges, Barack Obama judges, Joe Biden judges—they sentence, on average, 75 months longer than the minimum. Judge Jackson sentences on average 11.9 months longer. It is a consistent and disturbing pattern.

Now, why does she do this? Well, when you sit down and read the transcripts of her sentencing hearings, which I have done, it is disturbing stuff. When you read the transcripts, she is very explicit that she has clear policy concerns.

Under the sentencing guidelines, there is a stricter sentence for child pornography involving very young children. She refuses to apply that. There is a sentencing enhancement for child pornography involving sadomasochistic abuse of children, children being tortured. She refuses to apply that.

If you look at what she has said, she said to the prosecutors—this is a quote from Judge Jackson at a sentencing hearing in United States v. Cane—she said, ''[You are] obviously aware''—she is talking to the prosecutors—''[You are] obviously aware of my policy disagreement. I just think it's very, very hard to deal with number of images as a significant aggravator.''

Now, what does this mean? There are two other aggravators for child pornography. One is use of a computer, and the other is number of images. In case after case, she refuses to apply them.

On use of a computer, she says: Well, at the time the guidelines were passed, this crime was primarily carried out through the mail. Now, everybody does it through a computer, so I am not going to use an enhancement for a computer.

Now, I don't agree with her on that, but I understand that point. That point is not out of the mainstream. But there is another aggravator, an aggravator up to five levels for the number of images, and over and over again, she says she won't apply the number of images.

I asked at her hearing. I said: So you are saying that somebody who has videos of a thousand children being sexually abused and somebody who has an image of one child being abused—that those are the same crimes, that you shouldn't punish the one offender more than the other?

She refused to answer that question.

That is extreme. It is radical, and that is not the law. Her disagreement—I would note, I believe I have 25 minutes, and Senator THUNE extended—had a UC to change the time.

The ACTING PRESIDENT pro tempore. The Senator has used the 25 minutes allotted.

Mr. CRUZ. When it comes to Judge Jackson's record, it is far out of the mainstream. This is a judge who, as a Justice—the odds are 100 percent, I believe, she will vote to strike down the death penalty nationwide, and she will rule repeatedly to release violent criminals, to release murderers, to release sex offenders. This is a pattern that is highly, highly disturbing.

Our Democratic colleagues like to say they don't support abolishing the police. When you nominate and confirm judges who let criminals out of jail, you have the responsibility for the consequences of your actions.

Judge Jackson's record is extreme, and I urge my colleagues to vote against her confirmation.

The PRESIDING OFFICER (Ms. DUCKWORTH). The Senator from Michigan.

Ms. STABENOW. Madam President, first let me say, after listening to my colleague from Texas, if half of what he said I thought was accurate, I would not be supporting Judge Jackson. Fortunately, it is not. So I rise today to urge the Senate to confirm Judge Ketanji Brown Jackson to the United States Supreme Court. I am so excited about her nomination.

Her nomination, we know, is historic—not just because Judge Jackson is eminently qualified for the position. Both Democrats and Republicans agree. In fact, based on her broad range of experience, you could argue she is more qualified to serve on the Supreme Court than any sitting judge. It is not just historic because of the dignified and honorable way she has conducted herself during this entire nomination process. If you think your last job

interview was rough, take a look at hers. Judge Jackson showed incredible grace during more than 20 hours of questioning that at times was incredibly hostile and rude. I would challenge any Member of this Chamber to endure that level of pressure without cracking. I am quite certain I couldn't do it. She is eminently qualified, and we have seen her judicial temperament up close.

What really makes Judge Jackson's nomination historic is this number: 115. One hundred and fifteen. That is how many U.S. Supreme Court Justices have served in our Nation's entire history—115. Out of those 115 Justices, 108 have been White males. Just think about it for a moment. In other words, nearly 94 percent of the Supreme Court Justices in our Nation's history have been White men. That is a very exclusive club.

And like many very exclusive clubs, it has tended to leave a lot of folks out in the cold. In a country as magnificently diverse as ours, that is simply not right, and I am so grateful that President Biden understands this.

The decisions made by the U.S. Supreme Court touch every single American. What does the right to vote truly mean under our Constitution? Freedom of religion; our freedom of speech. How are we as consumers or workers treated under our Constitution? Can a public school district force White students to attend one school while sending Black students to another? Can that same public school district refuse to educate students with disabilities? Can a couple be prevented from marrying and spending the rest of their lives caring for one another because they happen to be gay? And can a State override a woman's right to privacy and force her to continue a pregnancy that puts her own health and future at risk?

These are some of the types of decisions made by the U.S. Supreme Court every day. And when the Supreme Court doesn't look like America, it means that its decisions are less likely to take into account the lives and the needs of all Americans.

The late Justice Ruth Bader Ginsburg had a straightforward answer when she was asked how many women should serve on the U.S. Supreme Court. How many was enough? ''Nine,'' she would say.

Well, we are not quite there yet—but four? I would say that is a pretty good start. And a Black woman Justice? It is about time. It is past time.

You may have seen a wonderful photo making the rounds. It is of Judge Jackson's 17-year-old daughter Leila. It was from the first day of the nomination hearing. Leila is wearing a beautiful lavender suit and sitting behind her mom.

The expression on her face is absolutely priceless. She is looking at her mom with such admiration and pride.

Well, Leila isn't alone. Millions of young Black girls and their moms and their grandmas are looking at Judge Jackson with that same pride and admiration. They have never had someone who looks like them serving on our Nation's highest Court.

And how many of these young girls will see this incredibly accomplished woman and think, ''Hey, that could be me''? I hope they all do.

I will be honored to support Judge Jackson's confirmation. I am excited. I am proud of her. And I urge my colleagues to do the same. It is past time.

I yield the floor.

NOMINATION OF JAMES C. O'BRIEN

Mr. MENENDEZ. Mr. President, I rise today to express my support for the nomination of James O'Brien to be Coordinator of Sanctions Policy at the U.S. Department of State.

At a time when we must keep the pressure on Putin to end his unprovoked, brutal, and illegal war against Ukraine, we need experienced officials at the helm to ensure that we are using every sanctions tool against Russia. As the power of our sanctions has been amplified by working closely with our allies and partners around the world, the long-term success of those efforts will be greatly enhanced by having a Senate-confirmed official in place to ensure that those coordination efforts continue and that we maximize the costs on Russia's economy.

Mr. O'Brien is exactly the type of leader that the Office of Sanctions Coordination needs. And he brings impressive substantive expertise and professional background to this role.

Mr. O'Brien is a former career employee of the State Department and recipient of numerous performance awards. He has served two U.S. administrations as a special envoy, for Hostage Affairs, and for the Balkans. Over the course of his career at the State Department, he has led a large and successful sanctions program and advised on a range of issues, including peace negotiations in Europe, scientific and environmental agreements, and initiatives to investigate and prosecute persons responsible for war crimes.

In addition, Mr. O'Brien has negotiated agreements protecting intellectual property rights for scientific cooperation with China, promoted environmentally sound international trade regulations for hazardous and recyclable materials, and worked to make public-private partnerships and corporate social responsibility an important element in American foreign policy. As the first Presidential Envoy for Hostage Affairs, he helped establish the office and worked for the safe return of 100 American citizens.

I have no doubt that he will bring the same dedication and rigor to advancing and coordinating U.S. sanctions policy as he has his prior roles.

I strongly support confirming Mr. O'Brien. His confirmation will be critical to enhancing our sanctions efforts at this critical time. I urge my colleagues to join me in supporting his nomination, along with all of the foreign affairs nominations pending before this body, to advance our national security interests and improve our representation abroad.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of the O'Brien nomination, which the clerk will report.

The bill clerk read the nomination of James C. O'Brien, of Nebraska, to be Head of the Office of Sanctions Coordination, with the rank of Ambassador. (New Position)

VOTE ON O'BRIEN NOMINATION

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

Mr. WHITEHOUSE. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. COONS) and the Senator from New Jersey (Mr. MENENDEZ) are necessarily absent.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Nebraska (Mr. SASSE).

The result was announced—yeas 71, nays 26, as follows:

[Rollcall Vote No. 130 Ex.]

YEAS—71

Baldwin	Heinrich	Romney
Barrasso	Hickenlooper	Rosen
Bennet	Hirono	Rounds
Blumenthal	Hoeven	Sanders
Blunt	Kaine	Schatz
Booker	Kelly	Schumer
Brown	King	Shaheen
Burr	Klobuchar	Sinema
Cantwell	Leahy	Smith
Capito	Luján	Stabenow
Cardin	Manchin	Sullivan
Carper	Markey	Tester
Casey	McConnell	Thune
Collins	Merkley	Tillis
Cornyn	Murkowski	Toomey
Cortez Masto	Murphy	Van Hollen
Crapo	Murray	Warner
Duckworth	Ossoff	Warnock
Durbin	Padilla	Warren
Feinstein	Paul	Whitehouse
Gillibrand	Peters	Wicker
Graham	Portman	Wyden
Grassley	Reed	Young
Hassan	Risch	

NAYS—26

Blackburn	Fischer	Lummis
Boozman	Hagerty	Marshall
Braun	Hawley	Moran
Cassidy	Hyde-Smith	Rubio
Cotton	Inhofe	Scott (FL)
Cramer	Johnson	Scott (SC)
Cruz	Kennedy	Shelby
Daines	Lankford	Tuberville
Ernst	Lee	

NOT VOTING—3

Coons	Menendez	Sasse

The nomination was confirmed.

The PRESIDING OFFICER (Mr. HICKENLOOPER). 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.

The Senator from Pennsylvania.

NOMINATION OF KETANJI BROWN JACKSON

Mr. CASEY. Mr. President, I rise today to speak on the nomination of Ketanji Brown Jackson to serve as an Associate Justice on the Supreme Court of the United States.

When confirmed later this week, Judge Ketanji Brown Jackson will be the first Black woman on the U.S. Supreme Court in its 233-year history.

Yesterday morning, I had the privilege of meeting with her, and we discussed her judicial methodology as well as her story and her path in the law. Rising up to overcome so many barriers, Judge Jackson's story and her family's story is truly an American story. It is a story of hard work and sacrifice. It is a story of commitment to excellence.

Judge Jackson's academic credentials are impressive: graduating from Harvard College and Harvard Law School with honors from both college and law school.

Her unparalleled professional credentials and the breadth of her legal experience equal or exceed that of any nominee in recent history. She has worked in private practice. She has worked as an assistant public defender—Federal public defender—and as a law clerk at every level of the Federal judicial branch, including a law clerk to Justice Breyer, who is going to be retiring from the Court. Perhaps most important, she has worked as a Federal judge for nearly 10 years, presiding over trials and later hearing appeals.

During our meeting yesterday, Judge Jackson spoke about her career transition from attorney to Federal judge and specifically highlighted how her career as a trial attorney helped her grow into becoming a Federal judge.

Often lost in our discussions regarding Federal judges are the people, the people who are impacted directly by our legal system in our judges' decisions. At its core, our court system, more so than any other institution, is dedicated to the idea that everyone—everyone, not just the wealthy or powerful—should have a fair shot at justice and that no one—no one—is above the law.

The Beatitudes in the New Testament speak to this idea of justice. We have all heard it over and over again:

Blessed are they who hunger and thirst for justice, for they shall be satisfied.

The power—the power—of our judicial system and our judiciary stems from the integrity and the independence of our judges. It stems from their unrelenting commitment to the rule of law and to equal justice for all Americans.

Throughout her career but particularly as a public defender—a Federal public defender—Judge Jackson has fought for a more equitable and a more just America, representing individuals accused of committing crimes and those who cannot afford a lawyer. All of those cases are difficult cases for any lawyer. The lawyer must be committed to upholding a core American value that our legal system must protect all Americans, including defendants, to ensure ''Equal Justice Under Law,'' as is inscribed on the front of the Supreme Court itself.

Judge Jackson has lived this commitment to justice, to equal justice. She understands the awesome power that will be bestowed upon her as a Supreme Court Justice. She has seen firsthand the impact that a judge's decision can have on plaintiffs and defendants alike. It is why Judge Jackson has discussed how, when she was a district judge, she would often take extra care to communicate with defendants in her courtroom to ensure that they understood the complexities of the legal proceedings happening before them. For when a defendant is before the bar of justice, their liberty is at stake, and Judge Jackson wanted to make sure that they understood what was happening before them and what could happen to them.

Her commitment to equal justice is also evident by her impartial rulings and the widespread support she has received from across the political spectrum.

As a district court judge and as a circuit court judge, Judge Jackson has ruled for and against the government, in favor of prosecutors and for criminal defendants, for labor and for business, for civil plaintiffs and defendants.

Her nomination received the support from several Republican Senators, Republican-appointed judges, and former Republican-appointed officials.

She received broad support from law enforcement organizations, including the Fraternal Order of Police, the International Association of Chiefs of Police, and other top law enforcement officials, including former Philadelphia Police Commissioner Charles Ramsey, as well as crime survivors, and other advocates.

Her nomination has received further support from civil rights organizations as well as business organizations.

Of course, Judge Jackson's nomination is about more than simply the great support that she has received and her impeccable credentials. Both are important, but that is not it.

Yesterday morning, after my meeting with Judge Jackson, she was kind enough to meet with several members of my staff who have graduated from law school or who are getting ready to apply to law school, some of whom have been accepted. She offered some salient advice about law school. I won't disclose what it was here, but it was good advice. And she encouraged them to keep going, to persevere.

Now, Judge Jackson is already today, and has been for weeks and months now, an inspiration to tens of millions of Americans. Her graciousness, her humility, and her legal acumen are simply unmatched. Her confirmation to the Supreme Court will also inspire many future generations, those yet to come and not simply future lawyers and advocates. And certainly and particularly, her nomination and her confirmation will be particularly inspiring to young Black women and girls to persevere, as she said to our staff yesterday.

The day of her confirmation will be a good day for America. She lifts our spirits at a very difficult time for our Nation. And while we have a long way to go, Judge Jackson's nomination is an important step to bringing us closer to having our institutions better reflect the great diversity of our Nation as we strive to be a more perfect Union.

I will go back to the Beatitudes again. ''Blessed are they who hunger and thirst for justice, for they shall be satisfied.'' Judge Jackson, I have no doubt, will continue her work to strive for justice, to act with justice, as one of the great hymns tells us. She will do all of this as she discharges her duty as Justice Jackson.

I look forward to voting for her to serve as an Associate Justice on the Supreme Court of the United States of America.

I yield the floor.

The PRESIDING OFFICER (Ms. HIRONO). The Senator from Maryland.

Mr. CARDIN. Madam President, I rise today in strong support of Judge Jackson to be the 116th Justice of the Supreme Court of the United States.

As a Senator, one of the most important responsibilities I have under the Constitution is whether to provide my consent to a President's nomination to the Supreme Court, the highest Court in our land.

The Framers carefully designed our Constitution using an intricate system of checks and balances. The Framers designed the third branch of government, the judiciary, to be an independent branch from the political branches of government: the legislature and the executive branch.

Judges were given the unusual protection—unlike Congress and the President—to have lifetime tenure and to hold their offices during good behavior. Judges, therefore, do not have to fear retribution or loss of their office or diminution of their paycheck if they make an unpopular decision.

So while the Supreme Court must show a healthy respect for the other coequal branches of government, it must, at the same time, preserve its own independence and ultimately interpret the laws and Constitution of the United States. A critical part of the Supreme Court's role is to preserve and protect the Constitution and to make sure that all Americans are treated equally under the law.

The marble entrance of the Supreme Court has etched above it the promise of equal justice under the law for all persons who enter. The Supreme Court must vigorously uphold the civil rights and civil liberties of all Americans and pay special attention to safeguarding and enforcing the constitutional rights

guaranteed in our system of government.

As we know from our history, the Supreme Court has not always protected all Americans and, indeed, in the past has treated some Americans as less equal than others, simply due to their race, religion, or gender, among other factors. So let us remember the preamble to the Constitution, which declares that ''We the People of the United States, in Order to form a more perfect Union, establish Justice''—it is certainly not a perfect union, but I do believe in the words of Dr. Martin Luther King, Jr., that ''the arc of the moral universe is long, but it bends toward justice.''

Americans know that the Supreme Court makes profound decisions every day that impact the lives of people across this country. The Supreme Court regularly tackles so many of the controversial issues of the day that involve issues such as voting rights, criminal justice, labor law rights, environmental protection, and many, many more.

Turning now specifically to Judge Jackson's nomination, she would replace Justice Stephen Breyer on the Court, who, fittingly, she had clerked for after graduating from law school. Judge Jackson has an extremely impressive background and legal credentials and now sits as a judge on the U.S. Court of Appeals for the District of Columbia Circuit, often called the Nation's second highest court.

The American Bar Association's Standing Committee on the Federal Judiciary gave Judge Jackson a unanimously ''Well Qualified'' rating for the Supreme Court, which is its highest rating. The committee notes that to receive this highest rating:

> A Supreme Court nominee must be a preeminent member of the legal profession, have outstanding legal ability and exceptional breadth of experience, and meet the very highest standards of integrity, professional competence and judicial temperament.

Judge Jackson passed all these tests with flying colors during her Senate confirmation process.

I had the privilege of chairing Judge Jackson's first Senate confirmation hearing in 2009, when President Obama nominated her to serve on the U.S. Sentencing Commission. I then had the opportunity to visit with Judge Jackson earlier this month, prior to her confirmation hearing. It was a real pleasure to speak with her. I am familiar with her background and many of her rulings. She is also a former Maryland resident. We had much to talk about, as she had many connections to my State.

Her brother served both as an infantryman and officer in the Maryland Army National Guard, during which he was twice deployed overseas; and he also served as an undercover narcotics recovery officer in the Baltimore City Police Department.

Judge Jackson is eminently qualified. In our meeting, we talked about her personal experience and her commitment to equal justice under the law, especially for those who have had difficulty accessing our legal system. She discussed her work as a public defender and providing defense free of charge to the most vulnerable members of our society. In this work, Judge Jackson carried out the mandate of the Sixth Amendment of the Constitution, which provides that:

> In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial . . . and to have the Assistance of Counsel for his defence.

She talked about her outreach to our next generation, in terms of talking to students in high school and college, as well as our next generation of lawyers in law school. I am often reminded of the words of my dear friend, the late Congressman Elijah Cummings of Baltimore, that ''our children are the living messages we send to a future we will never see.''

I do think Judge Jackson is having an important and ongoing conversation about democracy with our students. I frankly think she will be a powerful role model for so many who will follow in her footsteps—in particular, women and women of color who see Judge Jackson break yet another barrier and glass ceiling at the Supreme Court. These students can believe that, yes, they belong even in the highest Court in the land and the most elite corridors of power in our Nation's Capital.

We discussed the importance of an independent judicial branch of government and protecting the rights of individuals against powerful special interests that would abuse their power. I was impressed with Judge Jackson throughout our conversation.

Judge Jackson exemplifies the American story and experience. Her parents were public schoolteachers, and Judge Jackson said she was inspired to go into law by watching her father study when he was in law school. Raised in Miami, FL, she attended Florida public schools. She then went on to earn her BA magna cum laude from Harvard University and, later, her JD cum laude from Harvard Law School.

She went on to clerk for three different Federal judges: Judge Patti Saris in the District of Massachusetts, Judge Bruce Selya of the First Circuit Court of Appeals, and then Justice Stephen Breyer on the Supreme Court of the United States.

After working in private practice, she joined the U.S. Sentencing Commission as an assistant special counsel before serving as an assistant Federal public defender in Washington. Judge Jackson then returned to private practice again before being nominated in 2009 by President Obama to serve as a commissioner and, later, vice chair of the U.S. Sentencing Commission.

As I noted earlier, I had the privilege to chair this confirmation hearing for Judge Jackson, after which she was unanimously confirmed by voice vote in the Senate in 2010. In this role, I noted that Judge Jackson often worked to find common ground with her fellow commissioners, who brought very different backgrounds and perspectives to the Commission. In particular, Judge Jackson made significant strides to make our criminal justice system and sentencing policy more fair and just.

For example, she worked on a bipartisan basis to effectively implement the Fair Sentencing Act, which addressed the 100-to-1 disparity in the law regarding crack cocaine and powder cocaine, which had led to disproportionate and discriminatory treatment of minorities in our criminal justice system.

I am hopeful that Judge Jackson can use these same skills of finding common ground with individuals from different backgrounds and build a consensus as a Justice on the Supreme Court.

In 2013, President Obama nominated Judge Jackson to serve as the U.S. district judge for the District of Columbia, and again, the Senate unanimously confirmed her nomination by voice vote. As a district court judge, Judge Jackson wrote more than 500 opinions and considered a wide array of issues that would come before the Supreme Court. She has a real breadth of experience here, including cases involving constitutional, civil rights, and national security issues; administrative issues involving Federal Agencies; environmental issues; criminal law and procedure issues; and matters involving government transparency.

On the bench, her record clearly demonstrates that Judge Jackson impartially applies the law and precedent to the facts in a fair and impartial manner, regardless of her own personal views on the subject. Judge Jackson took special care to make sure the parties before her understood her approach to deciding cases, and she issued clearly reasoned decisions.

As Judge Jackson said in her confirmation hearing for the district court circuit, When I worked with clients as a defender, ''[m]ost of my clients didn't really understand what had happened to them. [N]o one really explained to them what they were supposed to expect, so they did not know where things might have gone wrong.''

Therefore, as a judge, Judge Jackson said that she will ''take extra time to communicate with'' the parties. ''I speak to them directly and not just to their lawyers. I use their names. I explain every stage of the proceeding because I want them to know what is going on.''

In reviewing her record, I notice that Judge Jackson's analysis and decision making have led her to rule both for and against the government in different cases, both for and against employers and workers, for and against criminal defendants and prosecutors, based on the merits of the case and her application of the law to the facts of that particular case.

In her confirmation hearing and written answers to questions for the record,

Judge Jackson pledged to support and defend the Constitution and further pledged to rule without fear or favor or prejudice or passion, consistent with her judicial oath. She indicated she understood the limits of the judicial role and the importance of adhering to precedents of the Court.

Just last year, President Biden elevated Judge Jackson to the U.S. Court of Appeals for the District of Columbia Circuit. The Senate confirmed Judge Jackson to this position by a bipartisan vote of 53 voting in favor in an evenly divided Senate.

In that confirmation hearing, Judge Jackson again stressed the importance of courts having ''a duty of independence from political pressure, meaning that judges must resolve cases and controversies in a manner that is consistent with what the law requires, despite the judge's own personal views of the matter, and this is so even with respect to cases and controversies that pertain to controversial political issues.'' She is committed to carrying out her oath as a judge.

She particularly noted that she did not pay attention to who was in the administration when ruling on cases, which is consistent with her case record, ruling both for and against the Trump administration in different cases.

Judge Jackson did a superb job during the recent confirmation hearings, as our Presiding Officer knows, and consistently impressed me with her talents. Not only was she eminently qualified—we already knew about her outstanding qualifications; not only was she in command of all the legal subjects—we knew that she would excel in discussing the law and her job as a judge; but her demeanor in the face of repeated and often outrageous assaults by Republican Members of the Senate truly set her apart. She maintained her judicial temperament throughout this week's hearing and showed why she will be a major factor on the Supreme Court. Judge Jackson's confirmation hearing reinforced to me how critical it will be to have her on the Supreme Court.

Members of the committee unsuccessfully tried to distort Judge Jackson's sentencing record. The record clearly rebuts these charges, as Judge Jackson's sentences are well within the judicial mainstream, and Judge Jackson often followed the recommendations made by the probation office.

The ABA Standing Committee debunked several of these myths when they analyzed Judge Jackson's record as part of their review process before her confirmation hearing.

The ABA testified at the hearing:

> We did speak to various prosecutors and defense counsels for Judge Jackson. . . . None of them felt that she demonstrated bias in any way. . . . One prosecutor said, ''I did not observe any bias, and the Judge was fair to all sides in connection with sentencing in all aspects.'' . . . We asked pointed questions as it related to bias—whether it be to defendants, whether it be to the government, and we found no bias.

That was the ABA.

In terms of the allegations that Judge Jackson is ''soft on crime,'' the ABA testified:

> We heard consistently, from not only defense counsel but prosecutors, how unbiased Judge Jackson is. We heard phrases like ''doing things by the books.'' For example, one prosecutor described the sentencing hearing involving a very high profile, sensitive national security matter. What she said was, it was classic Judge Jackson. . . . What really impressed this prosecutor was that after oral argument, Judge Jackson took a recess, went back to [her] chambers, and when she resumed the bench, came out with a sentence that was more in favor of the government. What more impressed the prosecutor was that the Judge's ruling included arguments that had been made both by the defense and [the] prosecutors during oral arguments. It is not as if she came into the hearing with her mind made up. She listened to what counsel on both sides said and came up with a sentence that the prosecution was quite happy with.

Several prominent law enforcement organizations support Judge Jackson's nomination.

The Fraternal Order of Police wrote:

> From our analysis of Judge Jackson's record and some of her cases, we believe she has considered the facts and applied the law consistently and fairly on a range of issues. There is little doubt that she has the temperament, intellect, legal experience, and family background to have earned this appointment. We are reassured that, should she be confirmed, she would approach her future cases with an open mind and treat issues related to law enforcement fairly and justly.

The International Association of Chiefs of Police supports Judge Jackson's nomination. They wrote:

> [W]hen the IACP chooses to support an individual, we do not take it lightly, and [we] take into careful consideration their background, experience, and previous opinions issued as they relate to law enforcement and criminal justice issues. . . . During her time as a judge, she has displayed her dedication to ensuring that our communities are safe and that the interests of justice are served. We believe that Judge Jackson's years of experience have shown she has the temperament and qualifications to serve as the next Associate Justice on the Supreme Court.

That was the International Association of Chiefs of Police.

Judge Jackson has an unusually broad range of support from law enforcement groups, crime victims and survivors, business associations, and civil rights groups.

Former DC Circuit Judge Thomas Griffith introduced Judge Jackson at her confirmation hearing. Judge Griffith, a President George W. Bush appointee, vouched for Judge Jackson's ''careful approach, extraordinary judicial understanding, and collegial manner. . . . Judge Jackson has a demonstrated record of excellence, and I believe, based upon her work as a trial judge when I served on the Court of Appeals, that she will adjudicate based on the facts and the law and not [in a] partisan [manner].

Former Fourth Circuit Judge Michael Luttig, a President George H. W. Bush appointee who recently advised Vice President Pence, offered a similar endorsement when he wrote that she is ''eminently qualified to serve on the Supreme Court'' and is ''as highly credentialed and experienced in the law as any nominee in [recent] history.''

Her colleagues have given her the highest ratings. Those who know her best, those who have worked with her, give us all great confidence in her qualifications and ability to serve on the Supreme Court.

A group of conservative lawyers—many of whom served in previous Republican administrations—wrote in strong support of Judge Jackson and said:

> While some of us might differ concerning particular positions she has taken as a judge, we are united in our view that she is exceptionally well-qualified, given her breadth of experience, demonstrated ability, and personal attributes of intellect and character. Indeed, we think that her confirmation on a consensus basis would strengthen the Court and the nation in important ways.

It is long past time for the Supreme Court to seat a highly qualified, Black, female attorney as a member. As we strive to provide equal justice under the law to all Americans, she would be only the sixth woman out of 116 Justices to serve on the Supreme Court and only the second woman of color and the first Black woman. A Justice Jackson will bring sorely needed diversity to the Supreme Court, both demographically and professionally.

The Leadership Conference on Civil and Human Rights noted:

> This professional diversity is another critical step in ensuring our courts look more like America. Judge Jackson will be the first justice with any significant criminal defense experience since the retirement of Justice Thurgood Marshall in 1991, and she would be the only Supreme Court justice to have served as a public defender. Public defenders play a [critical] role in our legal system, yet they are vastly underrepresented on the federal bench. At all levels of our judiciary, there are nearly six times as many former prosecutors on the federal bench than former criminal defense lawyers, and just over 5 percent of federal appellate judges have experience as a public defender. . . . Our highest court should reflect the diversity of the legal profession, and Judge Jackson's meaningful experience is greatly needed on our Supreme Court.

I believe that Judge Jackson will faithfully uphold her judicial oath, which contains a special provision whereby judges promise to ''administer justice without respect to persons, and do equal right to the poor and the rich.'' I believe she respects the separation of powers and checks and balances in our system and that she is committed to uphold the civil rights and civil liberties of all Americans.

I will proudly vote to confirm Judge Jackson so she will become Justice Jackson.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

USICA

Ms. CANTWELL. Madam President, I come to the floor to talk about something that is impacting consumers

every day, and that is our supply chain shortage as it relates to semiconductors, or abbreviated here as ''chips.''

I can't emphasize how important this issue is to Americans. It is affecting Americans who can't buy a used car. There is a 41-percent increase over what they would have normally been able to buy. It is really impacting Americans. Why? Because Americans can't get new cars. They can't get new cars because they don't have semiconductors. It is impacting our transportation sector that ships goods. It is affecting our ability on national security. It is affecting our communication systems.

I know that a year ago, we passed this legislation out of the Senate. I am pretty sure that if we would have passed the funding a year ago out of the U.S. Senate and it would have been adopted and gone to the President's desk, we would be in a different supply chain issue today.

I want to ask my colleagues to move quickly at going to conference on this legislation. Reporting indicates that semiconductor shortages may have cost the United States a full percent of economic input-output in 2021. Other reports highlight the fact that the semiconductor shortage is driving inflation. Yet our colleagues don't want to help get us to conference. When you don't have chips, you don't have trucks to drive.

We have an opportunity to invest in American workers and to show international leadership and innovation by going to conference and passing this Innovation and Competition Act.

I want to thank Senator SCHUMER and Senator YOUNG for their work in a bipartisan fashion to get this legislation before us, to help us move it through the process, and now to help us deliver on what is impacting Americans—critical supply chain shortages.

My colleagues have long spoken about the need to reshore our semiconductor supply chain. That is why, when we passed this bill a year ago, we had strong bipartisan support, and we have continued to grow the support for this action.

We are here today, though, to say that if we continue to delay this issue, the investment is going to go somewhere else; that is, companies are trying to figure out how to deal with the shortage. They have a shortage; they want to get going on it. They know that not only is the shortage here today, but we have to double and triple the amount of chip fabrication that we need to do for the future economy. The longer that we don't get at that task, the more this supply chain issue is going to be exacerbated. So our colleagues need to sign up for helping America with a critical supply chain shortage issue and come help us deal with this issue.

I have spoken many times about the importance of semiconductors. We know that the cost of a used car has risen 41 percent since the semiconductor shortage, bringing them almost to the price of a new car. I have heard so many stories from my constituents about this. They just need to get to work. But all of a sudden, going and trying to find a used car or repair their car because they can't afford to get a new or a used car—all of this has had a huge impact. Yet people here don't want to solve that problem of moving forward.

The lack of security in the semiconductor supply chain isn't just affecting automotive industries; it is part of critical agricultural equipment. We are hearing stories now about agricultural equipment that had a chip in it, something has happened, and now you can't fix or replace that because there are no chips to do so. So, literally, our agricultural production is being slowed down, and they may miss growing season because they don't have the semiconductors.

All of these industries are being impacted.

In December of this past year, 59 different company CEOs—Apple, Cisco, Ford, GE Healthcare, and many others—wrote to Congress saying that they supported this important investment in design and research of manufacturing of semiconductors, and they pointed to the domestic vulnerability of our supply chain as the main reason to get this done. They knew that our domestic capabilities were sagging.

Companies like John Deere and other precision agriculture equipment companies depend on those chips to maximize the yield in the field so that our farmers can be fed.

Chip shortages create delays of 40 weeks or more for new equipment and parts needed to repair those of farmers and ranchers and those working in our important agriculture sector.

About two-thirds of the medical technology companies have semiconductors in over half of their products, like ventilators, respirators, and pacemakers. These medtech companies need mature chip technologies and compete with already impacted automotive and industrial sectors. They know what the shortage is about, and yet we continue to delay to go to conference.

If you care about anything in the supply chain and the shortages, then help us go to conference and get this legislation. Medical tech component delays of 1 year or more have been reported. Knowing the hard-fought experiences of the pandemic, we need to have this issue with our healthcare system addressed.

Early on in the pandemic, the aviation industry avoided supply chain experiences that we now see with the autos, and they know how much the safety depends on those chips. But now airlines are having to upgrade and modernize, and they also are seeing the chip shortage. This is coming from lots of different people in the aviation sector.

Space X Starlink, which is a satellite internet service provider, is trying to provide internet service to underserved areas and beneficiaries of some of the investments that we just made in broadband to the very, very hard-to-serve remote areas of our Nation. They say that the semiconductor chip shortage had impacted their ability to fulfill orders.

What more do my colleagues need to know?

We have a supply chain crisis. We have a chip shortage. And now people want to continue to delay going to conference and getting this done.

The aerospace and defense industries are important to our national defense, and they are impacted. In February, the Department of Defense published a report on our vulnerabilities. They said:

> [The] decline in domestic manufacturing represents a substantive security and economic threat for the United States and many [of our] allied nations.

And yet people want to delay.

They also said that U.S. companies are finding it so expensive to build leading-edge chips that they are choosing not to do so, especially in face of the fact they can get foreign subsidies. It is 30 or 40 percent cheaper to build a semiconductor fabrication facility in Asia than it is in the United States. And this is one of the things, I think, our colleagues don't understand; that is, how expensive these facilities are, in the billions of dollars to get done, in the capital investment.

And I know some of my colleagues are concerned that ''Why should we help in this supply chain crisis?'' Well, we know that the United States wants to be a leader in this technology for our own national security issues. As one of my own constituents said, ''if there is a reason we support agriculture for food security, we should support chips for national security.'' I couldn't agree more.

I am not going to see the most advanced chips made by somebody else, threatening us at some point in time that they won't give us the chips that we need for the operations of our economy. We need to build this equipment now, and we need to move forward. American companies know that semiconductor supply chains are vital and that reshoring in the United States now—as we look at how supply chains due to COVID, now due to Ukraine—have caused national security issues. So these companies understand that being more secure by having the supply chain in the United States should be a national priority.

It should have strong bipartisan support. We have companies trying to invest, but they also are saying: Is this legislation really going to get done?

The fact that it was basically passed out of the Senate and now we are delaying in tactics to go to conference is frustrating.

Earlier this year, Intel announced they were investing $20 billion in Ohio to build semiconductor fabrication facilities. The CEO of Intel testified before the Commerce Committee about

the importance of this investment and the importance of this underlying passage of legislation.

He testified that this investment of $20 billion could soon become as big as $100 billion, but not if we don't pass this legislation.

GlobalFoundries announced that it would invest billions of dollars in semiconductor manufacturing equipment in places in the northeast part of the United States, but they too are contingent upon us passing this legislation.

When I think about the workforce that is going to be needed to produce this kind of product or the workforce that is going to be needed in cleaner sources of energy, I know that passing this legislation is key to getting the training and skilling of that workforce underway, right now, as soon as possible.

There is one reason that Apple, one of the largest sellers of smart phones in the world, announced last year that they would have to bring back some of their production to the United States. It is because the government worked to bring leading-edge semiconductor manufacturing into Arizona.

This is about securing leadership in innovation. It is about this ''ah-ha'' moment that everybody around the world has seen, because of COVID and Ukraine, that the security of doing this needs to be done now and invested in the United States.

But some people are still dragging their feet. Congress needs to act now and act swiftly to go to conference, to reconcile these differences, and support this supply chain crisis that is affecting our economy.

Every day that we wait, our companies, our manufacturers, our universities, our workforce are questioning whether we are going to invest in the United States of America. The CEO of Intel told us that Europe has put $49 billion in a chips package, and they had the money available before we had our legislation done. That is right.

People listened to this issue of bringing, for more secure reasons, investment out of Asia and back to the United States, but, yes, Europe listened and went and got the money and got the bill done. That is why some people have said: We are not going to be buying chips in U.S. dollars. We will be buying them in euros.

This is so important. We must get this legislation done. Companies may test their ideas in Europe. Maybe the R&D is in Europe. But is that what we want? We want to be the leaders of this. There is an entire ecosystem in an information age that is about the next generation of advanced chips that leads to the next advanced manufacturing.

If you want our auto makers, if you want our truck makers, if you want the communications technology and the defense people to also have that ecosystem, you have to send this price signal now—that the Congress, the House and Senate, are serious about resolving this issue.

This is not a summertime issue. It is not an after-the-November-election issue. It is a now issue. Show the American consumer that you have concern for their costs and shortages that are plaguing them in all aspects of their lives and get an agreement, and let's go to conference and show Americans that we can work on a bipartisan basis to address the supply chain crisis.

I yield the floor.

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

CORONAVIRUS

Ms. KLOBUCHAR. Mr. President, I come to the floor today on two very important subjects. The first is about an issue that is of vital importance for the United States across economic, security, and humanitarian spheres, and that is vaccinating the world's population.

I think we all have learned in a very hard, hard way the last 2 years that the coronavirus does not respect international borders. It started in China. It came to America. It went all over the world.

Experts have been warning for months that if the virus continues to spread in other parts of the world, new variants could continue to emerge, just as we are emerging and seeing each other again and going to family gatherings and having people and tour groups come into the Capitol. We cannot let our guard down.

American companies have worked with the world to create the most effective vaccines in existence. We put our faith in science, and now we have an incredible vaccine that we can be proud of. And as we continue to ensure that Americans get their shots and their boosters, we know that ending this pandemic is going to require a sustained, multinational approach to getting these lifesaving shots to the rest of the world.

This makes sense from a humanitarian perspective, it makes sense from an economic perspective, and it is just common sense, because we can't let this happen again, and we certainly can't put our heads in the sand and pretend that, just because it is going on in another continent or across the ocean, it won't affect us.

For those in America who have lost loved ones, that couldn't even say goodbye to their loved ones, because they were in a hospital, holding the hand of a nurse, and all they could do was see them in the hospital bed over a Zoom screen or on an iPad, we can't let any of that happen again. And that means that we not only do our work at home and get the vaccines out and the leadership that we have seen out of the White House on that front, but it is also about leading in the world.

The United States has long been a leader in global health programs. President George W. Bush established PEPFAR, which stands for President's Emergency Plan for AIDS Relief. That program saved over 20 million lives and prevented millions of infections. It was a bipartisan effort that was led by President Bush.

The United States has also connected global towns and villages with clean water, thought to prevent malaria, and led efforts to end smallpox and polio around the world. This is our legacy, but we can't rest on our success and the leadership from the past. We have to lead now.

At this point, only about 56 percent of the world's population is fully vaccinated. In nations around the world, the individual rate is much lower. In Nigeria, Africa's most populous country, only 5 percent of people are fully vaccinated. Few people would disagree with the assessment that new variants will continue to form—ask Dr. Fauci—as long as much of the world remains unvaccinated, and that makes every nation vulnerable, including ours.

And we can do this at such a relatively small cost to what the gain will be—the gain in saving lives abroad and in America, the gain in keeping a stable economy around the world, because you know we export to the world, and we know we are interconnected with the world.

So when it comes to beating this virus, we have to recognize that our destiny is linked with the rest of the world. We can't give up this fight. Now is not the time to cut corners. We have suffered enough through this virus, and we have the needed tools to vaccinate a global population. We have the vaccine. We just have to get it to the people that need it.

I will keep fighting to get the resources to get this done. We will work with our colleagues on the other side of the aisle until we get this done and vaccinate the world.

NOMINATION OF KETANJI BROWN JACKSON

Mr. President, a second important topic is in front of us right now, and that is Judge Jackson's nomination to be an Associate Justice of the Supreme Court. I enthusiastically support the nomination of Judge Jackson. I supported it at a recent committee hearing and in our committee vote on Monday. As a member of the Senate Judiciary Committee, I have had the opportunity to spend a lot of time with the judge, in my office for nearly an hour and then watching her persevere—that is a good word—through 2 full days of questions. And I know that she is going to be confirmed by the Senate. And, by the way, I appreciate the support of every Democrat for her nomination, as well as of Senators COLLINS and MURKOWSKI and ROMNEY.

She showed the American people why she is the person to meet this moment in our country's history. She is someone that showed such grace under pressure, as so many people have had to do, by the way, in the last 2 years. She showed herself to be a true person, someone that when asked about how you balanced work with being a mom, she said: We are not all perfect. I can't do everything all the time, but I try my best, and I love my kids.

And she clearly is a shining example of a good mother. She talked about her faith. Even under direct, over-the-top questioning by our colleagues, she kept true to her faith and to her values and to her view of a judge, which is to take the facts and the law and make a decision without fear or favor. She showed the American people why she is the person to meet this moment as the first Black woman nominated to the Court and only the sixth woman in the history of our country.

One hundred fifteen Justices—she is the sixth woman. She will open a door that has been long shut for so many, and she will do it by virtue of her strong presence, her skills, and her experience. She will show little girls and boys across the country that everything is possible.

She was already an inspiration to one 11-year-old girl by the name of Maddi Morgan. I met Maddi's dad when I was on a walk in Washington, DC. He parked his car, sprung out of his car, and showed me the letter that his daughter had written President Biden when President Biden announced that he was going to make a nomination but didn't reveal who it was and was interviewing candidates.

Maddi, his 11-year-old, decided that she would be appropriate for the job. She noted that she would live many more years and so, therefore, would be the longest serving Justice in history. She noted that she could be a voice for kids. She also noted that she lived very close to the courthouse, and she could walk to work all the time.

And then when Judge Jackson was announced by President Biden as the nominee, Maddi said this:

If I'm going to be snubbed, it couldn't be for a better candidate.

So that little 11-year-old girl was sitting in the hearing room watching as a woman who is truly an inspiration to her, Judge Jackson, answered question after question.

And by the way, I am not surprised at some of our Republican colleagues either supporting Judge Jackson or voicing their belief that she is a qualified person and a smart person and someone who deserves to be nominated, even if they, for other reasons, aren't voting for her. I think they are pretty consistent in saying, with the American public, that Judge Jackson is qualified.

In fact, two-thirds of Americans, according to one recent poll, say Judge Jackson should be confirmed.

As we learned during the hearing, Judge Jackson grew up in a family who values public service. Her parents, whom I had the chance to meet, started their careers as teachers. And when Judge Jackson's dad set his sights on becoming a lawyer, her mom figured out how to support the family while he attended law school.

As a lawyer, she balanced work with parenthood. I appreciated hearing about how Judge Jackson would sit with her dad while he was studying the law books and she was doing a coloring book.

She, as someone who has been a Federal public defender—the first with that experience who will be in the room where it happens—but also having many relatives in law enforcement has a unique perspective of the law and a very important respect for people in law enforcement.

Her brother was a police officer who also served in the military. One of her uncles was a detective, and the other uncle was the chief of police for the Miami Police Department.

It was from that family of public servants that Judge Jackson set her sights high.

After graduating from law school, doing very well there, she was a clerk for Justice Breyer. And then as she heads into this nomination after three votes—this will be her fourth vote in front of this Senate with bipartisan support—she will come to the Court with more—with more—judicial experience than four other Justices had when they went on the Court. These are current Justices.

She is the person we need right now. We know that trust in the Court has been fading, and so to have someone that has her legal acumen and background but also to have someone who gets that these decisions aren't just words on a page; that the words on the page and the decisions you make as a judge are connected to real people; they affect whether someone is going to get healthcare; they affect their own healthcare choices; they affect if you are going to have clean water or air; and they affect whether or not you can actually vote and how you can vote and when you can vote and if you can vote—she gets it.

I appreciated her willingness to take so many questions. We talked about antitrust, a subject true to my heart, as well as the importance of the First Amendment and many other detailed questions that she got. And I know a lot of those questions that got attention were the over-the-top ones, the attacks on her, but, nevertheless, the bulk of the questions in that hearing got to true questions about the law and her views and her knowledge of the cases, and she passed every single thing with flying colors.

At this critical moment, Judge Jackson has the qualities to make sure that the Court and the Constitution, in Justice Breyer's words, ''work for the people of today.''

She has a quintessentially American story, and as she put it, her success is a ''testament to the hope and promise of this country.''

I urge my colleagues to embrace the hope and promise of Judge Jackson and the hope and promise of this country.

Vote for her.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mrs. MURRAY. Mr. President, I am here to voice my very strong, enthusiastic support for Judge Ketanji Brown Jackson's nomination and to urge all of our colleagues in joining me to vote to confirm her.

Judge Jackson is one of the most exceptional Supreme Court nominees I have met, and I am so excited she is on her way to the Supreme Court. It is incredibly well deserved and incredibly good news for our country.

The bottom line for me is always, can I tell my constituents back home in Washington State that if they ever have a case before this judge, this is someone who will listen, who will understand, and someone who will make a thoughtful, fair decision for them based on the laws of our Nation? And the answer with Judge Jackson is a resounding yes.

It is clear from her record she has the experience. It was clear from her hearing that she has a masterful understanding of the law and a seemingly endless supply of perhaps unwarranted patience.

And I think it is clear to anyone, after a few minutes with her, she has heart, compassion, and a commitment to justice.

So it should be no surprise her nomination was met with wide acclaim, including from prominent Republican lawyers and retired judges appointed by Republican Presidents.

As a professional, Judge Jackson's record doesn't merely check the boxes we have come to expect from our Supreme Court nominees: a clerkship for Justice Breyer, experience as a district court judge and a circuit court judge. She also has experience that is less common to the highest Court in the land, and for that reason, all the more important—like her experience on the U.S. Sentencing Commission, a perspective only the retiring Justice Breyer brought to the Supreme Court or her experience as a public defender, something no other Supreme Court Justice has ever had. This is so important and so long overdue.

Being a public defender means developing an in-depth understanding of the legal needs of everyday people. Judges from these kinds of legal backgrounds can be better equipped to understand the experiences of each person before them to recognize the burden laws often place on people who are living with low income or otherwise marginalized, and ultimately to render more informed, more just decisions.

And Judge Jackson's background is more than simply a resume. It is her perspective growing up as the daughter of two public school teachers, her perspective as a working mother with two daughters of her own, and her perspective as a Black woman working in a profession where stories like hers were few and far between.

I have no doubt that perspective will serve her and the people who come before her well as a Supreme Court Justice.

And while her personal story tells us a lot, the way she gracefully and knowledgeably handled her confirmation hearings shows us even more. During a confirmation process that a few Republicans tried to make incredibly ugly, she showed the kind of poise and patience befitting a U.S. Supreme Court Justice.

Over the course of hundreds of questions, she offered thoughtful answers that demonstrated expert understanding of the law, a carefully considered methodology for how she approaches each case, and an unmistakable commitment to ensuring justice and upholding the liberties of all Americans, not just the powerful and well connected.

And that is so important, especially at a time when so many rights are under attack. We continue to see Republicans pushing through blatantly unconstitutional laws on the right to abortion. We are seeing the tragic consequences of those reckless restrictions every day.

We are also seeing attacks on the rights of workers as they seek to organize or form a union and fight for a better workplace.

We are even seeing attacks on the cornerstone of our democracy—the right to vote—as Republicans have continually pushed through measures to block the ballot box and some even continue to dangerously deny the legitimacy of the last election.

We need a Supreme Court Justice who understands, as Judge Jackson once put it, ''Presidents are not kings;'' someone who understands equal justice is for all, not just the wealthy and the powerful. There are so many critical issues which come before the Court that matter so deeply to the American people—cases about workers' rights or reproductive rights or voting rights or Tribal sovereignty, climate change, gun safety, immigration, and so much more.

My constituents deserve to know the Justices hearing these cases are really going to listen to their concerns, understand their experiences, uphold our Constitution, and defend their rights. They deserve a Justice as thoughtful, compassionate, and committed as Ketanji Brown Jackson.

I first ran for Senate because of the Supreme Court, watching the hearings with Anita Hill. I was frustrated that there was no one on the dais who looked like me, no one asking the questions that I would ask; and for most of the country throughout most of our history, our courts have been the same way. They have not represented the diversity of our Nation—not by a long shot. I am proud to say we are finally fixing that, including in my home State of Washington. And soon, we will take another historic step at the highest level possible. We will vote to put another mom on the Supreme Court.

Ketanji Brown Jackson will make history as the first Black woman to serve on the highest Court in the land, though I am sure she will not be the last, because I know now there are little girls across the country watching as the Senate confirms someone who looks like them to the Supreme Court for the first time ever. They are not just watching history being made; they are watching a barrier fall down, a path open up, and a new future that seems more possible than ever before.

You know, I first ran for office because I watched the Supreme Court process and I was frustrated. Today, I am no less energized, but for a very different reason. Today, I am excited. I am inspired, even. And I hope people across our country watching this are as well.

I hope a future Senator or a future Justice or even a future President is able to talk about what this moment meant to them and what doors Justice Jackson opened for others. I am thrilled to be voting yes on this nomination, and I strongly urge all of our colleagues to do the same.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. ROSEN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWN. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BROWN. Madam President, it is an honor to support a thoughtful, experienced, historic nominee to our highest Court, Ketanji Brown Jackson.

I met with her yesterday. It was so clear she has the experience, she has the character, she has the commitment to justice needed to be an excellent Supreme Court Justice. We talked about the legacy and the unfinished fight of Dr. King, how we could never forget that he was martyred in Memphis while fighting for the rights of sanitation workers, some of the most exploited workers in segregated America—segregated in Memphis, TN.

Dr. King understood better than perhaps anybody how worker rights and voter rights come together. It is clear that Judge Jackson understands the dignity of work and that the rights of workers are integral civil rights. People think of the Supreme Court as something like an ivory tower detached from people's everyday lives, and we know that decisions these Justices make affect America's workplaces and their paychecks and their safety on the job. That is why it matters so much whom we promote to these jobs.

I am confident that Judge Jackson will be a Justice who protects the rights of all Americans, not just the powerful, not just the privileged. She brings with her a diverse set of experiences and a perspective that has long been lacking from our Nation's highest Courts.

We, of course, know she is the first Black woman nominated to serve on the Court. She is a daughter of a public schoolteacher. She went to public schools herself—not that common, frankly, on the U.S. Supreme Court—and she is a former public defender. The nomination is truly historic.

Her parents attended segregated primary schools, and now, their daughter will ascend to the highest levels of our government. Think about that.

Judge Jackson has a history of bipartisan support. Republicans supported her confirmation to the U.S. Court of Appeals. I am glad a few of my Republican colleagues have recognized those unimpeachable qualifications and are supporting her confirmation this week.

I don't know how anyone could doubt her intelligence, her thoughtfulness, her knowledge of the law, and her commitment to justice. She clerked for Justice Breyer. She has shown she is the ideal nominee to carry on his legacy of building consensus, in listening to all perspectives.

It was an honor to talk with her yesterday and to hear her views. It will be an honor to vote for her later this week.

Over the coming months and years, the Supreme Court is set to make decisions on everything from Ohioans' healthcare to workplace safety to their right to vote. If the Court makes these decisions that affect all Ohioans' lives, I am confident that Judge Jackson understands the importance of equal justice and as a commitment to our Constitution, including civil rights and including worker rights. She will serve Ohioans and all Americans with the same grace and dignity and commitment to our country she has shown over the past several weeks—meeting with Senators, speaking to the President, and in speaking to the Nation through the Judiciary Committee hearings. I urge my colleagues to join me in supporting her confirmation.

The PRESIDING OFFICER. The Senator from Ohio.

DR. MARTIN LUTHER KING, JR.'S LETTER FROM BIRMINGHAM JAIL

Mr. BROWN. Madam President, it is my honor to—this is something I get to do once a year now—it is my honor to join Senator ROUNDS of South Dakota and Senator HIRONO from Hawaii, and then Senator COLLINS later, Senator BALDWIN, Senator ROMNEY, and Senator WARNOCK, to join my colleagues of both parties on the floor to read one of the greatest pieces of writing of the 20th century, Dr. King's letter from the Birmingham jail.

I thank those Senators for joining us. Our former colleague, Senator Doug Jones, began this tradition. He did it in 2019 and 2020. As he left the Senate in late 2020, he asked me to continue the tradition that he began. He would have been here on the floor with us to watch and to listen, but he was called to the White House on his work with Judge Jackson.

This is a bipartisan reading. I very purposely chose three Republican

friends—Senator ROUNDS will go first—and three Democrat friends, followed by Senator HIRONO. And let me just lay out where we are and what we are doing.

It is April 1963. Dr. King was held in the Birmingham Jail for the supposed crime of leading a series of peaceful protests and boycotts in the city of Birmingham, AL. The goal was to put pressure on the business community to end discrimination in their hiring for local jobs. Some White ministers from Alabama would take issue with these boycotts. They said: Slow down, Dr. King. Don't move too fast. We are for voting rights, too. We are for ending discrimination, but don't demand too much all at once.

Dr. King rejected that premise. That is what this letter is about. It is about demanding justice now for people in Alabama whose skin was Black and who simply could not vote because of the color of their skin.

We can't wait around and hope that problems in families' lives will solve themselves. It is up to us as citizens, as leaders, as members of our churches in our communities.

Dr. King made this point more eloquently and persuasively, certainly, than I can. We will begin the reading of the letter with Senator ROUNDS from South Dakota.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. ROUNDS. Madam President, ladies and gentlemen of the Senate: First of all, to my friend and colleague, Senator BROWN, I thank you for the opportunity to participate today, and I hope to do my best to add a feeling of strength to the message that Dr. Martin Luther King shared in his letter.

This is a reading from a ''Letter From Birmingham Jail,'' Dr. Martin L. King Jr., April 16, 1963.

My Dear Fellow Clergymen:

While confined here in the Birmingham city jail, I came across your recent statement calling my present activities ''unwise and untimely.'' Seldom do I pause to answer criticism of my work and ideas. If I sought to answer all the criticisms that cross my desk, my secretaries would have little time for anything other than such correspondence in the course of the day, and I would have no time for constructive work. But since I feel that you are men of genuine good will and that your criticisms are sincerely set forth, I want to try to answer your statement in what I hope will be patient and reasonable terms.

I think I should indicate why I am here in Birmingham, since you have been influenced by the view which argues against ''outsiders coming in.'' I have the honor of serving as president of the Southern Christian Leadership Conference, an organization operating in every southern state, with headquarters in Atlanta, Georgia. We have some eighty five affiliated organizations across the South, and one of them is the Alabama Christian Movement for Human Rights. Frequently, we share staff, educational and financial resources with our affiliates. Several months ago the affiliate here in Birmingham asked us to be on call to engage in a nonviolent direct action program if such were deemed necessary. We readily consented, and when the hour came we lived up to our promise. So I, along with several members of my staff, am here because I was invited here. I am here because I have organizational ties here.

But more basically, I am in Birmingham because injustice is here. Just as the prophets of the eighth century B.C. left their villages and carried their ''thus saith the Lord'' far beyond the boundaries of their home towns, and just as the Apostle Paul left his village of Tarsus and carried the gospel of Jesus Christ to the far corners of the Greco Roman world, so am I compelled to carry the gospel of freedom beyond my own home town. Like Paul, I must constantly respond to the Macedonian call for aid.

Moreover, I am cognizant of the interrelatedness of all communities and states. I cannot sit idly by in Atlanta and not be concerned about what happens in Birmingham. Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly. Never again can we afford to live with the narrow, provincial 'outside agitator' idea. Anyone who lives inside the United States can never be considered an outsider anywhere within its bounds.

You deplore the demonstrations taking place in Birmingham. But your statement, I am sorry to say, fails to express a similar concern for the conditions that brought about the demonstrations. I am sure that none of you would want to rest content with the superficial kind of social analysis that deals merely with effects and does not grapple with underlying causes. It is unfortunate that demonstrations are taking place in Birmingham, but it is even more unfortunate that the city's white power structure left the Negro community with no alternative.

In any nonviolent campaign there are four basic steps: collection of the facts to determine whether injustices exist; negotiation; self purification; and direct action. We have gone through all these steps in Birmingham. There can be no gainsaying the fact that racial injustice engulfs this community. Birmingham is probably the most thoroughly segregated city in the United States. Its ugly record of brutality is widely known. Negroes have experienced grossly unjust treatment in the courts. There have been more unsolved bombings of Negro homes and churches in Birmingham than in any other city in the nation. These are the hard, brutal facts of the case. On the basis of these conditions, Negro leaders sought to negotiate with the city fathers. But the latter consistently refused to engage in good faith negotiation.

Then, last September, came the opportunity to talk with leaders of Birmingham's economic community. In the course of the negotiations, certain promises were made by the merchants—for example, to remove the stores' humiliating racial signs. On the basis of these promises, the Reverend Fred Shuttlesworth and the leaders of the Alabama Christian Movement for Human Rights agreed to a moratorium on all demonstrations. As the weeks and months went by, we realized that we were the victims of a broken promise. A few signs, briefly removed, returned; the others remained. As in so many past experiences, our hopes had been blasted, and the shadow of deep disappointment settled upon us. We had no alternative except to prepare for direct action, whereby we would present our very bodies as a means of laying our case before the conscience of the local and the national community. Mindful of the difficulties involved, we decided to undertake a process of self purification. We began a series of workshops on nonviolence, and we repeatedly asked ourselves: ''Are you able to accept blows without retaliating?'' ''Are you able to endure the ordeal of jail?'' We decided to schedule our direct action program for the Easter season, realizing that except for Christmas, this is the main shopping period of the year. Knowing that a strong economic-withdrawal program would be the byproduct of direct action, we felt that this would be the best time to bring pressure to bear on the merchants for the needed change.

Then it occurred to us that Birmingham's mayoral election was coming up in March, and we speedily decided to postpone action until after election day. When we discovered that the Commissioner of Public Safety, Eugene ''Bull'' Connor, had piled up enough votes to be in the run off, we decided again to postpone action until the day after the run off so that the demonstrations could not be used to cloud the issues. Like many others, we waited to see Mr. Connor defeated, and to this end, we endured postponement after postponement. Having aided in this community need, we felt that our direct action program could be delayed no longer.

Ms. HIRONO.

You may well ask: ''Why direct action? Why sit-ins, marches and so forth? Isn't negotiation a better path?'' You are quite right in calling for negotiation. Indeed, this is the very purpose of direct action. Nonviolent direct action seeks to create such a crisis and foster such a tension that a community which has constantly refused to negotiate is forced to confront the issue. It seeks so to dramatize the issue that it can no longer be ignored. My citing the creation of tension as part of the work of the nonviolent resister may sound rather shocking. But I must confess that I am not afraid of the word ''tension.'' I have earnestly opposed violent tension, but there is a type of constructive, nonviolent tension which is necessary for growth. Just as Socrates felt that it was necessary to create a tension in the mind so that individuals could rise from the bondage of myths and half-truths to the unfettered realm of creative analysis and objective appraisal, so must we see the need for nonviolent gadflies to create the kind of tension in society that will help men rise from the dark depths of prejudice and racism to the majestic heights of understanding and brotherhood. The purpose of our direct action program is to create a situation so crisis packed that it will inevitably open the door to negotiation. I therefore concur with you in your call for negotiation. Too long has our beloved Southland been bogged down in a tragic effort to live in monologue rather than dialogue.

One of the basic points in your statement is that the action that I and my associates have taken in Birmingham is untimely. Some have asked: ''Why didn't you give the new city administration time to act?'' The only answer that I can give to this query is that the new Birmingham administration must be prodded about as much as the outgoing one, before it will act. We are sadly mistaken if we feel that the election of Albert Boutwell as mayor will bring the millennium to Birmingham. While Mr. Boutwell is a much more gentle person than Mr. Connor, they are both segregationists, dedicated to maintenance of the status quo. I have hope that Mr. Boutwell will be reasonable enough to see the futility of massive resistance to desegregation. But he will not see this without pressure from devotees of civil rights. My friends, I must say to you that we have not made a single gain in civil rights without determined legal and nonviolent pressure. Lamentably, it is an historical fact that privileged groups seldom give up their privileges voluntarily. Individuals may see the moral light and voluntarily give up their

unjust posture; but, as Reinhold Niebuhr has reminded us, groups tend to be more immoral than individuals.

We know through painful experience that freedom is never voluntarily given by the oppressor; it must be demanded by the oppressed. Frankly, I have yet to engage in a direct action campaign that was ''well timed'' in the view of those who have not suffered unduly from the disease of segregation. For years now I have heard the word ''Wait!'' It rings in the ear of every Negro with piercing familiarity. This ''Wait'' has almost always meant ''Never.'' We must come to see, with one of our distinguished jurists, that ''justice too long delayed is justice denied.''

We have waited for more than 340 years for our constitutional and God given rights. The nations of Asia and Africa are moving with jetlike speed toward gaining political independence, but we still creep at horse and buggy pace toward gaining a cup of coffee at a lunch counter. Perhaps it is easy for those who have never felt the stinging darts of segregation to say, ''Wait.'' But when you have seen vicious mobs lynch your mothers and fathers at will and drown your sisters and brothers at whim; when you have seen hate filled policemen curse, kick and even kill your black brothers and sisters; when you see the vast majority of your twenty million Negro brothers smothering in an airtight cage of poverty in the midst of an affluent society; when you suddenly find your tongue twisted and your speech stammering as you seek to explain to your six year old daughter why she can't go to the public amusement park that has just been advertised on television, and see tears welling up in her eyes when she is told that Funtown is closed to colored children, and see ominous clouds of inferiority beginning to form in her little mental sky, and see her beginning to distort her personality by developing an unconscious bitterness toward white people; when you have to concoct an answer for a five year old son who is asking: ''Daddy, why do white people treat colored people so mean?''; when you take a cross country drive and find it necessary to sleep night after night in the uncomfortable corners of your automobile because no motel will accept you; when you are humiliated day in and day out by nagging signs reading ''white'' and ''colored''; when your first name becomes [a racial slur], your middle name becomes ''boy'' (however old you are) and your last name becomes ''John,'' and your wife and mother are never given the respected title ''Mrs.''; when you are harried by day and haunted by night by the fact that you are a Negro, living constantly at tiptoe stance, never quite knowing what to expect next, and are plagued with inner fears and outer resentments; when you are forever fighting a degenerating sense of ''nobodiness''—then you will understand why we find it difficult to wait. There comes a time when the cup of endurance runs over, and men are no longer willing to be plunged into the abyss of despair.

Ms. COLLINS.

I hope, sirs, that you can understand our legitimate and unavoidable impatience. You express a great deal of anxiety over our willingness to break laws. This is certainly a legitimate concern. Since we so diligently urge people to obey the Supreme Court's decision of 1954 outlawing segregation in the public schools, at first glance, it may seem rather paradoxical for us to consciously break laws. One may well ask: ''How can you advocate breaking some laws and obeying others?'' The answer lies in the fact that there are two types of laws: just and unjust. I would be the first to advocate obeying just laws. One has not only a legal but a moral responsibility to obey just laws. Conversely, one has a moral responsibility to disobey unjust laws. I would agree with St. Augustine that ''an unjust law is no law at all.''

Now, what is the difference between the two? How does one determine whether a law is just or unjust? A just law is a man made code that squares with the moral law or the law of God. An unjust law is a code that is out of harmony with the moral law. To put it in the terms of St. Thomas Aquinas: An unjust law is a human law that is not rooted in eternal law and natural law. Any law that uplifts human personality is just. Any law that degrades human personality is unjust. All segregation statutes are unjust because segregation distorts the soul and damages the personality. It gives the segregator a false sense of superiority and the segregated a false sense of inferiority. Segregation, to use the terminology of the Jewish philosopher Martin Buber, substitutes an ''I it'' relationship for an ''I thou'' relationship and ends up relegating persons to the status of things. Hence segregation is not only politically, economically and sociologically unsound, it is morally wrong and sinful. Paul Tillich has said that sin is separation. Is not segregation an existential expression of man's tragic separation, his awful estrangement, his terrible sinfulness? Thus it is that I can urge men to obey the 1954 decision of the Supreme Court, for it is morally right; and I can urge them to disobey segregation ordinances, for they are morally wrong.

Let us consider a more concrete example of just and unjust laws. An unjust law is a code that a numerical or power majority group compels a minority group to obey but does not make binding on itself. This is difference made legal. By the same token, a just law is a code that a majority compels a minority to follow and that it is willing to follow itself. This is sameness made legal. Let me give another explanation. A law is unjust if it is inflicted on a minority that, as a result of being denied the right to vote, had no part in enacting or devising the law. Who can say that the legislature of Alabama which set up that State's segregation laws was democratically elected? Throughout Alabama all sorts of devious methods are used to prevent Negroes from becoming registered voters, and there are some counties in which, even though Negroes constitute a majority of the population, not a single Negro is registered. Can any law enacted under such circumstances be considered democratically structured?

Sometimes a law is just on its face and unjust in its application. For instance, I have been arrested on a charge of parading without a permit. Now, there is nothing wrong in having an ordinance which requires a permit for a parade. But such an ordinance becomes unjust when it is used to maintain segregation and to deny citizens the First-Amendment privilege of peaceful assembly and protest.

I hope you are able to see the distinction I am trying to point out. In no sense do I advocate evading or defying the law, as would the rabid segregationist. That would lead to anarchy. One who breaks an unjust law must do so openly, lovingly, and with a willingness to accept the penalty. I submit that an individual who breaks a law that conscience tells him is unjust, and who willingly accepts the penalty of imprisonment in order to arouse the conscience of the community over its injustice, is in reality expressing the highest respect for law.

Of course, there is nothing new about this kind of civil disobedience. It was evidenced sublimely in the refusal of Shadrach, Meshach, and Abednego to obey the laws of Nebuchadnezzar, on the ground that a higher moral law was at stake. It was practiced superbly by the early Christians, who were willing to face hungry lions and the excruciating pain of chopping blocks rather than submit to certain unjust laws of the Roman Empire. To a degree, academic freedom is a reality today because Socrates practiced civil disobedience. In our own nation, the Boston Tea Party represented a massive act of civil disobedience.

We should never forget that everything Adolf Hitler did in Germany was ''legal'' and everything the Hungarian freedom fighters did in Hungary was ''illegal.'' It was ''illegal'' to aid and comfort a Jew in Hitler's Germany. Even so, I am sure that, had I lived in Germany at the time, I would have aided and comforted my Jewish brothers. If today I lived in a Communist country where certain principles dear to the Christian faith are suppressed, I would openly advocate disobeying that country's antireligious laws.

Mr. BROWN.

I must make two honest confessions to you, my Christian and Jewish brothers. First, I must confess that over the past few years I have been gravely disappointed with the white moderate. I have almost reached the regrettable conclusion that the Negro's great stumbling block in his stride toward freedom is not the White Citizen's Counciler or the Ku Klux Klanner, but the white moderate, who is more devoted to ''order'' than to justice; who prefers a negative peace which is the absence of tension to a positive peace which is the presence of justice; who constantly says: ''I agree with you in the goal you seek, but I cannot agree with your methods of direct action''; who paternalistically believes he can set the timetable for another man's freedom; who lives by a mythical concept of time and who constantly advises the Negro to wait for a ''more convenient season.'' Shallow understanding from people of goodwill is more frustrating than absolute misunderstanding from people of ill will. Lukewarm acceptance is much more bewildering than outright rejection.

I had hoped that the white moderate would understand that law and order exist for the purpose of establishing justice and that when they fail in this purpose they become the dangerously structured dams that block the flow of social progress. I had hoped that the white moderate would understand that the present tension in the South is a necessary phase of the transition from an obnoxious negative peace, in which the Negro passively accepted his unjust plight, to a substantive and positive peace, in which all men will respect the dignity and worth of human personality. Actually, we who engage in nonviolent direct action are not the creators of tension. We merely bring to the surface the hidden tension that is already alive. We bring it out in the open, where it can be seen and dealt with. Like a boil that can never be cured so long as it is covered up but must be opened with all its ugliness to the natural medicines of air and light, injustice must be exposed, with all the tension its exposure creates, to the light of human conscience and the air of national opinion before it can be cured.

In your statement you assert that our actions, even though peaceful, must be condemned because they precipitate violence. But is this a logical assertion? Isn't this like condemning a robbed man because his possession of money precipitated the evil act of robbery? Isn't this like condemning Socrates because his unswerving commitment to truth and his philosophical inquiries precipitated the act by the misguided populace in which they made him drink hemlock? Isn't this like condemning Jesus because his unique God consciousness and never ceasing

devotion to God's will precipitated the evil act of crucifixion? We must come to see that, as the federal courts have consistently affirmed, it is wrong to urge an individual to cease his efforts to gain his basic constitutional rights because the quest may precipitate violence. Society must protect the robbed and punish the robber. I had also hoped that the white moderate would reject the myth concerning time in relation to the struggle for freedom. I have just received a letter from a white brother in Texas. He writes: ''All Christians know that the colored people will receive equal rights eventually, but it is possible that you are in too great a religious hurry. It has taken Christianity almost two thousand years to accomplish what it has. The teachings of Christ take time to come to earth.'' Such an attitude stems from a tragic misconception of time, from the strangely irrational notion that there is something in the very flow of time that will inevitably cure all ills. Actually, time itself is neutral; it can be used either destructively or constructively. More and more I feel that the people of ill will have used time much more effectively than have the people of good will. We will have to repent in this generation not merely for the hateful words and actions of the bad people but for the appalling silence of the good people. Human progress never rolls in on wheels of inevitability; it comes through the tireless efforts of men willing to be coworkers with God, and without this hard work, time itself becomes an ally of the forces of social stagnation. We must use time creatively, in the knowledge that the time is always ripe to do right. Now is the time to make real the promise of democracy and transform our pending national elegy into a creative psalm of brotherhood. Now is the time to lift our national policy from the quicksand of racial injustice to the solid rock of human dignity.

You speak of our activity in Birmingham as extreme. At first I was rather disappointed that fellow clergymen would see my nonviolent efforts as those of an extremist. I began thinking about the fact that I stand in the middle of two opposing forces in the Negro community. One is a force of complacency, made up in part of Negroes who, as a result of long years of oppression, are so drained of self respect in the sense of ''somebodiness'' that they have adjusted to segregation; and in part of a few middle-class Negroes who, because of a degree of academic and economic security and because in some ways they profit by segregation, have become insensitive to the problems of the masses. The other force is one of bitterness and hatred, and it comes perilously close to advocating violence. It is expressed in the various black nationalist groups that are springing up across the nation, the largest and best known being Elijah Muhammad's Muslim movement. Nourished by the Negro's frustration over the continued existence of racial discrimination, this movement is made up of people who have lost faith in America, who have absolutely repudiated Christianity, and who have concluded that the white man is an incorrigible ''devil.''

I have tried to stand between these two forces, saying that we need emulate neither the ''do nothingism'' of the complacent nor the hatred and despair of the black nationalist. For there is the more excellent way of love and nonviolent protest. I am grateful to God that, through the influence of the Negro church, the way of nonviolence became an integral part of our struggle. If this philosophy had not emerged, by now many streets of the South would, I am convinced, be flowing with blood. And I am further convinced that if our white brothers dismiss as ''rabble rousers'' and ''outside agitators'' those of us who employ nonviolent direct action, and if they refuse to support our nonviolent efforts, millions of Negroes will, out of frustration and despair, seek solace and security in black nationalist ideologies—a development that would inevitably lead to a frightening racial nightmare.

Ms. BALDWIN.

Oppressed people cannot remain oppressed forever. The yearning for freedom eventually manifests itself, and that is what has happened to the American Negro. Something within has reminded him of his birthright of freedom, and something without has reminded him that it can be gained. Consciously or unconsciously, he has been caught up by the Zeitgeist, and with his black brothers of Africa and his brown and yellow brothers of Asia, South America and the Caribbean, the United States Negro is moving with a sense of great urgency toward the promised land of racial justice. If one recognizes this vital urge that has engulfed the Negro community, one should readily understand why public demonstrations are taking place. The Negro has many pent up resentments and latent frustrations, and he must release them. So let him march; let him make prayer pilgrimages to the city hall; let him go on freedom rides—and try to understand why he must do so. If his repressed emotions are not released in nonviolent ways, they will seek expression through violence; this is not a threat but a fact of history. So I have not said to my people: ''Get rid of your discontent.'' Rather, I have tried to say that this normal and healthy discontent can be channeled through into the creative outlet of nonviolent direct action. And now this approach is being termed extremist. But though I was initially disappointed at being categorized as an extremist, as I continued to think about the matter I gradually gained a measure of satisfaction from the label. Was not Jesus an extremist for love: ''Love your enemies, bless them that curse you, do good to them that hate you, and pray for them which despitefully use you, and persecute you.'' Was not Amos an extremist for justice: ''Let justice roll down like waters and righteousness like an ever flowing stream.'' Was not Paul an extremist for the Christian gospel: ''I bear in my body the marks of the Lord Jesus.'' Was not Martin Luther an extremist: ''Here I stand; I cannot do otherwise, so help me God.'' And John Bunyan: ''I will stay in jail to the end of my days before I make a butchery of my conscience.'' And Abraham Lincoln: ''This nation cannot survive half slave and half free.'' And Thomas Jefferson: ''We hold these truths to be self evident, that all men are created equal . . . '' So the question is not whether we will be extremists, but what kind of extremists we will be. Will we be extremists for hate or for love? Will we be extremists for the preservation of injustice or for the extension of justice? In that dramatic scene on Calvary's hill three men were crucified. We must never forget that all three were crucified for the same crime—the crime of extremism. Two were extremists for immorality, and thus fell below their environment. The other, Jesus Christ, was an extremist for love, truth and goodness, and thereby rose above his environment. Perhaps the South, the nation and the world are in dire need of creative extremists.

I had hoped that the white moderate would see this need. Perhaps I was too optimistic; perhaps I expected too much. I suppose I should have realized that few members of the oppressor race can understand the deep groans and passionate yearnings of the oppressed race, and still fewer have the vision to see that injustice must be rooted out by strong, persistent and determined action. I am thankful, however, that some of our white brothers in the South have grasped the meaning of this social revolution and committed themselves to it. They are still all too few in quantity, but they are big in quality. Some—such as Ralph McGill, Lillian Smith, Harry Golden, James McBride Dabbs, Ann Braden and Sarah Patton Boyle—have written about our struggle in eloquent and prophetic terms. Others have marched with us down nameless streets of the South. They have languished in filthy, roach infested jails, suffering the abuse and brutality of policemen who view them as ''dirty nigger-lovers.'' Unlike so many of their moderate brothers and sisters, they have recognized the urgency of the moment and sensed the need for powerful ''action'' antidotes to combat the disease of segregation. Let me take note of my other major disappointment. I have been so greatly disappointed with the white church and its leadership. Of course, there are some notable exceptions. I am not unmindful of the fact that each of you has taken some significant stands on this issue. I commend you, Reverend Stallings, for your Christian stand on this past Sunday, in welcoming Negroes to your worship service on a nonsegregated basis. I commend the Catholic leaders of this state for integrating Spring Hill College several years ago.

But despite these notable exceptions, I must honestly reiterate that I have been disappointed with the church. I do not say this as one of those negative critics who can always find something wrong with the church. I say this as a minister of the gospel, who loves the church; who was nurtured in its bosom; who has been sustained by its spiritual blessings and who will remain true to it as long as the cord of life shall lengthen.

Mr. ROMNEY.

When I was suddenly catapulted into the leadership of the bus protest in Montgomery, Alabama, a few years ago, I felt we would be supported by the white church. I felt that the white ministers, priests and rabbis of the South would be among our strongest allies. Instead, some have been outright opponents, refusing to understand the freedom movement and misrepresenting its leaders; all too many others have been more cautious than courageous and have remained silent behind the anesthetizing security of stained glass windows.

In spite of my shattered dreams, I came to Birmingham with the hope that the white religious leadership of this community would see the justice of our cause and, with deep moral concern, would serve as the channel through which our just grievances could reach the power structure. I had hoped that each of you would understand. But again I have been disappointed.

I have heard numerous southern religious leaders admonish their worshipers to comply with a desegregation decision because it is the law, but I have longed to hear white ministers declare: ''Follow this decree because integration is morally right and because the Negro is your brother.'' In the midst of blatant injustices inflicted upon the Negro, I have watched white churchmen stand on the sideline and mouth pious irrelevancies and sanctimonious trivialities. In the midst of a mighty struggle to rid our nation of racial and economic injustice, I have heard many ministers say: ''Those are social issues, with which the gospel has no real concern.'' And I have watched many churches commit themselves to a completely other worldly religion which makes a strange, un-Biblical distinction between body and soul, between the sacred and the secular.

I have traveled the length and breadth of Alabama, Mississippi and all the other southern states. On sweltering summer days and crisp autumn mornings I have looked at

the South's beautiful churches with their lofty spires pointing heavenward. I have beheld the impressive outlines of her massive religious education buildings. Over and over I have found myself asking: ''What kind of people worship here? Who is their God? Where were their voices when the lips of Governor Barnett dripped with words of interposition and nullification? Where were they when Governor Wallace gave a clarion call for defiance and hatred? Where were their voices of support when bruised and weary Negro men and women decided to rise from the dark dungeons of complacency to the bright hills of creative protest?''

Yes, these questions are still in my mind. In deep disappointment I have wept over the laxity of the church. But be assured that my tears have been tears of love. There can be no deep disappointment where there is not deep love. Yes, I love the church. How could I do otherwise? I am in the rather unique position of being the son, the grandson and the great grandson of preachers. Yes, I see the church as the body of Christ. But, oh! How we have blemished and scarred that body through social neglect and through fear of being nonconformists.

There was a time when the church was very powerful—in the time when the early Christians rejoiced at being deemed worthy to suffer for what they believed. In those days the church was not merely a thermometer that recorded the ideas and principles of popular opinion; it was a thermostat that transformed the mores of society. Whenever the early Christians entered a town, the people in power became disturbed and immediately sought to convict the Christians for being ''disturbers of the peace'' and ''outside agitators.'' But the Christians pressed on, in the conviction that they were ''a colony of heaven,'' called to obey God rather than man. Small in number, they were big in commitment. They were too God-intoxicated to be ''astronomically intimidated.'' By their effort and example they brought an end to such ancient evils as infanticide and gladiatorial contests. Things are different now. So often the contemporary church is a weak, ineffectual voice with an uncertain sound. So often it is an archdefender of the status quo. Far from being disturbed by the presence of the church, the power structure of the average community is consoled by the church's silent—and often even vocal—sanction of things as they are.

But the judgment of God is upon the church as never before. If today's church does not recapture the sacrificial spirit of the early church, it will lose its authenticity, forfeit the loyalty of millions, and be dismissed as an irrelevant social club with no meaning for the twentieth century. Every day I meet young people whose disappointment with the church has turned into outright disgust.

Perhaps I have once again been too optimistic. Is organized religion too inextricably bound to the status quo to save our nation and the world? Perhaps I must turn my faith to the inner spiritual church, the church within the church, as the true ekklesia and the hope of the world. But again I am thankful to God that some noble souls from the ranks of organized religion have broken loose from the paralyzing chains of conformity and joined us as active partners in the struggle for freedom. They have left their secure congregations and walked the streets of Albany, Georgia, with us. They have gone down the highways of the South on tortuous rides for freedom. Yes, they have gone to jail with us. Some have been dismissed from their churches, have lost the support of their bishops and fellow ministers. But they have acted in the faith that right defeated is stronger than evil triumphant. Their witness has been the spiritual salt that has preserved the true meaning of the gospel in these troubled times. They have carved a tunnel of hope through the dark mountain of disappointment. I hope the church as a whole will meet the challenge of this decisive hour. But even if the church does not come to the aid of justice, I have no despair about the future. I have no fear about the outcome of our struggle in Birmingham, even if our motives are at present misunderstood. We will reach the goal of freedom in Birmingham and all over the nation, because the goal of America is freedom.

Mr. WARNOCK.

Abused and scorned though we may be, our destiny is tied up with America's destiny. Before the pilgrims landed at Plymouth, we were here. Before the pen of Jefferson etched the majestic words of the Declaration of Independence across the pages of history, we were here. For more than two centuries our forebears labored in this country without wages; they made cotton king; they built the homes of their masters while suffering gross injustice and shameful humiliation—and yet out of a bottomless vitality they continued to thrive and develop. If the inexpressible cruelties of slavery could not stop us, the opposition we now face will surely fail. We will win our freedom because the sacred heritage of our nation and the eternal will of God are embodied in our echoing demands. Before closing I feel impelled to mention one other point in your statement that has troubled me profoundly. You warmly commended the Birmingham police force for keeping ''order'' and ''preventing violence.'' I doubt that you would have so warmly commended the police force if you had seen its dogs sinking their teeth into unarmed, nonviolent Negroes. I doubt that you would so quickly commend the policemen if you were to observe their ugly and inhumane treatment of Negroes here in the city jail; if you were to watch them push and curse old Negro women and young Negro girls; if you were to see them slap and kick old Negro men and young boys; if you were to observe them, as they did on two occasions, refuse to give us food because we wanted to sing our grace together. I cannot join you in your praise of the Birmingham police department.

It is true that the police have exercised a degree of discipline in handling the demonstrators. In this sense they have conducted themselves rather ''nonviolently'' in public. But for what purpose? To preserve the evil system of segregation. Over the past few years I have consistently preached that nonviolence demands that the means we use must be as pure as the ends we seek. I have tried to make it clear that it is wrong to use immoral means to attain moral ends. But now I must affirm that it is just as wrong, or perhaps even more so, to use moral means to preserve immoral ends. Perhaps Mr. Connor and his policemen have been rather nonviolent in public, as was Chief Pritchett in Albany, Georgia, but they have used the moral means of nonviolence to maintain the immoral end of racial injustice. As T.S. Eliot has said: ''The last temptation is the greatest treason: To do the right deed for the wrong reason.''

I wish you had commended the Negro sit inners and demonstrators of Birmingham for their sublime courage, their willingness to suffer and their amazing discipline in the midst of great provocation. One day the South will recognize its real heroes. They will be the James Merediths, with the noble sense of purpose that enables them to face jeering and hostile mobs, and with the agonizing loneliness that characterizes the life of the pioneer. They will be old, oppressed, battered Negro women, symbolized in a seventy two year old woman in Montgomery, Alabama, who rose up with a sense of dignity and with her people decided not to ride segregated buses, and who responded with ungrammatical profundity to one who inquired about her weariness: ''My feets is tired, but my soul is at rest.'' They will be the young high school and college students, the young ministers of the gospel and a host of their elders, courageously and nonviolently sitting in at lunch counters and willingly going to jail for conscience's sake. One day the South will know that when these disinherited children of God sat down at lunch counters, they were in reality standing up for what is best in the American dream and for the most sacred values in our Judeo Christian heritage, thereby bringing our nation back to those great wells of democracy which were dug deep by the founding fathers in their formulation of the Constitution and the Declaration of Independence.

Never before have I written so long a letter. I'm afraid it is much too long to take your precious time. I can assure you that it would have been much shorter if I had been writing from a comfortable desk, but what else can one do when he is alone in a narrow jail cell, other than write long letters, think long thoughts and pray long prayers?

If I have said anything in this letter that overstates the truth and indicates an unreasonably impatience, I beg you to forgive me. If I have said anything that understates the truth and indicates my having a patience that allows me to settle for anything less than brotherhood, I beg God to forgive me.

I hope this letter finds you strong in the faith. I also hope that circumstances will soon make it possible for me to meet each of you, not as an integrationist or a civil-rights leader but as a fellow clergymen and a Christian brother. Let us all hope that the dark clouds of racial prejudice will soon pass away and the deep fog of misunderstanding will be lifted from our fear drenched communities, and in some not too distant tomorrow the radiant stars of love and brotherhood will shine over our great nation with all their scintillating beauty.

Yours for the cause of Peace and Brotherhood,

MARTIN LUTHER KING, JR.

I yield the floor.

The PRESIDING OFFICER (Ms. BALDWIN). The Senator from Ohio.

Mr. BROWN. Madam President, thanks to my colleagues, Senator WARNOCK, Senator BALDWIN in the Presiding Officer's Chair, Senator ROUNDS, Senator HIRONO, Senator COLLINS, and Senator ROMNEY for joining me to read these powerful words today.

This tradition began in 2019 when Senator Doug Jones from Alabama, a leader in the civil rights movement, as Senator WARNOCK who just spoke also is—he began this tradition in 2019. And then when he left the Senate in 2020, he asked me to continue and together read these powerful words—a diverse group on the floor today. We come from different backgrounds. We disagree on a number of things. We love this country. We know we can do better for the people who make it work.

In my meeting yesterday with Judge Jackson—soon to be Justice Jackson—we talked about the deep connection between civil rights and workers' rights. Dr. King spoke to labor audiences throughout his life. He preached with a unique eloquence about the inherent dignity of work. He said that

''so often we overlook the work and significance of those who are not in professional jobs, of those who are not in the so-called big jobs . . . Whenever you are engaged in work that serves humanity and is for the building of humanity,'' Dr. King said, ''it has dignity and it has worth.'' He said that ''no labor is really menial unless you're not getting adequate wages.''

I think about the campaign Dr. King waged when he was assassinated. We will never forget that he was martyred in Memphis while fighting for some of the most exploited workers in the country: sanitation workers in segregated Memphis.

We know too many workers face a similar exploitation today. We have seen, over the past 2 years, how many workers corporations call essential but treat as expendable. It is their whole business model.

It is not a coincidence that many of those workers look like the ones for whom Dr. King was fighting for, that they are not the ones in the so-called—his words—''big jobs.''

When on occasion, a company tries to do the right thing when they announce a pay raise or investment in workers, often Wall Street punishes them.

This week, Starbucks—a corporation currently fighting its own workers trying to organize a union—announced they are throwing a bone to workers. The company is going to do a little tiny bit less in executive compensation in the form of stock buybacks this year and do some investment in the workers instead, and their stock price went down. The Wall Street business model doesn't just do nothing for workers—pardon the grammar—it actively discourages investment in workers.

It has to change. Until hard work pays off for all workers, Dr. King's work remains unfinished. That means paying all workers a living wage. Senator WARNOCK is still on the floor, and Senator BALDWIN, the Presiding Officer, are two of the people that fight the hardest for that.

All workers must make a living wage, have more power over their schedule, provide good benefits and safety on the job, and not fight organizing a union. That means all workers get a fair share of the wealth that they create. It means recognizing the dignity of the communities that Black Americans have built over generations. That is how we bring ourselves closer to the society that Dr. King envisioned where all labor has dignity.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

NOMINATION OF KETANJI BROWN JACKSON

Mr. PETERS. Madam President, I rise in support of Judge Ketanji Brown Jackson's confirmation to be an Associate Justice on the Supreme Court of the United States and look forward to proudly voting for her confirmation.

There are few constitutional duties more important in my role as a U.S. Senator than providing the advice and consent on judicial nominations, and this is especially true for the Supreme Court.

As we consider Judge Jackson's nomination before this body, we are on the cusp of a historic, barrier-breaking moment and on the verge of confirming the first African-American woman to serve on the Supreme Court.

This is not only a significant milestone, but a moment to recognize Judge Jackson, who is one of our Nation's brightest legal minds and an incredibly impressive nominee.

Before I talk about Judge Jackson's exceptional experience, her qualifications, and support from all across the legal spectrum, I think it is important to reflect on the critical importance of our Nation's highest Court.

Without question, Supreme Court rulings have a direct and a consequential impact on the lives of Michiganders and all Americans. Issues before the Court include healthcare, women's reproductive rights, workers' rights, environmental protections, voting rights, and many life-or-death decisions that shape the law of the land.

Simply put, the Supreme Court is often the last line of defense for everyday Americans and an important guardian of the Constitution itself.

There is no question that a lifetime appointment to the Supreme Court is a tremendous responsibility, and we must have qualified, committed Justices who will exercise judicial independence—follow the facts—and apply law and precedent fairly and impartially, without regard for their own personal views, partisanship, or politics.

It is clear that on every single measure, Judge Jackson has the credentials, the qualities, the work ethic, and character needed to serve on the Supreme Court. And she will not only bring diversity but a unique life perspective and passion for the law that she developed at a very young age.

Judge Jackson's interest in the law actually started as a preschooler, sitting next to her father while he studied cases for law school, while she worked on her coloring book.

Despite being ambitious and a star student, growing up, Judge Jackson faced resistance. When Judge Jackson told her high school guidance counselor that she was interested in attending Harvard University, the counselor told her that maybe she should set her sights lower than that.

Judge Jackson was not going to be deterred, and she credits her high school debate coach for introducing her to several colleges. And then she went on to graduate magna cum laude from Harvard as an undergraduate and cum laude from Harvard Law School.

This was the beginning of Judge Jackson's distinguished legal career. She clerked for three Federal judges, including Supreme Court Justice Breyer, worked in private practice at prestigious law firms, and has served on the Federal bench on both the district court and the court of appeals, a position she was confirmed to just last year by bipartisan support by this very Senate.

Judge Jackson's experience has also been shaped by representing everyday Americans and hearing their cases. She will be the first Justice who previously served as a Federal public defender, and the only Justice who has served as a member of the bipartisan U.S. Sentencing Commission. She will also bring considerable criminal law experience to the Court.

Her breadth of experience, her record, and temperament were on full display during her Senate judiciary confirmation hearing. Over the course of 24 hours and more than 600 questions, Judge Jackson not only demonstrated why she is qualified to serve on the Supreme Court but also why she was unflappable, even when she faced outrageous—absolutely outrageous—false attacks on her record during the committee hearings.

During this process, Judge Jackson has not only earned bipartisan support for her confirmation but has the backing of diverse voices, including from the American Bar Association, which unanimously gave her its highest rating of ''well qualified.''

Lawyers across the political spectrum, civil rights organization, law enforcement groups, and chambers of commerce have all offered not just support but glowing support for her nomination.

Former George H. W. Bush's appointed Fourth Circuit Judge Michael Luttig called Judge Jackson ''eminently qualified'' and ''as highly credentialed and experienced in the law as any nominee in history.''

Two dozen conservative and former Republican-appointed officials said:

> We are united in our view that she is exceptionally well-qualified, given her breadth of experience, her demonstrated ability, and personal attributes of intellect and character. We think that her confirmation on a consensus basis would strengthen the court and the nation in important ways.

And the International Association of Chiefs of Police said:

> During her time as judge, she has displayed her dedication to ensuring that our communities are safe and that the interest[s] of justice are served. [We believe that] Judge Jackson's years of experience have shown [that] she has the temperament and qualifications to serve as the next Associate Justice of the United States Supreme Court.

After my one-on-one meeting with Judge Jackson last week, I was convinced that she is extraordinarily qualified and prepared to serve on the Supreme Court, particularly at this challenging moment.

This is, without question, a challenging time, not only for the Supreme

Court but also for our democracy, and it is clear that Judge Jackson has the extensive experience and qualifications and temperament and impartiality and fidelity to the law that will undoubtedly serve our Nation exceptionally well.

I am proud to support Judge Jackson as our next Supreme Court Justice, and I urge all of my colleagues to join me in making history.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

UKRAINE

Mr. TUBERVILLE. Madam President, Russia's invasion into Ukraine is changing the global order, the likes of which the world has not witnessed since the end of the Cold War. Vladimir Putin launched an unprovoked and brutal war—one that left the United States and our allies shocked and enraged. The global response to Putin's provocation was a mix of sharp words, hastily delivered weapons, and targeted sanctions, but even as we speak, the actions from the Biden administration are still too weak.

As airwaves were flooded with messages of support and solidarity with Ukraine, one major power was very vocal in their support against Ukraine, and that was China.

China vocally took Russia's side very quickly. The two countries share a land border, but they also issued a statement of solidarity on February 4, just 20 days before the invasion. And there is no doubt that China is looking at the Western response to the war unfolding in Ukraine, and it plans to consume its neighbor, Taiwan, in the same fashion.

Yesterday, an article in the New York Times detailed the lengths China is going to in order to convince its people that their support for Russia is righteous and their hatred of the West is justified. The article goes on to outline China's pro-Putin propaganda, stating:

> Chinese universities have organized classes to give students a ''correct understanding'' of the war, often highlighting Russia's grievances with the West. Party newspapers have run a series of commentaries blaming the United States of America for the conflict.

China's political posturing should be taken very, very seriously. The CCP is building the foundation for its future actions. Since 1949, the Chinese Communist Party has been eyeing Taiwan and patiently waiting. They have not attacked because the United States and other free nations have strengthened the tiny island. That is the essence of deterrence. We want Xi Jinping to look out his window each morning and think: Not today.

Our President's response to Russia's invading Ukraine has not inspired confidence in the Pacific. Joseph Wu, Taiwan's Foreign Minister, recently stated:

> When we watch the events in Ukraine evolving . . . we are also watching very carefully what China may do [to us] in Taiwan.

Alarmingly, the White House is indifferent to the warming relations between China and Russia. When asked about a recent call between President Biden and President Xi, regarding the war in Ukraine, White House Press Secretary Jen Psaki said, in part:

> China has to make a decision for themselves about where they want to stand.

In July, President Biden's climate czar, John Kerry, said that he is ''genuine friends with China'' and continued to praise President Xi.

Let's get this straight. Russia and China both stand against the United States. Neither country is our friend—period. Both seek to expand authoritarian world order and diminish American leadership. The key difference is that Russia is a small bully, but China is a huge, huge threat.

China's growing economy affords its growing ambition. China became the world's largest exporting nation in 2009, and today, China controls the world's supply of titanium, rare earth metals, shipbuilding, and clothing manufacturing, among others.

China seeks to control the South China Sea and all the trade that flows through it. China wants to replace the dollar as the global reserve currency and aims to exceed the military might of the United States.

And there is no secret—there is no secret at all—that China wants Taiwan's semiconductor industry.

Semiconductors power our everyday life. If it has an on-and-off switch, it has a chip. Chips are even found nearly everywhere, from our credit cards to our phones, to the processors in our weapons, and even in our satellites.

For the sake of our national security, we need to increase domestic investment and produce these chips on American soil.

Currently, the Taiwan-based Semiconductor Manufacturing Company is responsible for over 90 percent—90 percent—of these chips, one small, little island.

Over the last decade, China has made investments in their domestic semiconductor industry, but Chinese-produced chips don't match the quality of those in Taiwan.

While Taiwan's semiconductor industry is second to none, American markets have experienced a surge in private sector investment and domestic production.

In the past year alone, private sector investment in domestic semiconductor manufacturing increased to $127 billion, with all signs indicating continued growth and investment in the years to come here in the United States.

And that is the way growth and innovation should happen, through the private sector, not Federal funding. Continued reliance on offshore suppliers for these chips poses too great a threat and risk to the supply chains from the CCP.

As we saw with Putin in the years prior to his invasion of Ukraine, Chinese leaders are clear about their plans for Taiwan.

Just last year, the CCP warned of ''drastic measures'' if Taiwan declares independence. Taiwan is independent. Beijing refuses to recognize and reckon with reality.

To deter Chinese aggression, the United States must have our forces in the Pacific modernized and ready at any time. That is why it was a major win that last year's NDAA secured funding for a robust missile defense system for Guam to counter CCP-launched cruise or ballistic missiles. Guam is our first line of defense from these, home to 160,000 Americans who are forward-deployed to defend the west coast and our country. Guam is the first island to defend.

However, as the CCP has continued to grow its military capabilities over the last decade, our own military has been hampered by cuts to defense spending, leaving our artillery antiquated and our defense capabilities weakened.

President Biden has been no different, offering up disappointing cuts to defense priorities in both of his first two budgets. These cuts most certainly caught the attention of our adversaries. This is yet another example of how sorely out of touch with reality the Biden administration is when it comes to defense. We cannot—we cannot—continue to ask our men and women in uniform to do more with less, especially with China watching everything that we do.

While the world focuses on Eastern Europe, we must remain focused on Beijing. China is watching every move we make with regard to Putin, and they are taking notes.

We cannot allow Vladimir Putin's war to set a dangerous precedent. We must not make the same mistakes with Taiwan that the administration made with Ukraine, and that begins by sending a strong, clear message to our allies and adversaries that America will always be the world's most foremost superpower.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ENERGY

Mr. CRAMER. Madam President, in poll after poll, most respondents blame President Biden's policies for the increasing inflation and especially higher gas prices.

NBC:

> Biden's job approval falls to the lowest level of his presidency amid war and inflation fears.

In Gallup's poll, which they dubbed ''Americans Offer Gloomy State of Nation Report'' in February—before the

record gas prices at the pumps were even here that we are seeing today—the biggest decline in satisfaction sat squarely with energy policies. In fact, only 27 percent of Americans said they were satisfied with his energy policies.

But, if you ask the Biden administration and congressional Democrats, who seem more interested in finger-pointing than in finding solutions, the culprit changes on a nearly daily basis. First, it was OPEC+ not producing enough oil. Then it was the evil corporations' price gouging at the expense of hard-working American families. Then it was Vladimir Putin's fault with his invasion of Ukraine. Now, it is oil and gas companies sitting on 9,000 leases. Of course, we have come back around today to those greedy oil companies again.

But the 9,000 leases is where I want to spend a little time today and explain the problem with the claim of the 9,000 leases. Let's drill deeper—if you will excuse the expression—into that number to truly understand what is going on here and why this type of rebuttal argument does a total disservice to the American people and our allies abroad.

The first and most fundamental mistake that White House spokesperson Ms. Psaki has made is in using the words ''lease'' and ''permit'' interchangeably. ''Lease'' and ''permit'' are not the same thing. They are not synonymous other than that both are regulatory hurdles required by the Federal Government for a producer to work on Federal lands.

Second, it is important to understand the vast majority—in fact, two-thirds—of oil and gas leases on Federal lands are producing. There are 35,871 total oil and gas leases in effect, with about 66 percent of them producing oil or gas. The rest are going through this abused regulatory process or are being held up in litigation by environmental NGOs. In fact, over 2,200 of the leases are currently in litigation, and if there is one thing that liberals love more than regulation, it is litigation.

Third, a lease does not mean the rented land contains oil and gas. Not all 9,000 of these leases ''not being used'' even contain oil and gas. Producers first have to perform exploratory work to discover whether their leases even contain the minerals that they are after. Oil and gas producers procure multiple leases because they need to mitigate the financial damage which could result from acquiring only dry leases. It is called a robust portfolio, a comprehensive portfolio.

Fourth, before any development on leases can occur, producers and Agencies must navigate this bureaucratic maze—this labyrinth of permitting and environmental laws covered by the Endangered Species Act, the National Historic Preservation Act, and the National Environmental Policy Act, just to name a few, which can take years to complete. Rarely, do these things all get done at the same time. They are never done simultaneously but, rather, consecutively. They each take the number of days they need apart from one another rather than all together.

Fifth, just because a producer obtains a lease and navigates the regulatory hurdles required to permit a well does not mean they can begin extraction. They must first secure adjoining leases for horizontal drilling. You don't just drill a hole straight down anymore and suck the oil straight up from one silo. You have to get leases from the neighborhood. They must secure these leases and then accrue the capital to finance mineral development. It is not done for free, and it is not going to be done cheaply. They have to schedule the rigs, construct access roads, obtain pipeline rights-of-way, establish infrastructure to capture the natural gas, and hire capable workers. All of these steps have been delayed by the administration's roadblocks and Biden's supply chain and labor crisis.

Finally, after obtaining an adequate number of leases clearing all of the regulatory hurdles and planning the logistics of the projects, a company must obtain an approved application for a permit to drill, otherwise known as an APD. There are currently 4,604 Federal APDs awaiting approval from the Bureau of Land Management, BLM, and another 162 APDs on Indian land.

The Biden administration's BLM could approve these permits now and enable companies to move forward with the development to supply much needed domestic energy at home and abroad. However, the BLM is approving them at the slowest rate since the Obama administration—a fact that Ms. Psaki conveniently leaves out when she claims President Biden is doing everything possible to lower gas prices.

In fact, to this specific point, the Bureau of Land Management has State offices in places like Dickinson, ND. They have regional offices in places like Billings, MT. That is where the decisions have been made as to whether the application for a permit to drill becomes a permit to drill—until this administration. They changed that and gave the final authority not to Dickinson, ND, and not to Billings, MT, but rather to Washington, DC—at the very height of power. In fact, it goes all the way to the Deputy Secretary of the Interior.

Now let's look at some of the data on APDs, applications for permits to drill, and the timelines.

In March of 2020, the BLM testified in front of the House Natural Resources Committee about the Trump administration's efforts to improve oil and gas permitting processes. In fiscal year 2019, the BLM approved 3,741 APDs on Federal and Indian lands. The average APD processing time for a single application dropped from 139 days in fiscal year 2016 to just 44 days in fiscal year 2019. In fiscal year 2021, which included 4 months of the Trump administration, APD approval times shot back up to 89 days, doubling the amount of time. This is yet another example of the Trump administration's energy success being eliminated by the Biden administration's incompetence.

The Biden administration approved just 97 permits for oil and natural gas wells across Federal lands in January of this year—a significant plunge from the 643 issued in April of last year. All of the leases in the world don't matter if you can't get a permit to drill on them even if, in fact, there is oil—and you don't even know that for sure.

On top of the regulatory hurdles, industry considerations, supply chain issues, and labor shortages, producers must have certainty that their products can reach the global market. A key aspect of reaching the global market, of course, and reducing the European Union's reliance on dirty Russian gas are the U.S. liquefied natural gas terminals, or LNG export terminals.

As of March 16, 2022, the U.S. Department of Energy had 16 applications pending or under review for increasing U.S. LNG exports. If Secretary Granholm were to sign off on or were to streamline the review of these applications, we could increase our export capacity to help our allies abroad and grow our economy right here at home.

The Biden administration has extended its onshore and offshore oil and gas leasing ban quarter after quarter despite being required by the Mineral Leasing Act to conduct quarterly lease sales. At this point in the Obama administration, they had held 35 onshore lease sales—35 under Barack Obama—and that is not all.

The Biden administration is actively working to starve the fossil fuel industry of financial capital in order to push them out of existence. That is right. They keep talking about the supply and the demand; yet they crush the supply by starving it of the capital that it needs. This is capital-intensive stuff.

In March, the Securities and Exchange Commission released a proposed rule on climate disclosure—climate disclosure. This authority of forcing publicly traded companies to develop and disclose their risks from climate change is not in the purview of the SEC. They don't have the authority to do that. Congress has never passed a law granting them new authority in this space. It only serves to further discourage investment in domestic energy development and to prevent American energy independence, a critical tool for peace and the reduction of global emissions.

Now, isn't that ironic?

The Biden administration is succeeding in its mission to destroy any chance to once again be energy independent. Their radical nominees, actions in the courtroom, regulatory schemes, budget proposals, and foot-dragging exude hostility toward fossil fuels, inflicting a distinct chilling effect on the oil and gas industry.

I have talked to a number of producers in North Dakota, and they are

capital-starved. If the right messages were being sent to the markets, we could pick up another 200,000 to 400,000 barrels of oil per day. In January of 2022—this year—North Dakota produced 1.1 million barrels per day. To put this in context, Europe imports 2.3 million barrels per day from Russia. At North Dakota's peak, we produced 1.5 million barrels per day. North Dakota alone could provide two-thirds of the product Europe imports from Russia. It would be cleaner than Russian oil, and it would lessen Putin's malign leverage over Europe and, really, the rest of the world.

Investors in domestic oil and gas have to receive the right market signals in order to invest their capital. The administration seems to believe energy production is simply a switch you turn on or a valve you turn when you need it. Then, if you don't need it, you just turn it off—no harm, no foul. It is very capital-intensive, as I said, and it is reliant on regulatory certainty. I am not talking about 6 days of certainty or 6 months of certainty but more like 6 years of certainty. No sane energy CEO would invest millions or billions of dollars in a project with the backdrop of an administration that is seeking to ''transition'' them out of existence within months.

Let's take a walk down memory lane on some of the signals this administration has sent to the industry.

First, the President himself said during a campaign stop in 2019:

I guarantee you, I guarantee you we are going to end fossil fuel, and I am not going to cooperate with them.

Well, congratulations, Mr. President. You kept the promise.

Secretary Granholm appeared in a video and called for leaving fossil fuels ''in the ground,'' she said. She then spoke to reporters at the Energy and Environmental Research Center in Grand Forks, ND. It is an exceptional organization at the forefront of promoting carbon capture and other innovative solutions to reduce CO_2 emissions.

During her comments, she proclaimed the United States doesn't—get this now. The Secretary of Energy proclaimed, We don't have ''much moral authority'' to criticize China over its emissions. We, the United States of America, don't have moral authority over China?

Really, Madam Secretary? That is what you believe about the country you serve?

How about the climate czar John Kerry? He flies around the world while making outlandish comments like ''the United States won't have coal in 2030,'' and he discourages the world from buying our products—U.S. energy—while fanning the flames of radicalism and proclaiming Ukrainian war refugees are nothing compared to climate refugees. It is like he is the bishop of the Church of Climatology or something. He has even expressed concern that the pesky war crimes that are going on over there by Vladimir Putin are taking the focus away from the real tragedy: climate change. Then he gets in his jet and flies home.

Meanwhile, recent reports indicate the administration has turned to despots, like Iran and Venezuela, instead of to producers right here in America in order to help bring the Biden inflation under control by producing more of their dirty oil instead of our cleaner production. It makes no sense, and it is offensive to every American worker.

We have a geopolitical opportunity right now to cut Putin's malign influence, and we should be taking full advantage of it. What we ought to be doing is encouraging production not just with our rhetoric but with our actions. Producing more U.S. oil and gas will—believe it or not, proclaim it or deny it as it is the truth—will reduce global greenhouse gas emissions.

Now, if you don't want to take my word for it or trust the extensive studies, science, and documentation of this fact, Biden EPA Administrator Michael Regan, just last week, told the Financial Times that recent calls for increased oil output are compatible—get this now, this is from Biden EPA Administrator Regan—with goals to cut CO_2 emissions.

In fact, he specifically said:

These are not mutually exclusive goals.

Administrator Regan is exactly right. Producing more U.S. oil and gas will reduce the West's reliance on dirtier fuels from our adversaries. Doing so also avoids unilaterally disarming our economy and losing ourselves to a 2050 fantasy that has come straight up to being a 2022 reality. Some in the Biden administration may finally be starting to understand: Energy security is national security and economic security. And so I say: Let's make the world safer, let's make the world cleaner, and let's unleash American energy production.

With that, I yield the floor.

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

NOMINATION OF KETANJI BROWN JACKSON

Mr. SCOTT of Florida. Mr. President, in my 8 years as Governor, I had the opportunity to appoint more than 400 Floridians to the bench. I interviewed thousands of applicants for these seats, and my standards in each of those interviews were the same. I asked them if they understood that they intended to be part of the judiciary and not part of the legislature. And I asked them if they intended to interpret the law and enforce the law but not make new laws. If they couldn't convince me that they believed that was their duty as a member of the judicial branch, then I wouldn't appoint them.

We need qualified jurists committed to fairly and accurately interpreting our Constitution and our laws as they are written, not activist judges who will rewrite the laws according to their own policy preferences.

Now, I have had the chance to meet with Judge Jackson. We had a nice conversation, and she seems like a nice person. But I have very serious concerns about her record as a Federal judge, which includes numerous instances of the type of judicial activism that we cannot and should not tolerate from the Federal judiciary.

The fact is that Judge Jackson has written only two appellate opinions in her current position. So we have no evidence of how she will approach serious constitutional issues as an appellate judge. And she has refused to disclose how she would interpret the Constitution as a Supreme Court Justice, despite being repeatedly and directly asked by Senators on the Judiciary Committee.

And while serving as a district court judge, she had a high rate of being reversed on appeal for applying the wrong legal standards, exceeding her authority, or simply ignoring clear law in her decisions.

And a peek into her history shows an alarming pattern of being weak on sex offenders, including easier sentences in child pornography cases. Judge Jackson imposed sentences that were 47 percent shorter than the national average in cases of child pornography distribution, and 57 percent shorter than the national average in cases of child pornography possession. She has even apologized from the bench when issuing such sentences—not to the victims of those heinous crimes. Of course, they never got an apology. She apologized to the offenders for the ''anguish'' the sentences for their horrific crimes would cause them.

What about the anguish of their victims—innocent children?

These are individuals who harm children. They don't deserve easy sentences or our sympathies.

And this sympathy for child predators has consequences. We recently learned that a child rapist, someone to whom Judge Jackson gave a very lenient sentence, sexually abused another victim after his light sentence. Had Judge Jackson given him the sentence he deserved and the one that the prosecution recommended, he would have been in prison, not out in the streets.

These are crimes that Judge Jackson has the power to prevent, but she has chosen every time to give these gross criminals easier sentences. That is why I have joined Senator HAWLEY to introduce the Protect Act, which protects children from sexual exploitation by enhancing the penalties for possessing child pornography and preventing judges from sentencing offenders below Federal guidelines. Our communities must be protected from sick individuals who exploit and victimize children, and also from liberal activist judges who abuse their sentencing guidelines to let offenders off the hook. Federal sentencing guidelines for these heinous crimes are critical, and we

must ensure guidelines are strictly enforced. I hope the Senate quickly passes this good bill.

We can't have a soft-on-crime Justice on the Supreme Court, and we can't have activist judges in the highest Court in the land.

I also don't think it is too much for the nominee to the highest Court in the land to be able to say what a woman is or to take a stand against partisan Court packing, which even liberal Justices like Ruth Bader Ginsburg and Stephen Breyer have done. We have the right to be concerned and demand answers on behalf of the American people. I think our country deserves better.

That is why I can't support the nomination of Judge Jackson to the Supreme Court. I am committed to giving the American people qualified judges who understand their role in government and who apply the law as it is written, not as they want it to be. It is a simple standard, and it is one that Floridians expect. Unfortunately, based on my best assessment of her record on the bench, that is unfortunately not the case with Judge Jackson.

The Democratic Party needs to understand that the Supreme Court is not just another institution to infiltrate with their leftist ideology. I have no hope that they will, but, until they do, I will continue fighting to uphold the Constitution and ensure that there remains a separation of powers between branches of Government, and that judges who are appointed to the bench understand that they are there to interpret the law, not to make the law.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Ms. HIRONO. Mr. President, throughout 2 days of questioning in front of the Judiciary Committee on which I sit, Judge Jackson proved, without a shadow of a doubt, what we all knew to be true: She is eminently qualified to serve on the Supreme Court of our country.

Judge Jackson has the intellect, the integrity, and the temperament befitting an Associate Justice of the U.S. Supreme Court, and she doesn't have an ideological axe to grind. Judge Jackson is exceptionally qualified and well regarded across the political spectrum.

And yet not a single Republican voted to advance Judge Jackson's nomination out of the Senate Judiciary Committee, and only three Republicans have publicly expressed support for her.

So I ask my Republican colleagues: What is it going to take? What is it going to take to put politics aside to support a nominee like Judge Jackson? Because, clearly, intelligence, extraordinary breadth of experience, and support from prominent conservatives—conservatives—did not suffice. Clearly, a candidate who has support from organizations from across the political spectrum—from the Black and Hispanic U.S. Chambers of Commerce to the National Education Association, with thousands of teachers; to the Fraternal Order of Police, the largest police union—they would not be supporting somebody who is soft on crime—to child advocacy groups that would not be supporting her, either, if she was not being appropriate in her sentencing of child pornography defendants. So even with this breadth of support, she didn't make the cut with the Republicans on the Judiciary Committee. So, clearly, a nominee who was uniformly called ''brilliant,'' ''beyond reproach,'' ''first rate,'' and ''impeccable'' by her colleagues across the Nation was not enough.

So, truly, what will it take?

Sadly, some of my Republican colleagues resorted to unfounded and misleading attacks in an unsuccessful attempt to smear her character. To highlight how ridiculous the attacks around the sentencing of child pornography offenses were, I asked Judge Jackson about the history of the sentencing guidelines for these crimes and the concerns that these guidelines do not reflect what is happening with child pornography offenses.

And these facts bear repeating. A decade ago, the U.S. Sentencing Commission first addressed the issue of sentencing in this area. Even way back then, only 40 percent of convicted offenders were receiving sentences within the guidelines. Now, 10 years later, even fewer offenders are receiving sentences within the guidelines. In 2019, just 30 percent of non-production offenders were sentenced within the guidelines. In the DC Circuit, in which Jackson served, the average goes down to just 20 percent of offenders. This puts Judge Jackson well within the mainstream in her sentencing in this area. She is not an outsider.

I named numerous other judges nominated by President Trump and supported by the Republicans on the Judiciary Committee who have also sentenced offenders to sentences well below the sentencing guidelines. So these judges also expressed concern about how the sentencing guidelines do not reflect the circumstances in the child pornography cases of today.

I will repeat this. Judge Jackson is a mainstream judge. She has issued decisions and sentences similar to other judges across the Nation, including those nominated by both Republicans and Democratic Presidents. Despite some of my Republican colleagues' attempts to distort the truth to get more likes on Twitter, what Americans across the country saw was an incredibly impressive, highly qualified individual demonstrate that she has the intellect and the temperament to serve on our highest Court. Throughout the course of this week, Americans also learned about her character.

I was particularly moved to hear the testimony of an individual who has known Judge Jackson for nearly 38 years—when they were in elementary school. He said, in part:

> Ketanji's incandescent brilliance was obvious to all of us from day one. But even more importantly, she has always been one of the kindest, warmest, most humble and down-to-earth people I have ever met. All this, while still possessing boundless charisma, drive, maturity, and grace.

These qualities, apparently from a young age, have clearly guided her throughout her life and her career, particularly when it comes to treating every single person she encounters with dignity and respect.

During the hearing, I asked Judge Jackson the same two questions on sexual assault and harassment that I ask of all nominees—male and female. In follow-up questioning, I named judges who had committed such misconduct and asked Judge Jackson what she does to ensure her court is a safe and inclusive place to work. After Judge Jackson's hearing concluded, a woman who had clerked for one of the judges I named who had engaged in this kind of harassing behavior reached out to me. And this is a person who had clerked for one of the judges that I had named. During her clerkship with this judge, she endured extreme and pervasive sexual harassment. She came forth publicly about this judge's conduct, an experience she described as ''a harrowing ordeal.''

She went on to a second clerkship, this time for Judge Jackson. In Judge Jackson's court, she said, she was treated like a valued and talented employee who could make meaningful contributions to the law. She says clerking for Judge Jackson was the most meaningful professional experience she has ever had. She stated:

> Judge Jackson is the reason I am still a lawyer. I have no doubt I would have left the profession were it not for the way she treated me the year after my ordeal.

Judge Jackson is exactly the kind of judge and individual we need on the U.S. Supreme Court: experienced, even-handed, with dignity, integrity, and humanity. Moreover, Judge Jackson is not just extremely qualified to serve on the Supreme Court; her nomination is a historic one.

The Supreme Court has existed for over 233 years, and of the 115 Justices in the history of the Court, only 5 of them have been women, only 2 have been Black, and not a single one has been a Black woman. This is the Court that has decided cases that have had sweeping impacts on our lives, including decisions that have solidified rights for LGBTQ-plus people, empowered women, strengthened unions, and more. But this is also the same Court that has throughout the course of history upheld slavery, Jim Crow, and the unlawful internment—incarceration—of Japanese Americans in World War II.

So it is about time. It is about time we have a highly qualified, highly accomplished Black woman on the Supreme Court. It is about time our highest Court better reflects the country it

serves. It is about time that Black women and girls across the country can finally see someone who looks like them sitting on the highest Court, making decisions that will impact their lives—our lives. And they will know that the possibility is there for them.

I close by noting that during the hearing, Judge Jackson told the committee that as a freshman at Harvard, she wondered whether she could fit in or whether she could make it, and a Black woman she didn't know leaned into her as they were walking by, probably in Harvard Yard, and said to Judge Jackson—she wasn't a judge then: ''Persevere.'' That is something that a lot of us can relate to: perseverance, including myself, who came to this country as a poor immigrant kid, persevering to learn the language, to learn the culture of a country I knew nothing about. Judge Jackson being on the Supreme Court would send such a powerful message of perseverance to everyone in this country.

I will be honored to vote to confirm Judge Jackson. I look forward to calling her Justice Jackson.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

COMMENDING AND CONGRATULATING THE UNIVERSITY OF KANSAS JAYHAWKS MEN'S BASKETBALL TEAM FOR WINNING THE 2022 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION BASKETBALL NATIONAL CHAMPIONSHIP

Mr. MORAN. Mr. President, I am on the floor of the U.S. Senate today to congratulate and to commend the University of Kansas men's basketball team on its national championship victory. This is KU's fourth NCAA national championship title, the second under the tenure of Hall of Fame Head Coach Bill Self.

The University of Kansas's men's basketball program boasts a storied history and track record of excellence and success, and the inventor of the game of basketball, Dr. James Naismith, served as the program's first coach.

KU can also now boast having the most NCAA victories of any Division I basketball program in the country in addition to now four—four—NCAA championships.

It is moments like this that Kansans remember forever. Whether you are watching the game from your living room, on the jumbotron at Allen Fieldhouse, or from your favorite hangout on Mass Street, 10, 20, 30 years from now, Kansans from across the country will remember where they were on April 4, 2022, when KU clinched the national title in a nail-biting game against North Carolina's Tar Heels.

It was the KU men's basketball team that inspired me to go to the University of Kansas when I was in high school. I am a first-generation college graduate, and the University of Kansas was probably not the place that most of my peers and friends from my small town in Northwest Kansas went to. But, no, it wasn't because I was recruited to play basketball for the basketball team; it was that I had the opportunity to attend on my first visit to the University of Kansas a basketball game in Allen Fieldhouse. From that one game, I knew this was where I wanted to go to college. The energy and excitement of KU basketball inspired me, encouraged me, caused me to wonder—and I think it is true of countless others, to decide they wanted to be a Jayhawk.

On Monday night, KU rallied to overcome a deficit of 15 points at halftime to beat North Carolina 72 to 69—the largest comeback in an NCAA basketball national championship game. I am not sure what Coach Bill Self—but I am going to ask him—I am not sure what Coach Self said to his players in the locker room during that halftime, but in true Kansas fashion, the KU Jayhawks came back and beat the odds to clinch the championship. The team showed tremendous heart, determination, and resolve in that comeback victory.

KU's Ochai Agbaji scored 12 points and was named ''Most Outstanding Player'' of the Final Four.

Kansas forward David McCormack scored 15 points and had 10 rebounds and made 2 critical baskets late in the game.

Kansas forward Jalen Wilson scored 15 points and had 4 rebounds.

Kansas guard Remy Martin contributed 14 points to help the Jayhawks secure the title.

Kansas guard Christian Braun of Burlington, KS—a smalltown, middle-of-the-State native—scored 12 points and had 12 rebounds, demonstrating to other smalltown athletes like him that they, too, could be a star in the Nation's biggest tournament in college basketball.

Jordan Juenemann, a former walk-on for the Jayhawks men's basketball team from my hometown of Hays, noted that this 2022 championship team might not be the best according to the stats, but they played like a team. They care about the game, and they care about each other. Only a team that sees the glass half full could come back after being down 16 points and clinch the victory. This speaks to the team's perseverance and belief in themselves.

Coach Keith Riley, a basketball coach from Hill City, KS, in the western part of our State—I visited with him the other day, and he pointed out to me the lesson that kids around the State will take away from Monday night: You may not always have all of the best players on the court at the same time, and you may not have all the talent that is out there on that court, but you can still find ways to be successful because of how hard you work.

My guess is that kids, ever since Monday, back home in Kansas and maybe across the country, are in their driveway, they are at the school basketball court, and they are shooting free throws or 3-point shots one after another. It inspires us to know that we can do more, and the University of Kansas basketball team is inspiring kids today to go out and work harder.

I commend these players and the entire Kansas Jayhawks men's basketball team, as well as the coaches and staff, for their hard work which culminated in this victory.

While these young men on the team may be known for their talent on the court, many should be recognized for the adversity they faced off court. Dajuan Harris, KU's point guard, has overcome tremendous loss in his 21 years. He lost both his father and his brother just a few years apart, and Sunday night, he came out and he played for them.

These young men came to college to play some great basketball, but along the way, they are learning how to give back to their community. At Christmastime, this team goes to the local Walmart and purchases Christmas presents for families who might be facing financial hardship. They learn the important lesson of giving back to their community.

Finally, to Coach Bill Self, I know you are probably still feeling that very deep loss—and maybe even more so on Monday night—of your father, who died just recently—Bill Self, Sr.—but you can be sure he is smiling down with pride on you and your whole team. You took his advice. He advised you:

Don't worry about the mules, just load the wagon.

As a graduate of the University of Kansas, as a Kansan, I share the excitement of Jayhawks fans across the world in Sunday night's stunning achievement, and I am pleased to introduce this resolution with Senator MARSHALL to honor this achievement.

To my fellow Jayhawks, ''Rock Chalk.''

Mr. President, I am pleased that on such a bipartisan basis, in cooperation between Republicans and Democrats—something I know Kansans and Americans don't see enough of—this resolution normally would take a few more days than it has taken to get to the U.S. Senate this week. I am pleased that both the Republican and Democrat leadership and their staff worked with us in cooperation to be able to commend the Jayhawks this early this week.

So, Mr. President, as if in legislative session, I ask unanimous consent that the Senate proceed to consideration of S. Res. 578, which is at the desk.

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

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 578) commending and congratulating the University of Kansas

Jayhawks men's basketball team for winning the 2022 National Collegiate Athletic Association Basketball National Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MORAN. With a neighboring Coloradan in the chair and a former part of the Big 12 Conference, Mr. President, I now ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and that the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 578) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

Mr. MORAN. Thank you.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

EXECUTIVE CALENDAR—Continued

NOMINATION OF KETANJI BROWN JACKSON

Mrs. GILLIBRAND. Mr. President, I stand here to proudly support Judge Ketanji Brown Jackson's nomination to the U.S. Supreme Court.

The Nation has had the opportunity to watch Judge Jackson during her confirmation hearing 2 weeks ago and see firsthand the temperament, knowledge of the law, and qualifications she brings to the highest Court in the land. She will be a fair and impartial jurist, just as she has proven herself to be on the district court and on the DC Circuit Court of Appeals.

President Biden made a commitment before he was elected to appoint the first Black woman to the Supreme Court. Judge Jackson's historic nomination is long overdue.

It was in my home State of New York where Constance Baker Motley became the first Black woman to be a Federal judge—in the Southern District.

Having diverse representation on the Court does not mean someone will rule a certain way, and it doesn't mean that is why they deserve to be on the Bench. It is important because it strengthens our institutions. It is critical because it shows who we are as a nation, and it makes a difference to the girls and women across the country, who will now have a role model and know that they can aspire to do the same.

That is why President Biden made that promise because he knew that it was beyond time to ensure the Supreme Court has that representation; and it is clear that Judge Jackson will be a highly qualified Justice to fulfill that promise.

Who we confirm to the Supreme Court matters. While the work of the Court may feel distant from our daily decisions and day-to-day lives, the Supreme Court actually makes key decisions on whether individuals are protected when they go to school, work, or out in public; on who can and how we can cast our votes to determine our elected officials; on whether our future generations will have clean air to breathe, clean water to drink; on who we can choose to marry; and on what decisions women can make about their own bodies and their reproductive future.

The nine Justices on the Supreme Court make important decisions that impact all Americans; and in the Senate, in our advice and consent role, we have a critical role to play in ensuring that we confirm Justices who follow the rule of law and provide equal justice to all.

The perspectives Judge Jackson will bring to the highest Court of the land, both personally and professionally, will have a critical impact on all Americans. Judge Jackson will bring to the Bench significant criminal defense experience as a former public defender. She will also bring nearly a decade of judicial experience to her rulings.

When I met Judge Jackson, I asked her which of her experiences have prepared her most for this moment to serve on the Supreme Court if she was confirmed. She answered by talking about her clerkships, which she completed at each level of the judiciary: the district court; First Circuit Court of Appeals; and for Supreme Court Justice Breyer, whose seat she is being nominated to fill. She talked about how she learned from others how to serve as a judge. She experienced firsthand what it means to fulfill the constitutional requirement of being a member of our Nation's Federal judiciary.

I know that Judge Jackson will bring all of those perspectives and meaningful experiences with her to the Supreme Court, and those are critically needed on the highest Court of our land. It is those experiences and her record that have led to Judge Jackson's nomination receiving broad support—from the civil and human rights community to the law enforcement community and from colleagues in the judiciary nominated by Presidents of both parties, to name just a few. Given the fact that she was confirmed three times before this body with bipartisan support, the Senate should be able to once again confirm her with votes from my colleagues on both sides of the aisle.

I look forward to enthusiastically casting my vote in support of Judge Jackson's confirmation to the Supreme Court of the United States. I urge my colleagues to join me and support her nomination as well.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

Mrs. BLACKBURN. Mr. President, I have come to the floor today to go into a little bit more detail about why I will not be voting for and in favor of Judge Ketanji Brown Jackson's confirmation to the Supreme Court.

Now, as we have all heard and as we appreciate, there is no doubt that Judge Jackson is highly educated; she has an impressive resume; she is cordial; she was very gracious with her time, but as I listened to her responses over a 2-day period of time, I was really dissatisfied with the specifics.

As I got home to Tennessee and talked to Tennesseans, they had wanted to hear specifics from her and were disappointed that she did not come forward with those specifics.

My colleague Senator DURBIN, helpfully, pointed out this morning that Judge Jackson did, indeed, make the rounds up here prior to her hearing. Yes, indeed, she did do that. She came to my office, and we spent about an hour together talking about her record. I, of course, didn't give her a list of questions to study, but I did clue her in on some of the things that I thought were going to be important for us to discuss.

Some are items we had discussed when she came before us for her appellate court hearing. Some of those things we never got a complete answer to, but we needed to get that complete answer. This is a lifetime appointment, and it was disappointing that we did not, even now, get that complete answer.

What I have learned is, normally—as we at Judiciary Committee conduct these hearings for judges for the Federal bench, for Supreme Court nominees—they walk into the hearing room, and they are prepared. They kind of come loaded with their remarks and their answers. They have a general idea of what is going to come their way from different ones of us because we have spent the time meeting with them individually, making certain that they know what is going to be important.

So there is no doubt she knew that I was going to press her on her lack of a clear articulation on a judicial philosophy, and she knew that there were concerns and criticisms of her record and some of the decisions that she had made. She knew that we would ask tough constitutional law questions about abortion, substantive due process, and interstate commerce.

And I know that I—and I think most of my colleagues on the Judiciary Committee—would say that I expect nominees to be familiar with all of these things, to have an opinion and be willing to share that opinion. This is an appointment, as I said a moment ago, a lifetime appointment to the

highest Court in the land. This is not supposed to be an easy process. This is to be tough questions that are appropriately placed. You know, tough questions are not attacks. Tough questions are placed in search of answers—answers for the people we represent. But instead of showcasing what we were told was her extraordinary prowess for the law, Judge Jackson's hearing turned into a showcase of things that she just did not want to talk about.

My Democratic colleagues have spent a lot of time trying to provide cover for her, but the fact of the matter is that at the end of this week, the majority leader will ask us to green-light a Supreme Court nominee who has not articulated a judicial philosophy, who filibustered her way through basic constitutional questions, and who repeatedly pled ignorance of the most controversial items in her record.

We have received Judge Jackson's responses to our written questions, and unfortunately she still is refusing to open a window into her thinking.

I asked her again about her ruling in Make the Road New York v. McAleenan, which focused, in part, on how a judge should interpret a statute that grants an agency ''sole and unreviewable discretion'' under the rules available. When Congress wrote those words, I am sure we believed that ''sole and unreviewable discretion'' meant exactly, precisely that this law was sole and unreviewable.

But rather than focusing on the plain meaning of the text, Judge Jackson took it upon herself to evaluate and reject the DHS rule in question and establish a nationwide injunction.

Well, as we all know, fortunately, the DC Circuit overruled her. But the question remains: How in the world could any judge read those words and decide Congress wanted the opposite result of what Congress specifically said, ''sole and unreviewable''?

But in a show of lack of respect for Congress and what Congress explicitly said because she disagreed with the policy, what did she do? She picked it up; she basically tore up that policy; and she did what she thought—what she thought—was best.

In her written response, Judge Jackson offered no new information, but because she tends to editorialize in her opinions, we can still glean some insight from what she had to say about the DHS case. She suggested that the Department of Homeland Security's position was a ''terrible proposal'' that ''reeks of bad faith'' and ''demonstrates contempt for the authority that the Constitution's Framers have vested in the judicial branch.''

Those are her words.

I think that language might give us a hint as to why she ignored the statutory text. In Tennessee, Tennesseans look at that and say: Well, that is the work of an activist judge. They are trying to legislate from the bench. They didn't like what Congress did, so they said: We are going to pick it up; we are going to toss it out; we are going to do what we think that policy ought to be. That was the effect of that ruling because she ignored the statuary text.

I have lingering questions about other times Judge Jackson has used this type of rhetoric to signal her policy disagreements. Again, Tennesseans say that is judicial activism.

During the height of the COVID–19 pandemic, she used a written judicial opinion to advocate for the mass release of all 1,500 criminals in the custody of the DC Department of Corrections. That is right, the release of all 1,561 detainees—all of them.

During her hearing, she claimed she was merely repeating one of the attorney's arguments, but we went back and we read the opinion. And when we read the opinion, it is very clear: That was not accurate.

If you take her words at face value, you will get the impression that she believes a mass release—a mass release of detainees, of criminals—a mass release is appropriate during the pandemic. So if you look at our past pandemics and if you say, ''Well, a pandemic is going to come around; we are going to have something every 5 or 10 years,'' I think it is reasonable to question her judgment on this. What happens when you have the next Spanish flu or the next SARS? What happens the next time there is a pandemic? I think American citizens, I think Tennesseans want an answer on that. Why would someone think, ''Open the doors and release them,'' and then lament that they are not able to release all of them?

I have questions about her record of being lenient with criminals. Over the course of her career, Judge Jackson has developed a disturbing habit of granting leniency to dangerous criminals. She released a man who murdered a U.S. marshal and gave a reduced sentence to a criminal who was known for attacking police officers. She undersentenced child porn offenders at every available opportunity—not once or twice but every time. If the guidelines gave her discretion, she used it to go easy on pedophiles.

She looked for ways to go easy on dangerous drug offenders and, at one point, she actually apologized to a self-described fentanyl ''kingpin'' for his harsh sentence. That is of concern. It is of concern to many moms whose top issues right now are inflation, open borders, crime in the streets. They are worried about that. They are worried about what is happening.

She had the opportunity to clear this up, but at no point did she offer a reassuring explanation of why she so consistently used her discretion to tip the scales not in favor of victims but tipping those scales in favor of criminals.

On this point, we are not questioning her methodology; we are questioning her judgment.

When I was back home in Tennessee this weekend, everyone wanted to talk about Judge Jackson's inability to define the word ''woman.''

The media has spent a great deal of time mocking that question, and I will tell you, that is quite all right because out there in the real world, people care about how she chose to respond to that question. Their position is that if the media felt justified in mocking the very fact that I did ask that question, why did Judge Jackson have so much trouble answering that question? As my colleague Senator CRUZ mentioned this morning, we have journalists today running around the Capitol, demanding that Republican Senators answer the question. Why aren't they asking the same of Judge Jackson?

Every day, Tennesseans are subjected to this assault on common sense, and they are not interested in playing along with this. Why, they want to know, is the left so terrified to confront how the American people define the word ''woman'' and ''womanhood''? And why would my Democratic colleagues continue to prop up a nominee who squandered her hearing by dodging questions and claiming ignorance of her very own record?

Tennesseans aren't interested in playing politics. They just want the Democrats to reveal what rule book they are using because Tennesseans want to see constitutionalist judges on the bench. They want people to call balls and strikes. They want people who believe in equal treatment under the law, equal justice for all.

They see what is happening in our country. It is frightening to them. For a long time now, radical activists have wanted to handpick a Supreme Court Justice. Some of these dark money groups that are all there helping the left, they said: Give us your money. We will make certain there are Federal judges and a Supreme Court Justice who are progressive.

In the meantime, we have seen them make inroads in the media, on school boards, and in some of the country's most respected universities.

So Tennesseans are very familiar with what happens when activism begins to replace common sense. They are very familiar with the tactics of the left that continue to try to diminish freedoms of individuals and give that power to the government. That is why they want constitutionalists on the Court, not activist judges who are there to take up arms in the culture war. They don't want an agenda. They don't want to hear about a methodology. They want proof that Judge Jackson has a vision for America that is rooted in the Constitution. They want to have proof that this is somebody who believes in preserving our faith, our families, our freedoms, preserving hope and opportunity for all. They want somebody who is going to say: I believe in the American dream, and I am going to preserve the right for every girl and boy to live their version of the American dream.

Unfortunately, just like the President who nominated her, Judge Jackson has provided no evidence of that vision. I am a ''no'' vote on her confirmation.

I yield the floor.

The PRESIDING OFFICER (Ms. SMITH). The Senator from Oregon.

Mr. WYDEN. Madam President, I have already announced that I intend to support Judge Jackson's nomination. Her character and her qualifications are unassailable, but, unfortunately, that hasn't stopped a number of Senate Republicans from treating her disgracefully. Too often, behavior in the hearings was simply shameful.

It doesn't have to be this way, and it wasn't always this way. For example, even though I disagreed with him on plenty of issues, I voted for Chief Justice John Roberts, and he was treated very fairly by Democrats. Serious questions were asked and answered, and there wasn't anything resembling the over-the-line, juvenile theatrics like those shown for Judge Jackson.

Things changed when President Obama's final nomination was stolen by Republicans. They refused to even hold a hearing or consider the sitting President's nominee on just fabricated grounds.

Democrats are trying to maintain a sharp focus on legal questions and personal qualifications. Faced with sideshows and personal attacks, we stuck to issues. What was particularly striking about those attacks was they were attacks against somebody whom Senate Republicans had voted for unanimously when she was nominated to a lower level court.

My view is, the radicalization of the Court and the nominations process are just poisonous to our democracy, but that was what was on display when Republicans attacked Judge Jackson.

I want to start setting the record straight on several of the key issues.

First, Judge Jackson is squarely within the sentencing norm for cases involving child sexual abuse material. She was smeared anyway as going soft on predators. It was a gross and baseless accusation, more of a dog whistle to conspiracists than an attempt at honestly vetting a nominee. Even the National Review—nobody's idea of a liberal publication—published a column that called the comments of our colleague from Missouri, Senator HAWLEY—it called his attack ''meritless to the point of demagoguery.'' Those were the words of the National Review.

The fact is, on this hugely important issue, the whole question of kids' safety, as the Presiding Officer of the Senate knows, there is a big difference between talking about protecting child victims and actually doing the work. Far too many of our Republican colleagues just come down on the wrong side of the divide.

It is absolutely right that government at every level has failed to protect kids from exploitation online. That failure has a lot of causes. One is that the Justice Department, for reasons I will never understand, has consistently declined to put enough manpower and funding behind protecting these vulnerable kids. Another reason is that Members of Congress talk a really big game, but when there is serious legislation to protect vulnerable kids, they disappear.

Now, I have proposed an alternative. It is the Invest in Child Safety Act. It puts serious funds into tracking down the child predators and prosecuting these god-awful monsters and protecting the kids they target and abuse. It would create a new executive position, to be confirmed by the Senate, to raise this level of protecting kids and strengthen oversight.

Now, instead of supporting that legislation, where we put real prosecutors and real investigators to the task of protecting our kids, putting more law enforcement on the beat, a number of Senate Republicans spend their days going after section 230 of the Communications Decency Act. So, yet again, vulnerable kids are being used as pawns by politicians to advance their agenda.

I simply believe that child abuse and exploitation is too serious an issue for U.S. Senators to cheapen it with baseless accusations and ill-conceived legislation. This is the last subject—protecting our kids—that elected officials ought to be playing politics with.

WOMEN'S HEALTHCARE

Madam President, I am going to use the remainder of my time to discuss another issue that came up often in the debate, and that is the right of American women to control their bodies. I am talking here about Roe v. Wade.

The Supreme Court has effectively overturned Roe already when you look, for example, at the various States. The Court has overturned Roe for millions and millions of people. They did it on the shadow docket by allowing an obviously unconstitutional bounty law in Texas to go into effect. Now States all over the country are passing similar laws, and in some States, they are going even further to restrict the fundamental right of women to control their own bodies.

The fact of the matter is, this debate is not just about Roe. It is becoming commonplace for Republicans to say out in the open that the Supreme Court ruled incorrectly in Griswold v. Connecticut, the 1965 case that affirmed the right of married people to use contraception. That is what this debate has become all about—not just the right to a safe and legal abortion; it is about rolling back the right to birth control.

Republicans are saying that the case that affirmed the right to use birth control was wrongly decided. That is what our colleague from Tennessee who just spoke said ahead of the hearings on Judge Jackson's nomination.

It is enough to leave you wondering: What year is this? What century is this?

Connecticut's ban on contraception was based on a Federal law from the 1870s, a law from a time when women's rights were few. They couldn't even vote.

For Connecticut to have that kind of law on the books in 1965 was a ridiculous infringement on the liberty and body autonomy of American women. Estelle Griswold, the women's rights activist whose name is atop the case, once half-joked that the State would have to ''put a gynecological table at the Greenwich toll station'' to prevent women from going to New York to get the contraception they needed.

But the history in Connecticut shows, as is often the case, this old restriction on personal liberty fell hardest on women without means, even when the law was badly out of date.

The Supreme Court ruled correctly when it struck down Connecticut's law in 1965. To say otherwise is appalling and alarming. The Court recognized that the government ought to stay out of people's private decisions about family planning. A few years later, the court correctly applied the Griswold precedent to single women. A year after that came Roe.

These cases are linked. Put together, the attacks on Roe, and now Griswold, they are about letting the government control when somebody decides to start a family. We are talking about rolling back 80 years of basic human rights.

Prior to her appointment on the Supreme Court, Ruth Bader Ginsburg wrote in these debates over Roe:

> Also in the balance is a woman's autonomous charge of her life's full course . . . her ability to stand in relation to man, society, and the state as an independent, self-sustaining equal citizen.

When the Court upheld Roe in 1992, the majority ruled that ''[t]he ability of women to participate equally in the economic and social life of the Nation has been facilitated by their ability to control their reproductive lives.''

If women can't legally obtain birth control and they can't legally obtain abortion care, they no longer have legal control over their bodies. Let's be clear.

If women do not control their own bodies, they don't control their own lives. And if Americans don't control their own lives, they are not free and equal under the law.

Tossing out Roe—the way this Court has—is an act of judicial radicalism. Every Republican Supreme Court nominee swears up and down that they respect precedent; they won't legislate from the bench. Then they go out and toss out Roe on the shadow docket.

For Republicans now to be going after Griswold is staggering and dangerous. For Senators to be attacking this ruling 57 years after the case was decided is ridiculous.

This is not just because birth control is part of basic health regimens. It is because women in America have an equal right to chart the course of their lives and when to become pregnant.

Now, Republicans often talk about their position in the context of States' rights. Too often, what they are saying is they believe in States' rights only if they believe the State is right, and we see that on issue after issue.

And, finally, it is important to consider these debates in the context of what is happening in statehouses around the country. Republican legislatures are effectively banning abortion. They are passing laws that do more to protect rapists than rape victims. They criminalize abortion care, and in other cases they are criminalizing the act of helping women obtain the healthcare they need.

Some States want to make it impossible to use these kinds of medicines and therapies to safely end pregnancies early. A Republican lawmaker in Missouri recently proposed forcing women to carry ectopic pregnancies to term, which is effectively a death sentence.

The bottom line is, what is happening today, in 2022, is collectively the most extreme attack on reproductive health, freedom, and equality in America I can remember.

And I am just going to close by saying this is not the same debate as we have had over Roe. State-level Republicans are going way beyond that point.

For Republicans here in this Congress to be going after Griswold—after birth control—is a shocking escalation in the fight they are making to roll back the rights of women.

American lives and liberty are at stake. Americans need to be prepared to fight for freedom and equality in the months and years ahead. I am sure going to be out there with them.

In the meantime, I believe Judge Jackson is going to make an outstanding Supreme Court Justice and a bulwark for the rights of women and all Americans.

This is a historic confirmation, one that is long overdue. I am proud to give Judge Jackson my vote, and I urge my colleagues to support her nomination as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

UNANIMOUS CONSENT REQUEST—S. 3959

Mr. HAGERTY. Madam President, I am here today to discuss what I saw this past weekend when I took a trip to our southern border in Texas.

I led a delegation of eight sheriffs and mayors from my home State of Tennessee. We went to see what is happening, what the effects of the border crisis are, and to hear from them and allow the border agents to hear from them the effects of the border crisis in our own communities in Tennessee.

Our mayors and sheriffs are seeing record drug overdoses, gang violence, and other forms of criminal activity right there in Tennessee.

We learned that what is really happening at our border is quite simple: Well-financed, operationally sophisticated drug cartels, with the help of the Chinese Communist Party, are exploiting our immigration policies and human economic desires to make billions of dollars from drug and human trafficking.

Ignored by the Biden administration and the corporate media, this increasingly powerful criminal enterprise is expanding further into American communities.

Our trip revealed two key insights. First, under Biden policies, this national security crisis is unmanageable. Second, and paradoxically, this crisis is well within the Federal Government's ability to fix.

My central takeaway was this: If every American saw what we saw and heard, this would end. America wouldn't tolerate this. It is a crisis.

Here is the cartels' business model: Fentanyl ingredients are shipped from China to Mexico. In Mexico, the cartels turn these chemicals into astonishingly potent drugs bound for the United States.

Last year, fentanyl seized at the border was more than enough to kill every American. And that is just what we caught. Think about what has not been caught. Think about what is getting through.

The cartels control the entire Mexican side of the U.S. border, and each migrant must pay thousands of dollars for safe passage to these cartels. Often, they have to pay through subsequent indentured servitude. Many young women become victims of human trafficking.

So in this vicious cycle, the more illegal immigration, the more money for the cartels; and the more money for the cartels, the more drugs they produce.

For cartels, the illegal immigrants are more than an expendable revenue source. They are a tool for facilitating transport of drugs and criminals. The cartels push scores of migrant customers across the border so they can occupy American border agents. Then they exploit the resulting gaps in patrol coverage to move across drugs, gang members, those they refer to as ''high-value'' individuals, terrorist-watch-list members, and others.

Border Patrol agents told me that, given the recordbreaking border crossings they are currently facing, there are times when every agent is busy processing migrant paperwork, leaving the border wide open for drug and human trafficking. The drugs and gang members and the accompanying violence will then flood into our American communities.

As one agent put it: The people crossing the border don't stay in this area, and neither do the drugs.

More than 100,000 Americans died last year from drug overdoses, mostly from fentanyl, which are really more akin to CCP-engineered poisonings. Several thousands were Tennesseans. The Tennessee sheriffs and mayors on this trip told me that deaths from illicit drug overdoses in their counties are at record highs. Our Tennessee sheriffs know the families in their communities. They told me the toughest part of their job is to see a mother or a grandmother, to go to their home and tell them that their son or their grandson will never return. It is heartbreaking. Each one of these obituaries has the CCP's fingerprint on it.

The migrants' money and usefulness to distract border agents are essential to the cartels' operations. These illegal immigrants are incentivized to come because of our current catch-and-release policies.

To illustrate the current policy of absurdity, last Friday, around midnight, near a stretch of—of course—unfinished border wall, right outside of McAllen, TX, our vehicle came across about 15 recently arrived migrants. They approached us and asked us where they could find the Border Patrol agents. They wanted to turn themselves in, having been coached by their cartel handlers that this was the first step to U.S. Government-funded release into America. Our policies are so upside-down that the suspects are looking for the officers.

Nevertheless, U.S. Border Patrol and other law enforcement Agencies are working tirelessly day and night to protect our Nation. Understandably, morale is at an all-time low with a Biden administration that refuses to give them the tools that they need to deal with this crisis.

Border Patrol can process a maximum of roughly 5,000 migrants a day. Right now, they are facing nearly 8,000 migrants a day. And when the Biden administration lifts title 42 authority, they fear that the number could exceed 15,000 per day.

Therefore, and unsurprisingly, the constant plea I heard from Border Patrol agents was this: We need effective policy, not more agents, not more equipment. Bad policies are what have created this incentive to cross the border, and eliminating these policies is the only fix. Our agents signed up to protect our border, not to facilitate its demise.

Border agents in Laredo told me that the Migrant Protection Protocols, known as MPP, were a perfect illustration of the need for policy change. MPP was a policy that required migrants seeking asylum in the United States to remain in Mexico until it was determined whether or not they were actually entitled to asylum. Most are not.

When it was implemented in 2019, the agent said it was like flipping a switch because this stopped people coming when they knew that they wouldn't get in.

This ''Remain in Mexico'' policy cut illegal border crossings dramatically in fiscal year 2020. Yet the Biden administration nixed the MPP, and, not surprisingly, border crossings more than quadrupled in fiscal year 2021.

With the help of their media allies, Washington Democrats ignore this crisis and they hope that the American people will too. They don't travel to

the border because they don't want to answer for the crisis that they have created. They have chosen appeasement of loud, radical immigration groups over American security, over American sovereignty.

President Biden and Vice President KAMALA HARRIS haven't seen the border stations where the agents sacrifice day and night, mentally and physically, battling a crisis that their Departments haven't given them the tools to address.

For many Americans, this crisis seems far away, at least until it is too late—until it is their child, their grandchild, their brother and sister who become a statistic.

That is the other thing that I heard constantly from Border Patrol and law enforcement agents: We need someone to tell America what is happening here.

With the President and media averting their eyes and abdicating their responsibilities, it becomes even more critical to spread the word before more American lives are needlessly lost, before more migrants' lives are destroyed in the journey or through indentured servitude once they arrive, and more communities are damaged beyond repair.

So what can we do to address this crisis?

Even though the border cries is worse than ever, the Biden administration is voluntarily ending title 42 pandemic-related authority for expedited removal.

The Border Patrol agents I met this weekend believe that this will make this recordbreaking crisis substantially worse. Such a surrender of American security would be intolerable.

And there is another health crisis that title 42 is critical to battling. The cartels send migrants across at strategic points to bog down Border Patrol agents with paperwork processing that takes five times longer without title 42. Then they use the resulting enforcement gaps to move fentanyl across the border.

We have to close these enforcement gaps with better policy.

So I have introduced legislation to add drug smuggling as an additional basis for title 42 authority. Overdoses have become an epidemic in America. This legislation would allow the Secretary of Health and Human Services to use title 42 to combat drug trafficking across the border. This bill would give our Border Patrol agents the tools they need to quickly remove migrants who illegally cross the border, substantially freeing up agents to focus on actually stopping drug traffickers.

More than 100,000 Americans died last year from drug overdoses, many from fentanyl coming from across our southern border. We desperately need title 42 to fight this drug epidemic. It is a tool that would quite literally save American lives in every State in the Union immediately.

So, as in legislative session, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be discharged from further consideration of S. 3959 and the Senate proceed to its immediate consideration. I further ask that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Senator from Hawaii.

Mr. SCHATZ. Madam President, reserving the right to object.

This is not the right way to get at the fentanyl problem. This gives the Secretary permission to shut down all asylum seekers from a country on the basis of any type of drug, no matter how much is in possession, how frequently that drug is possessed, what country they are coming from. We are calling for essentially a complete shutdown of the asylum program because there might be fentanyl somewhere. But it also gives the Secretary authority to stop asylum seekers coming from any country for any drug at any scale.

Now, title 42 authority is a serious thing. It is a blanket authority to block anyone presenting themselves for asylum. We have seen the horrific images in Ukraine. We know between 4 and 5 million people are already refugees, and we know that the United States, as the indispensable Nation, wants to take a leadership role in accommodating these refugees in Europe and, if necessary, in the United States.

People presenting themselves for asylum, escaping their dangerous home country—that is actually part of the American dream. That is, in a lot of ways, how many of us arrived, right? There may not have been this statutory framework, but the principle involved was not just that you came from some other place far away to make a better life for yourself—sometimes it was that, but sometimes it was to escape the pogrom, as was the case with my grandparents, from Kyiv to Odesa, actually to Canada, and then to Hawaii.

And so this authority is no small thing. And to give the Secretary of HHS this blanket authority to essentially shut down all asylum seekers because we are afraid—appropriately afraid—of a specific drug is just a little ham-fisted.

And I appreciate the Senator's remarks. I think there are better ways to work on this, and therefore I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Tennessee.

Mr. HAGERTY. Madam President, I want to thank my colleague from Hawaii for his remarks, but I want to explain what just happened here.

My colleague objects, despite the fact that recordbreaking numbers of Americans are currently dying from overdoses, fueled by fentanyl coming across our border. This legislation is a tool to help save American lives. Indeed, 100,000 American lives were lost last year to drug overdoses. These lives are being deprived of the American dream forever. So Democrats are categorically opposed to commonsense border security tools to prevent drug trafficking into America no matter how bad the drug overdose numbers get? How much longer will it take to change course from the Biden administration policies that have created this national security crisis? How much longer will we allow our immigration system to be manipulated by a massive transnational criminal alliance between the Chinese communists and billion-dollar cartels who are shipping deadly quantities of illicit drugs into the United States?

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

NOMINATION OF KETANJI BROWN JACKSON

Mr. LEE. Madam President, today, I rise to share my concerns with the nomination of Judge Ketanji Brown Jackson to serve as an Associate Justice on the U.S. Supreme Court.

Let me begin my remarks by noting that I have enjoyed getting to know Judge Jackson. My visits with her and conversations with her in the committee and otherwise and also my interaction with Judge Jackson's family have all reinforced what I know of her generally, which is that she is a good person, a noble citizen, and someone who has earned very impressive academic and professional credentials.

After graduating from Harvard Law School, she ended up clerking at all three levels of the Federal judiciary and worked at a number of positions over the years as a lawyer. She has now, as a judge, served as a Federal district judge, which is a trial court position, and has served on the U.S. Court of Appeals for the DC Circuit, which is an appellate court position. If confirmed to the U.S. Supreme Court, she will have served at all three levels of the Federal judiciary, which is itself an impressive accomplishment and one that I think would benefit the Supreme Court. Any time they have the insight of someone who has served in that many roles, it can be helpful.

She is a good person in many respects and comes with impressive qualifications academically and professionally, but I do have concerns, and those concerns are what I want to turn to now.

Many of them date back to efforts by groups like Demand Justice to shame and intimidate Judge Jackson's former boss and the Justice whom she would be replacing if confirmed to this position, Justice Breyer, into retiring by paying for a billboard mounted on a truck to drive around the Supreme Court of the United States, bearing the slogan ''Retire, Breyer.'' These same groups are now the same groups that are spending money—millions of dollars—to advocate for Judge Jackson's speedy confirmation. Then there was the shameless leaking of Justice

Breyer's decision to retire well before he was ready to announce it.

Now we find ourselves in the midst of a needlessly rushed nomination process, where liberal dark money groups are pressuring Senate Democrats to confirm their preferred Supreme Court nominee months—many months—in advance of when she could actually be seated on the Court.

Because of this false sense of urgency being presented by the radical left, we have also seen the chairman of the Senate Judiciary Committee refuse to accommodate reasonable and commonsense document requests from Republican members of that committee. The same members of the committee who demanded more time to review and interrogate a nominee about his high school yearbook are now feigning outrage and insisting that it is somehow unacceptable that we should demand more time to review a nominee's own judicial record. The contrast is significant.

Let me provide some additional context to illustrate how outrageous that aspect of this situation is.

My Republican colleagues and I have been very keen to hear from Judge Jackson about her judicial philosophy. This is something that is an essential part of assessing any judicial nominee's fitness for office. The higher level the nomination, the more important it is to understand that. Nowhere is this more important than when the nominee is someone who has been nominated to serve on the highest Court in the land, the Supreme Court of the United States.

Judge Jackson, significantly, has refused to describe her judicial philosophy or even to agree that she has one. Instead, she has told us that she has a methodology, but this methodology—neutrally applying the law to all relevant facts—is nothing more than a simple statement—a simple rote recitation—of what judges do, not an explanation of how they do it.

When Republicans on the Judiciary Committee pressed Judge Jackson for more information about her judicial philosophy or any statement about it, Chairman DURBIN and the nominee both directed us to her judicial record. So we asked Judge Jackson about her record. We inquired about questionable sentences in child pornography cases, sentences that appeared to constitute a pattern and practice of giving inexplicably light sentences to criminals—people who are caught trafficking in what can only be described as the products of the commercialization of child sex torture. These are vile offenses. Her response was that we simply couldn't understand her sentencing decisions. We couldn't understand them just by looking only at the public record because we didn't see what she saw. We didn't have the information that she had.

Now, Chairman DURBIN told us that we can discern Judge Jackson's judicial philosophy from her judicial record. Judge Jackson told us that we can't understand her judicial record without all of the supporting documents that informed her decisions. So we asked for those supporting documents, which included presentence reports from those cases involving child pornography possession. Chairman DURBIN's response? Not on my watch—his words, not mine. Democrats dismissed our requests as baseless attacks on Judge Jackson herself.

What if we said, ''That isn't true''? Do they contest that Judge Jackson presided over those cases? That she, in fact, imposed those sentences? Do they contest that she imposed those sentences or that Judge Jackson's sentences departed from both the sentencing guideline ranges and from the requests of the prosecutors? These are simply the facts in the record, and we have questions about them, legitimate questions.

So, if this is a baseless attack to a nominee's factual record, what exactly is the purpose and scope of the Senate's duty to offer our advice and consent with regard to such nominations?

After we pushed back, Chairman DURBIN based his continued refusal on the sensitive nature of the documents at issue. Now, I agree completely that presentence reports are highly sensitive. They contain sensitive information in them, and this body of written work product deals with necessarily sensitive materials on a regular basis. The U.S. Senate deals with sensitive records, so the fact that these are sensitive documents doesn't mean that we can't handle them. In fact, we already have security measures in place to protect that kind of information. We even have specified rooms where we can and routinely do review sensitive information. So hiding behind a glib quote about protecting children at the expense of thousands upon thousands of actual child victims is shameful.

The chairman says that parents are living in fear that presentence reports that discuss harm to their children would be confidentially shared with this body for the limited purpose of allowing us to do our job, to review Judge Jackson's record. I think it is more likely—far more likely, in fact—that parents of sexually exploited children live in fear that their children may be victimized again when one of Judge Jackson's defendants gets released from prison after an unconscionably, indefensibly short sentence.

To make matters even worse, not only have Democrats refused Republican requests for more information on Judge Jackson's judicial record, but they have withheld information from me and my Republican colleagues on the Judiciary Committee. I am referring in this context to a chart referenced accidentally by a Democratic member of the Judiciary Committee that summarized probation office sentencing recommendations gleaned from the presentence reports—the same presentence reports that we have requested and that we have not been allowed to see.

Now, I have to admit I am still unclear as to how the majority obtained this information. Chairman DURBIN wrote to Republicans that the chart was given to him by the White House, which, in turn, obtained the chart from Judge Jackson's chambers. However, when I and every other Republican member on the Senate Judiciary Committee wrote to Judge Jackson to request further information, she replied that she had no way of obtaining the requested information because it ''is the property of the U.S. District Court for the District of Columbia, and I am no longer a member of that court.'' How, then, did her chambers obtain the information that was provided to the White House and then provided to Senate Democrats which came from the presentence reports?

Do the Democrats have something to hide—something that they can avoid having to reveal and have discussed by rushing Judge Jackson's nomination? What might it be? It may be the one thing Judge Jackson steadfastly refused to share—her judicial philosophy.

Despite my Democratic colleagues' pretending that judicial philosophy is some arcane and esoteric legal concept that doesn't matter, Americans everywhere instinctively understand its importance. While they may not all use the same terminology, Americans know that justice—as we imagine Lady Justice always depicted as being blind or blindfolded—is to ensure equal justice under the law for everyone regardless of their race, their religion, their background, their creed. That kind of justice matters to every petitioner, every respondent, every plaintiff, and every defendant who comes before our courts. That kind of justice can be ensured only by judges adhering to a guiding principle by which they bring clarity out of often unclear language.

The Supreme Court is not a representative body; Congress is. Justices are not accountable to the people once they are confirmed, but we are. That is why we have heard from virtually every nominee that their personal perspectives on X, Y, and Z don't matter—because they are fully committed to applying the law without their own personal perspectives getting in the way. That is exactly right and could not more fully demonstrated the importance of judicial philosophy. When a Justice is swayed by her natural inclinations or fails to get to a neutral place when deciding a particular case, adherence to her judicial philosophy keeps her from violating that commitment. That guiding principle constitute a judge's judicial philosophy.

Now, look, judicial philosophy is not a methodology or, as I said earlier when Judge Jackson described her judicial methodology as simply applying the law to the facts, that is not describing her unique approach to judicial decision making. She was simply reciting the definition of what a judge does.

Every judge applies the law to the facts. That is literally what it means to be a judge. The question is, How? Because statutory and constitutional language is often unclear, whether on its face or as applied in a particular context. What matters is how a judge resolves that ambiguity. Laws are not self-interpreting, and interpretation is rarely obvious, especially in the difficult cases that tend uniquely to come before the Supreme Court of the United States on the merits. You have to have a guiding principle by which to bring clarity out of unclear language. That is your judicial philosophy.

So a judge without a judicial philosophy is no more useful than a pastor without a theology. It is just someone making it up as they go along, dressing up their opinions as holy writ. A nominee who claims to have no judicial philosophy is either being misleading or is perhaps unsuited to a lifetime appointment on the Federal bench, let alone on the highest Court in the land. Yet the vast majority of President Biden's judicial nominees have repeatedly asserted that they simply don't have one; that they lack a judicial philosophy. This sudden and uniform shift suddenly and strongly suggests that they are being coached to give precisely that inexplicable, indefensible answer.

And yet every judge does, in fact, have a judicial philosophy. Whether they acknowledge it or not, whether it is easily definable by a few words or a few sentences, they do have one. When a nominee refuses to describe her judicial philosophy, the likely explanation is simply that she does have one; she just knows that neither the public nor this body would approve of it. In that case, we are left to infer what her judicial philosophy is from her record, which is precisely what Chairman DURBIN and Judge Jackson suggested that we do. Except, as I have already pointed out, they don't want us to have the whole record, and they are unreasonably denying our access to the whole record.

So, again, Judge Jackson refuses to tell us what her judicial philosophy is. Senator DURBIN says we can find it in her record; Judge Jackson says we can't fully understand her record without all the supporting documents, but neither of them will let us see these documents. If this makes you nervous, that is because it should.

So why does this matter? Well, we got to see this firsthand 2 weeks ago. While Judge Jackson insisted that she didn't have a judicial philosophy, she actually did give us a small peek into it. In response to a question from Senator DURBIN about the sentencing guidelines and child pornography offenders, she acknowledged Congress implemented a statutory scheme with specific directives to courts to help them determine how they are to sentence defendants found guilty of possessing or distributing child sexual assault material. But then she admitted that she and other judges have made a habit of using the discretion they are given in applying the sentencing guidelines that disregard or discount the parts that, in their view, no longer make sense, saying:

> Courts are adjusting their sentences in order to account for the changed circumstances.

With all due respect, that is not her or any other judge's decision to make. Courts don't change the law; Congress changes the law. If Congress one day decides that receiving child sexual assault material electronically is somehow less offensive than receiving it through the mail, then we will change the law.

Judge Jackson insists that she was statutorily required to consider the factors—the very factors she relied upon—to depart from the guidelines, consistently sentencing defendants to prison terms considerably below where the sentencing guidelines would have sent her.

All that is true, but all the factors listed in the statute in question, codified in 18 U.S.C. Section 3553, Judge Jackson seems to weigh quite heavily those factors that will decrease an offender's sentence and gives, apparently, short shrift to those who would lengthen the sentence in these child pornography cases.

This kind of cherry-picking of considerations resulted in astonishing outcomes, like giving one defendant 3 months in prison instead of 10 years. Her willingness to change the outcome based not on the law but based on her own sense of ''changed circumstances'' demonstrates a lack of judicial humility and restraint, and that is troubling.

Unfortunately, this lack of judicial humility and restraint was not limited to any narrow line of cases. It wasn't limited to those cases that involved the production and distribution and possession of child pornography.

In the case of Make the Road New York v. McAleenan, Judge Jackson ignored clear statutory language, stating that she didn't even have jurisdiction to review the case. She set aside that language and instead reached back in time to apply the previously enacted and much broader Administrative Procedures Act to obtain her preferred outcome, the outcome advocated for by the dark money group Arabella Advisors, which happens to be funding the campaign for her confirmation. When asked about this case, Judge Jackson doubled down on her faulty reasoning, even though it had been overturned by the left-leaning DC Circuit.

Unfortunately, this was not the only case where Judge Jackson ignored clear statutory language to assert jurisdiction and reach her preferred policy outcome.

To make matters worse, Judge Jackson took multiple opportunities in her responses to my colleagues' written questions to separate herself from principles that form the bedrock of our constitutional Republic.

When asked by Senator CRUZ if she believed that individuals possess natural rights, she said:

> I do not hold a position on whether individuals possess natural rights.

This is after she acknowledged that these lines from our Declaration of Independence reflect natural rights:

> We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness.

When asked by Senator CORNYN if she believed that natural law is reflected in the Bill of Rights, she stated that she ''would interpret the Bill of Rights based on the methods of constitutional interpretation the Supreme Court employs, not based on principles derived from natural law.''

These responses eliminate any hope that I had that even if Judge Jackson interprets and applies statutes incorrectly, she would still be guided by our Founding documents. Every part of Judge Jackson's record—that is, every part that we have been given—seems to indicate something of a desire to separate herself from grounding principles in order to reach her desired outcomes.

This is why judicial philosophy matters. This is why it isn't just some esoteric exercise for law nerds. This is why it matters and should matter to every American.

When a judge can impose her own policy views in contradiction of the expressed will of the people through their elected representatives in Congress, it doesn't just undermine our representative system of government. As we have seen here, it can put child predators back on the streets.

In one case, the convict, upon release from his inexplicably short jail sentence, resumed seeking out suggestive images of children to the point that Judge Jackson had to agree to send him to 6 months in a halfway house.

In another case, the convict who had been convicted of raping his 13-year-old niece and then falsifying his address to evade the sex offender registry, sexually assaulted another family member after being released from the light sentence imposed previously by Judge Jackson.

Neither of these defendants would have had these opportunities to reoffend had Judge Jackson just followed the sentencing guidelines and what the law required.

Judicial philosophy matters. It is foundational to the very fabric of our constitutional Republic. And, again, there are no magic words we are looking for. There is not a single judicial philosophy that is either going to deem it acceptable or not acceptable, but they need to have one. They need to be willing to talk about it and explain what animates, what motivates their decision making, how they will go about construing these statutes.

If judges won't commit to giving effect to the words of the laws that Congress passes, as understood at the time

they were written and enacted, then American voters have no control over the laws that govern them. We will be ruled in that kind of scenario by a self-anointed class of five philosopher Kings in black robes.

I fear Judge Jackson may see the Court in that very way. I fear that based on her answer to a question in the hearing raised by one of my colleagues. In response to that question, she said:

> Well, anytime the Supreme Court have five votes . . . they have a majority for whatever opinion they determine.

The Constitution demands more, and the American people deserve better.

For all these reasons, I oppose Judge Jackson's nomination.

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

CORONAVIRUS

Mr. COONS. Mr. President, we are in the middle of a horrible global pandemic. Later this month, we will pass a tragic milestone of a million Americans killed by COVID–19. Already, more than 6 million globally have died.

And I know we are all sick and tired of it, completely tired of it, done with it. I hear all the time at home and here that we are done with this pandemic, but, unfortunately, it is not done with us.

This week, this body has failed to take minimally responsible action. And I am going to speak for a few minutes to what it means that we have failed to come together to pass another urgently needed appropriations bill both to meet our domestic needs for therapeutics and vaccines and for treatment and for the development of the next vaccine for the next variant and what it means that we have delivered zero additional resources for global public health to address this worst global pandemic in a century.

The bill that we should be taking up now and is being blocked by disagreements would have provided $10 billion to help provide additional protection for 330 million Americans, to buy the therapeutics that we need, to invest in the research to make sure that we are ready for the next variant, to finish providing the public health support for vaccinations.

While we may think we are done with the virus, 30,000 Americans yesterday tested positive. It has touched all of our communities, our families, my own family, our own neighborhoods. We are not done with this.

Senator SCHUMER and others of my colleagues have been saying on this floor and in public and in private relentlessly, we must deliver more resources. Well, I am here to say that we cannot get this pandemic under control here in the United States and secure the safety and health of our people until we have delivered meaningful vaccine protection around the world.

It is shortsighted for us to say that because we are done with it, it is done with us. I will remind you, we have twice before gone through periods where things were looking better, things were looking up, and then the Delta variant emerged, the Omicron variant emerged in other places in the world where vaccination rates were not what we might hope for, not what we have achieved here and in other countries.

So let me briefly explain why this is a case of ''pay me now or pay me later.'' I understand the fiscal concerns that have driven some to say we should spend no more, but I think we will discover the foolishness of a view that says we need not spend more.

First, it is just a waste of money, folks. We have already bought hundreds of millions of vaccine doses that are now not going to be delivered in countries in the world, and particularly in Africa, where the public health systems are not developed enough to actually translate vaccine doses into vaccinations.

As I learned during the Ebola epidemic in Liberia, that last mile from the capital to the regions to villages is really hard to navigate. It is hard to navigate here in the United States, heck. But in countries without cold storage chains, without rural public health resources, without the resources to pay for people to go and vaccinate, not having that last dollar to go that last mile means that we are letting people die when we have got the vaccines to save their lives; and it means we continue to have 2.8 billion unvaccinated people around the world.

Second, this is a moment where we can teach the world, again, that the United States, long the most reliable global public health partner, can be counted on in this critical moment. Dozens of countries could not get our vaccines 6 months or a year ago, so they have relied on Chinese and Russian vaccines that are ineffective against Omicron. A variant emerged able to get around Sinopharm and Sputnik, the vaccines delivered by the Chinese and Russians.

So we have a moment when dozens of countries around the world are asking for our help. We have got the vaccines; we have got the opportunity; and we are failing to take advantage of this moment.

The most compelling reason, of course, is our own people's health. We have seen this cycle before, and we will see this cycle again.

How bad is the vaccination status in other places around the world? Well, briefly: Yemen, a country undergoing a horrific war with widespread famine, their vaccination rate is less than 1.5 percent. In Haiti, in our hemisphere, a nation of 11 million people, their vaccination rate is below 1 percent. The number of folks fully vaccinated in two great countries on the continent of Africa—Tanzania, 60 million people; Nigeria, 200 million people—below 5 percent.

We cannot afford to allow this virus, COVID–19, which is like a safecracker, out there in the world to just keep twisting the dials and testing, testing, testing—because every time it infects someone, it has a chance to mutate. Every time it mutates, it has a chance to get past our defenses.

We will regret this failure. We need to treat this like the global health emergency it is, and we need to realize that we already had hundreds of millions of people facing food insecurity before the Russian invasion of Ukraine accelerated the vulnerability of millions of people around the world because Ukraine is the breadbasket from which is fed countries all over the region: the Middle East and North Africa, from Syria to Somalia. We are going to see food riots, increased instability, and millions more in hunger.

So, folks, I will keep at this. I will keep working. I will keep mobilizing and engaging my colleagues, both Democratic and Republican, in making the case until it is done; but we have a moral imperative, an economic imperative, a political imperative, a humanitarian imperative to save our own country and our own people by providing the resources the world needs and deserves.

We have so many good partners in this—organizations like One, USGOC, Care, Catholic Relief Services, Save the Children, Bread for the World, and many others—too many to name. But we need the same level of energy and commitment and engagement in this Chamber that we have heard from calls from around our country and our world. The world is looking to the United States to use the vaccines we have, use the resources we have, provide the support to get us on the other side of this pandemic globally. Mr. President, this is the moment that we should do it.

NOMINATION OF KETANJI BROWN JACKSON

Mr. President, I want to speak briefly to a great accomplishment that will occur in this Senate later this week: the confirmation to the U.S. Supreme Court of Judge Ketanji Brown Jackson.

As a member of the Judiciary Committee, I have lived through—I have endured—several confirmation processes. I will say, this is one that brings me some joy, a sense of lift that we are making history for this Chamber and for the Supreme Court.

Justice Breyer, who has announced his intention to retire, is someone who has spent decades on the Federal bench, on the Supreme Court, and has lived up to the highest ideals of American jurisprudence; and I am confident Judge Jackson, as Justice Jackson, will continue in that tradition. She has, as we learned in our week of confirmation hearings, a deep understanding of the Constitution, a great sense of the balance and the role of a judge, limited to understanding the Constitution, law, and facts passed in front of her and with a limited role to decide the questions presented based on the law and the facts.

We also got to hear about her family, her history, her experiences, her service, her impeccable legal credentials,

her service on the Sentencing Commission, her work as a trial and appellate court judge, her experience as a clerk at all levels of the Federal judiciary, and her time as a Federal public defender.

She is a devoted daughter, sister, wife, mother, friend, and someone who is humble enough to say that she knows and loves the Constitution from which our freedoms flow. She stands on the shoulders of those who went before her—her parents, both proud HBCU graduates and the first in her family to go to college. Her uncles and her brother served in law enforcement, in the military. She is so well grounded in those institutions and traditions that have made our Nation great; and it fills me with confidence to know that a person of this skill, of this background, of this sense of judicial temperament—who endured a grilling that was, at times, tantamount to harassment by other members of the Senate Judiciary Committee—demonstrated her grace, her courage, and her integrity under sustained fire.

I very much look forward to the votes we will take in this Chamber later this week, and I will be honored to vote to confirm Judge Ketanji Brown Jackson to be the next Associate Justice of the U.S. Supreme Court.

The PRESIDING OFFICER. The Senator from Rhode Island.

CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, I rise again, with my increasingly battered poster, to call on this body and in particular on corporate America to wake up to the threat of climate change.

Just this week, the IPCC report came out saying that we are now at the door-die, last-chance moment. The other interesting thing about that IPCC report was that it, for the first time, focused on the role of malicious fossil fuel political influence in preventing the solution.

Political influence is actually contributing to the climate change problem, and it is the scientists who are now pointing this out.

Well, one of the worst expositors of that political influence, the monster in the middle of that political influence campaign here in the United States, is the U.S. Chamber of Commerce. And I want to talk about them in a minute; but, first, let's do just a quick recap because we have known about climate change for a long time.

Scientists knew about the greenhouse effect back when Abraham Lincoln was riding around Washington in his tophat. In the 1950s—in the 1950s—the oil industry began research on the effects of greenhouse gas pollution. In 1977, nearly a half century ago, Exxon's top scientist warned management of what he called ''general scientific agreement''—half a century ago, mind you—''general scientific agreement that the most likely manner in which mankind is influencing the global climate is through carbon dioxide release from the burning of fossil fuels.''

A Republican-led committee led by my predecessor, John Chafee, held a Senate hearing on climate change in 1986; and in 1989, the Chamber of Commerce—one of the most influential forces in Washington and now one of the biggest lobbyists for fossil fuel interests—the U.S. Chamber of Commerce issued a report for business leaders about the threat of climate change.

We have dug out that report because they entered it into the RECORD in a House proceeding later that day, and here is what that report said. I will quote at some length.

> [T]here is qualitative agreement among prognosticators that sea levels will rise . . . wetlands will flood, salt water will infuse fresh water supplies, and there will be changes in the distribution of tree and crop species and agricultural productivity.
>
> A significant rise in sea levels will flood now inhabitable land in some countries. . . . These same actions will affect wetlands and it may not be possible [to] protect both coastal and wetland areas.

Georgia, very susceptible to this, as the Presiding Officer knows.

> Flooding will intrude into water supplies, such as in coastal cities (e.g., Miami and New Orleans). . . . Changes in temperature patterns will affect natural ecosystems by altering the distributions of species, and affecting forestry and silviculture. . . . [C]rop lands will change. . . . The stress will depend on changes in precipitation patterns.
>
> Global warming will affect snowfall patterns, hence melt, and affect water supplies. Most of California's water supplies are from snow melt and if snow is reduced to rain, or melts quickly during the winter, water supplies in the summer will be less than now.

Does any of that sound familiar? Of course. It is what we are looking at around us now, and it is what the U.S. Chamber of Commerce predicted in 1989.

Knowing that, what did the chamber do? I will tell you what the chamber did.

Over the past two decades, every time Congress took up good climate bills, the chamber conspired to kill them.

The reason is pretty simple: The chamber serves as the arm of the fossil fuel industry. It takes its money, and it does its dirty work.

A couple of years ago, a witness at our Special Committee on the Climate Crisis explained how big trade groups like the chamber ''adopt the lowest common denominator positions on climate of their most oppositional members.''

Fossil fuel pays the chamber to kill anything that threatens what the IMF estimates is an over $600 billion annual subsidy for fossil fuel in the United States. On climate, it is not the U.S. Chamber of Commerce; it is the ''U.S. Chamber of Carbon.''

Here are some of the corpses in the chamber's legislative graveyard. In 2005, the chamber opposed bipartisan cap-and-trade legislation. It issued a ''key vote alert,'' a signal that whoever voted in favor of the bill could face an onslaught of political attack ads.

Down the legislation went.

The chamber used the same playbook to kill cap-and-trade bills in 2007, including the aptly named Wake up to Climate Change bill that had started to gain steam until the ''Chamber of Carbon'' dug in against it.

In 2009, the chamber led the charge against the most promising climate bill in decades: the Waxman-Markey bill. The chamber spared no effort killing it. It harangued members, issued more vote alerts, and published ''How They Voted'' scorecards, with a clear message: Cross us and we will come after you.

Since then, the chamber's axis of influence in Congress has refused to hold hearings on, mark up, debate, or vote on any serious climate legislation.

At the same time, the chamber fought climate action in the courts and in executive Agencies. Here are a few of their cadavers there: In 2010, the chamber sued EPA to overturn the finding that greenhouse gas emissions endanger public health and welfare. Disabling that ''endangerment finding'' would cripple the Agency's ability to regulate carbon pollution under the Clean Air Act.

When courts rejected the chamber lawsuit, the chamber then set up as central command for fossil fuel lawyers, coal lobbyists, and Republican political strategists, who devised the legal schemes to fight climate regulations. This produced another chamber lawsuit to block the Clean Power Plan to reduce carbon pollution from powerplants. And on this occasion, five Republican appointees on the Supreme Court killed the Clean Power Plan using the shadow docket. They didn't even have proper hearings on it.

Once President Trump took office, the chamber began attacking and undoing Obama administration rules limiting carbon pollution. The chamber even funded the phony and debunked report that the Trump administration relied on to justify leaving the Paris accord.

The chamber's climate obstruction has continued across all fronts under President Biden. It released a position paper championing ''clean'' coal, which is right up there next to dry water and chilly heat. And, of course, it led the charge against our reconciliation bill, attacking more than $500 billion in climate-related investments.

To make all this dirty work possible, the chamber weaponized the dark money powers afforded by the Supreme Court's ruling in Citizens United. The chamber knew the power that this decision would grant them. Indeed, it filed an amicus brief in that case, telling the Court to knock out limits on so-called outside spending.

And Citizens United then allowed outside groups to spend unlimited sums on electioneering activities, which teed up the chamber to funnel roughly $150 million into congressional raises. And they bought a lot of climate denial with that money. It made them the

largest spender of dark money in congressional races.

Dark money talks, as we see every election on our television screens. But every bit as important, dark money threatens.

Republican colleagues have told me how this works. When a Republican dares to engage with Democrats to do something about climate change, a warning shot flies above their head. Chamber dark money and threats killed Republican support for substantial climate legislation.

When I got here in the Senate in 2007, there was a steady heartbeat of bipartisan climate activity, climate bill after climate bill, hearing after hearing. John McCain ran for President as a Republican with a strong climate platform. That all dropped dead in 2010 with that Citizens United dark money power in the hands of the chamber of commerce, which brings us to the present day.

American corporations, today, need to tell consumers and shareholders that they care about climate change. They need to for a couple of reasons. First, some of them actually are getting hurt by climate change—big insurers, the tourism industry, agribusiness. Tropical cyclones, more frequent heat waves, floods and droughts, more intense wildfires, higher sea levels—these things cost American businesses enormous amounts of money. According to NOAA, America sustained over 300 weather- and climate-related disasters since 1980, where the damage in that disaster topped a billion dollars and the total damage among all those disasters is over $2 trillion—$2 trillion lost to uncontrolled climate change, thanks to dark money efforts by the fossil fuel industry and, specifically, its operative, the ''U.S. Chamber of Carbon.''

Of course, consumers expect corporations to face up to the climate threat. The public wants us to do something and big brands like Coke and Pepsi need to say the right things when it comes to climate. And many of these companies have great internal climate policies within the corporation. But then—but then—those companies turn around and they pay dues to the ''U.S. Chamber of Carbon.'' And the chamber—the corporate serial killer of all things climate in this building—goes out and kills the things that the companies say they want.

According to a new report from the watchdog group InfluenceMap, the chamber remains one of the biggest impediments to climate action in America. They said:

> There has been no material improvement in the Chamber's climate change policy engagement over the past five years, despite its positive ''high-level messaging'' on climate.

InfluenceMap concluded in this report last month:

> The organization remains a significant blockage to U.S. climate policy.

And it is supported by a whole swath of corporate America.

Many of us want a phone call with TechNet, the Silicon Valley trade association. Ten of its members are members of the ''Chamber of Carbon.'' They fund climate denial. They think they are doing the right thing on climate, but they are not. They are paying the biggest monster in the middle of a climate denial operation in this country.

So when Coke and Pepsi pay dues to the ''Chamber of Carbon,'' Coke and Pepsi's corporate net effect on climate legislation goes negative. The chamber keeps secret how much the fossil fuel industry paid it to turn the chamber into a ''worst climate obstructor.'' It has corralled its pro-climate members into what it calls a ''climate conversation'' that has been going on since 2019. I know that because I kicked it off. I thought something good might happen. But what has happened in that climate conversation since 2019 is that anything good on climate gets routed by the chamber into that climate conversation from which nothing serious has emerged in more than 2 years. It is where the good climate policy goes to die. It is the black hole of good climate action.

In the meanwhile, all the climate evil that doesn't get sent to the climate conversation goes straight by and out into chamber operations. At the end, the effect is clear: The ''Chamber of Carbon'' works the will of the fossil fuel industry and blocks climate progress in Congress, and it does so with corporate America's acceptance and financial support.

If the IPC is right that this is last call, that this is dangerous, that this is our make-or-break, do-or-die moment, then it is time for corporate America to tell the ''Chamber of Carbon'' to knock it off or to quit and disassociate themselves from the ''worst climate obstructor'' in America. We should no longer tolerate this.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

NOMINATION OF KETANJI BROWN JACKSON

Mr. LANKFORD. Mr. President, there has been a lot of conversation in the past several weeks about Judge Jackson's judicial philosophy—rightfully so. This is a lifetime appointment on the U.S. Supreme Court. It is a serious position. I don't know a single Senator in this room that doesn't take their responsibility seriously. This is a big issue when you put anyone on the Supreme Court for a life appointment.

Everyone has had the opportunity to be able to go through case law, cases that she has handled, things she responded to, things that she has written, ways that she has responded. Actually, I had time last week to sit down with her for about 45 minutes in the office just to be able to talk and to be able to get back-and-forth with her a little bit.

I want to give a little bit of context to that because many Americans watched all the hearings that happened last week—a full week of just conversation with her, asking her all kinds of different questions. I don't serve on the Judiciary Committee so I am on the outside looking in. That is why I got time individually with her for about 45 minutes to be able to ask her questions and get to know her.

By the way, I had folks in Oklahoma say: You had the opportunity to sit down with her; what is she like?

To all of them, I answered the same way. She is actually the kind of person you would want to invite over for dinner, just to be able to sit and visit with—extremely pleasant, outgoing, personable, smart, sharp, wonderful smile and interaction. You would want to invite her over to dinner to be able to visit with.

But my decision is not about whether to invite her over for dinner to be able to spend time with. My decision is, How will they handle a lifetime appointment on the Supreme Court and how will they handle the law?

The difficult part of this conversation has been interesting. It really circled around judicial philosophy. How would you handle cases?

We can't ask: How are you going to actually rule on this specific case? Because if she answers, then she has to recuse herself from that case in the days ahead, and everyone knows that.

So we are always trying to determine: How will you treat cases in the days ahead and what lens will you look through? That is a reasonable conversation.

Her response has been interesting. Her response was that she had a ''methodology'' as a judge, and it has three aspects to it: Neutrality, which is a good thing; receiving all the appropriate inputs, which is making sure everyone is heard; and looking at the factual record and the text of the statute. That is actually a very good starting point with this.

The question then goes to the next set of questions on it: How do you handle the U.S. Constitution and where does that document fit in? Is it living? Is it changing? Is it the original text and the meaning of it, or does it have a living version that changes?

That is a reasonable conversation because there have been different Justices on the Supreme Court that have handled that differently.

The late Justice William Brennan wrote:

> For the genius of the Constitution rests not in any static meaning it might have had in a world that is dead and gone, but in the adaptability of its great principles to cope with current problems and current needs.

Well, that is not an original meaning in the original context and locked into that.

Justice Antonin Scalia wrote:

> The Constitution that I interpret and apply is not living, but [it is] dead, or as I prefer to call it, enduring. It means, today, not what current society, much less the court, thinks it ought to mean, but what it meant when it was adopted.

In other words, those words had meaning at that time. They couldn't

predict what those words might mean 100 years from now. They could only deal with what those words mean right now. And if it is going to have a different meaning at a different time, well, then, there has to be different law to be able to deal with that at a different time. We never got a really clear answer on that. We get things toward her methodology. That is a critical issue to be able to deal with.

There were issues about sentencing that came up and how she chose to do sentencing when she was at the district court level and handled cases. They were all over the news about some cases that she handled that were very lenient in the sentencing.

There were also a lot of questions about the Second Amendment or about due process.

There was kind of the moment of the judicial hearings when Senator BLACKBURN asked—not a trick question but a real conversational question—about how you handle the law and culture. And that is, Can you define a woman?

I honestly don't think that Senator BLACKBURN meant for that to be a trick question, but it really is a question in culture at this point. It will determine how you are going to handle the law and to be able to read the law.

Her response was she couldn't answer the question of how to define a woman because she is not a biologist. Well, I am not a biologist either, but I think I can define that question. And it is just a conversational issue that we have as a nation to be able to determine: Let's deal with things that are self-evident.

There were all those issues that were dealt with during the hearing time, but when I got with her, I didn't want to go back and revisit those issues. I wanted to spend time with her talking through the things that weren't actually discussed.

Obviously, it was over days of her hearings. There were several issues discussed about how she handles the law. One of those is Tribal law. In some areas of the country, this is a very big deal and in some areas, not at all. So I understand why it didn't come up in the hearings.

In her past history in her cases, she has had one case to deal with Tribal law. So there are a lot of questions to be able to talk about.

Oklahoma is very proud of who we are as a State. We have great diversity as a State. We have a unique relationship in Indian Country in our State. I thought it was important for us to be able to talk about the relationship that our State has with 39 Tribes and, quite frankly, the history our State has, as we were the State where Tribes were relocated to from the Southeast. We spent a lot of time talking about that.

We talked about issues of religious liberty, First Amendment issues, how you handle those cases. There are differences even in the Court, even on what is the more liberal side of the Court. Sotomayor and Kagan often disagreed on issues of religious liberties. They handle it with a different perspective, and it is not uncommon for a religious liberty case to come up and Sotomayor and Kagan to be on either side. So, quite frankly, I was trying to discern: Is this person more like Sotomayor or more like Kagan on how to handle the issues of religious liberty?

It didn't come up a lot in the hearings, but I really think that is a foundational issue.

Quite frankly, this is the fourth Supreme Court Justice I have had the opportunity to be able to sit down with personally, and with each of them, the issues that I just brought up were the issues that I talked with all four of them about because they don't often come up in the other issues, but to me it is foundational.

We have three branches of government defined by our Constitution. Those branches are coequal, and they check each other. And it is exceptionally important that they really do check each other; that the legislative branch doesn't just give it away to the executive branch or to the courts or that the legislative branch doesn't run over the courts or the executive branch and neither can the executive branch or the judicial branch do for either. But if the judicial branch sits passive at a moment that they should engage, the other two branches are not checked or if the judicial branch engages in a moment when they should be silent, they have exceeded their authority as well.

It is exceptionally important that the three branches both check each other and also know their lane and do their lane well.

There are two cases that popped out that became very significant to me and were part of our conversation as well. There was a case that came up during the Trump administration when Judge Jackson was at the district court level and dealt with this issue of expedited removal. Now, it is my guess that she doesn't like the expedited removal process in immigration, but I didn't ask that; I didn't drill down on that, so it was only my guess. But what was interesting was she ruled on a case on expedited removal and forbid the Trump administration from actually putting in place what they did and did it nationwide.

The problem was, when that was appealed up to the DC Circuit Court, the DC Circuit Court actually reversed Judge Jackson's preliminary injunction and reminded Judge Jackson, at that point, that the way the law was written made this statement: that the Secretary had ''sole and unreviewable discretion.''

She literally reviewed a decision made by a Secretary, where specifically in the law it stated a judge cannot review this decision, though she overturned it, only to go to the circuit court and have them overturn her. That tells me a balance of power issue, of knowing what your lane is and determining how that lane is taken on.

There is another case that came up, actually during the Trump administration as well, when Judge Jackson was also in the district court, and she dealt with the issue about what unions could do and what the executive branch could do in relationship to unions.

It has been a contentious issue, quite frankly, for decades. It is entirely reasonable to be able to have that kind of dialogue about it. She ruled in the favor of the unions, and the DC Circuit, again, reversed her decision when it came there, but it is not just that they reversed her decision, it is that they reversed her decision, and this was the statement from the DC Circuit:

> We reversed because the district court lacked subject matter jurisdiction.

In other words, that is not your responsibility in that lane. Specifically, that kind of issue has to be taken up by the Federal Labor Relations Board. In statute, it says it can't go to a district court; it has to go to a different place. Typically, other judges look at it and say, ''You can't be in this spot to be able to argue this,'' and send it to the correct place. Instead, she ruled on it in favor of the unions and declared it done, until the circuit came back and said: That is not your lane. That is actually the executive branch's lane.

And one of the most interesting dialogues we had to be able to talk through things was the issue about deference.

Now, why does this matter? Well, for about 80 years, Congress has been writing a law that gets broader and broader and broader. Quite frankly, it has been a problem with both parties. If we want to see something done, we write a broad law; we send it to the executive branch; and we say figure it out.

And each executive branch is getting more and more creative on how they figure it out. And we deal with all kinds of regulations, and both parties argue with the executive branch and say: Why do you do that? And the executive branch responds back sometimes: Well, you gave me the ability to make that decision on my own and so I did.

This issue of deference and of delegation is a very significant constitutional principle. It is an issue that we have got to resolve here as a body—quite frankly, on both sides of the aisle—to be jealous of the responsibility that we are given in the Constitution.

But it is also an issue, I think, that is very important for the courts to be able to engage in because the courts are able to step in uniquely to the executive branch in a way the legislative branch cannot. The legislative branch can complain about it, but the courts actually can look at it and say, ''You are out of your lane,'' to the executive branch.

And if the court is passive in this, then whoever the executive is gets to run. One of the clearest examples of those is something that is called Chevron deference or our deference. I won't go into all the details on it, but it basically says, if a piece of legislation, the

way that it is written, is ambiguous, then the executive branch can interpret it the way that they choose.

I have a problem with that interpretation because I believe if the law was written poorly, we shouldn't just give it to the executive branch and say: Figure it out. What do you want it to mean? If it doesn't mean something clearly, it doesn't mean anything at all.

Now it is about two issues: One is a constitutional issue. If you go back to 1803, Marbury v. Madison is a foundational piece for the Supreme Court. This is the piece that has come up over and over again over the last two centuries.

The foundational statement that came out of Marbury v. Madison was this simple statement:

It is emphatically the duty of the judicial department to say what the law is.

If the judicial hands to the executive and says, ''We can't tell what the law says, so we will give it to you,'' it is literally the judicial handing to the executive something that is uniquely the judicial's power.

Now, this is no simple issue. This goes back to our balance of power. What we have is a situation now over the past several decades where Congress has given its power to the executive branch. If the judicial branch does the same, giving its power to the executive branch, we have a rising executive branch and the other two bodies will look at it and say: How did that happen? Because we gave it away is how it happened. And we have a more and more powerful President of either party and a less and less powerful Congress and judicial branch.

In my conversation with Judge Jackson, she repeated over and over to me that the court is limited, the court is limited, the court is limited. And I said, yes, they are limited, but they have a responsibility, and the court's responsibility is to say what the law is.

And at the moment—as I said to her, if I threw letters on the table, the executive branch doesn't have the ability to say: I will make them say whatever I want to.

I can't—if a law was written and the law said, ''Orange, penny, Ford, desk, Reagan,'' now all those are English words, but, quite frankly, they don't really make a sentence. The authority shouldn't be given to the executive branch to be able to figure out what they could make of that. The responsibility should be in the judicial branch to be able to look at that and say: That means nothing. Congress, go do your homework. Clean it up.

The executive branch can't just make it mean what they want it to say and say what the law is. Congress has to say make it clear and the judicial branch has to say what the law is and the executive branch has to apply it.

Now, again, this is very philosophical, but it is also foundational in our constitutional construct. It is why I find myself in the position of voting no for someone I personally liked when I met her but do not align with on how you handle the Constitution, separation of powers, and the responsibility of the court to align with original intent of the Constitution.

This is not a new dialogue for us in the Senate body. It is a conversation we have had for two centuries that is still unresolved for us. But we cannot select individuals that are not committed to the original meaning of the Constitution and can hand to the executive branch what the law says. This is one that we need to guard.

And so for that reason, when the vote comes tomorrow on Judge Jackson, I will vote no.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Ms. BALDWIN. I rise today in strong support of Judge Ketanji Brown Jackson's confirmation as our Nation's next Justice on the U.S. Supreme Court.

Oftentimes, the debate in the Senate on judicial nominations loses sight of the personal stories of those who are put before us, so let me start there.

Let me start by talking about where Ketanji Brown Jackson came from to reach this extraordinary point where we are poised to write an important chapter of progress in our Nation's history.

Ketanji Brown Jackson was born in our Nation's Capital and grew up in Miami. She is the daughter of two former public school teachers, who themselves were raised in the Jim Crow South. Two of Judge Jackson's uncles were police officers in Miami, one who ultimately became the police chief. Her brother served in the U.S. Army and as a police officer in Baltimore.

Judge Jackson attended public school in the Miami-Dade County school system. She credits her father for starting her on a path to the law, as he went back to school to earn a law degree and became a lawyer working for the school board.

Family, education, hard work, public service, all guiding Judge Jackson on the path that brought her to this moment, to today.

She was elected mayor of her junior high school class and president of her high school class. She grew to be a standout on the speech and debate team. And when her high school counselor told her not to set her sights too high, she never accepted the limits of others—she persevered.

Judge Jackson went to Harvard where she graduated magna cum laude. She went to Harvard Law School where she was a top student and editor of the prestigious Law Review.

Following graduation from law school, this nominee worked for three consecutive Federal judges, culminating with a clerkship from 1999 to 2000 for Supreme Court Justice Breyer.

As Judge Jackson has said, this is the lesson she took from her experience:

Justice Breyer exemplified every day, in every way, that a Supreme Court Justice can perform at the highest level of skill and integrity while also being guided by civility, grace, pragmatism and generosity of spirit.

Guided by her belief in the power and promise of the Constitution and this Nation's founding principles—freedom, liberty, and equality—Judge Jackson went on to serve as an assistant Federal public defender in the DC Circuit, representing defendants who did not have the means to pay for a lawyer.

When confirmed, Judge Jackson will be the first former Federal public defender to serve on the U.S. Supreme Court. And to me, this is an extremely important qualification that Judge Jackson holds and will bring with her to the Supreme Court.

As a former public defender, she had firsthand experience delivering the Constitution's promise of due process. This promise, given to all Americans without regard to financial means or political connections, is an essential element of our system of justice.

We all should want this experience and the perspective it brings on our highest Court because it is a fundamental protection in our justice system.

Judge Jackson has been confirmed by the U.S. Senate three times previously. She was first confirmed by the Senate to serve as the Vice Chair of the U.S. Sentencing Commission. Following in the footsteps of Justice Breyer, she would become the only member of the current Court who previously served as a member of that bipartisan, independent commission dedicated to reducing sentencing disparities and promoting transparency and proportionality in sentencing.

Next, after President Obama nominated Judge Jackson to be a district court judge for the District of Columbia, she was once again confirmed by the U.S. Senate in 2013. During Judge Jackson's 8 years on the bench as a district judge, she issued more than 500 written opinions. And last year, she was again confirmed by the U.S. Senate with bipartisan support to serve on the U.S. Court of Appeals for the District of Columbia Circuit.

In confirming her to each of these positions, the Senate voiced its confidence in Judge Jackson's character, integrity, and intelligence. Experience matters, and the fact is, Judge Jackson is as qualified and experienced in the law as any nominee in our Nation's history, bringing more experience as a judge than four of the current Justices did combined at the time they joined the Court. This strong experience has provided her a clear understanding of the role of a judge and the role of the judiciary in our system of government.

As she has said herself, ''A judge has a duty to decide cases based solely on the law, without fear or favor, prejudice or passion.''

That is precisely why she has a proven record of being faithful to the Constitution and being an independent,

fair, and impartial judge. That is why Judge Jackson has earned the support of the law enforcement community, including the Fraternal Order of Police and the International Association of Chiefs of Police, as well as victims of crime, including domestic violence and sexual assault survivors.

I had the pleasure and, in fact, joy of meeting with Judge Jackson last week. No fairminded person can deny her impressive credentials and experience, and no one should deny the moment she has rightfully earned to be considered for a seat on the U.S. Supreme Court.

Our meeting wasn't long, but it was long enough for me to know that she has a quality that everyone we work for wants in a judge and certainly in a Justice on the Supreme Court. She knows how to listen, and I have every confidence that Judge Jackson understands how important that quality is for a judge to carry out their responsibility and commitment to the rule of law.

Judge Jackson's lifetime of hard work and perseverance has prepared her well for this inspiring moment. I believe the people I work for in Wisconsin agree.

A young high school student in Milwaukee recently said:

> Knowing she is the first person to do that, it like, gives me the idea that I can do big stuff too.

Jada Davis, the first Black woman to be crowned Miss Milwaukee and a law student at Marquette University, said this:

> The more you see yourself in other people the more confidence you will have to do those same things or go after what you want.

I know Judge Jackson has the character, temperament, and experience we want in a Justice on our highest Court. I also know what this moment means to thousands of girls across Wisconsin who, after Judge Brown Jackson's confirmation, will have even more proof that they can achieve ''big stuff'' too.

I believe she has a deep appreciation for the fact that the Supreme Court makes decisions that have a profound effect on the lives of all Americans and that she will work to serve and protect the constitutional rights and freedoms of all Americans.

I will proudly vote for this historic confirmation, the confirmation of Judge Ketanji Brown Jackson to the United States Supreme Court.

I yield the floor.

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

Mr. CARPER. Mr. President, I am honored to follow my colleague from Wisconsin, and I rise as well regarding the nomination of Judge Ketanji Brown Jackson to serve as an Associate Justice on the Supreme Court of the United States.

As some of you will recall, one of our colleagues from New Jersey, Senator BOOKER, delivered unusually poignant and unscripted remarks recently in the Senate Judiciary Committee about Judge Jackson's nomination and credentials and character. He moved many of those who were present to tears and spelled out as only he can what this nomination means for our Nation and particularly for the millions of Black Americans who look at Judge Jackson and see their own mothers, their own daughters, their own sisters, and their own friends.

Unfazed by the unfair attacks that day on Judge Jackson, our colleague said these words:

> Nobody is going to steal my joy.

I second that emotion. This historic moment and this historic nominee bring me great joy as well.

For the next several minutes, I am going to talk about Judge Jackson's impeccable qualifications. I am going to discuss her sterling record as a public servant, including nearly a decade as a Federal judge, that makes her supremely qualified to serve on our Supreme Court.

I also want to talk for a bit about the historic nature of this nomination and attempt to put in context just what it means for our Nation and for me personally to cast a vote to confirm the first Black woman to serve on the Supreme Court, because today, indeed, it brings a lot of us real joy in this body to know that we have the opportunity and the privilege to play a small part in Judge Jackson's confirmation.

Similar to President Reagan delivering on his promise years ago to nominate the first woman—Justice Sandra Day O'Connor—to the Supreme Court, President Biden has delivered on his own promise. He has nominated the first Black woman to the highest Court in our land, and our Nation can be proud of the nominee we are here to debate and to confirm.

Let me begin, however, by taking just a moment to thank Justice Stephen Breyer for his exemplary service to our country.

As many of our colleagues know, Justice Breyer was nominated to the Supreme Court by President Clinton in 1994, when I was serving as Governor of Delaware. Our Presiding Officer was an astronaut up in the ether above our planet. Justice Breyer was confirmed, some will recall, by an overwhelming bipartisan vote—87 to 9.

Justice Breyer served our country with distinction for over six decades, including as a corporal in the Army Reserve, a Federal circuit court judge, and for nearly three decades on the Bench of the highest Court in our land.

Justice Breyer is known as a consensus builder on the Bench—a trait I have long admired in judges dating back to my time as Governor of Delaware, when I had the opportunity to nominate literally dozens of highly qualified individuals to serve on Delaware's highly respected courts. Over the past three decades, Justice Breyer has helped forge principled compromises to protect the constitutional rights of all Americans and to uphold the rule of law.

During a small ceremony at the White House in January when Justice Breyer first announced that he would be retiring, he brought with him a pocket copy of the U.S. Constitution. In his brief remarks, Justice Breyer reminded us of how Lincoln and Washington and so many other giants of American history have described that document, our Constitution. They described it as an experiment.

As Justice Breyer reminded us, during the time of Washington and Lincoln, there were plenty of folks who doubted our system of government could ever work, plenty of folks who said: Well, that is a great idea in principle, but it will never work, at least not for long. But, as Justice Breyer said that day—he said: It is our job to show them that it does work and it will continue to work.

Our Constitution has made possible the greatest experiment in democracy in the history of the world. Over the past several years, I have spoken any number of times on the Senate floor about the wisdom of the Framers of our Constitution. In the hot summer of 1787, they met in Philadelphia, as you will recall, and designed an intricate system of checks and balances. Article I dealt with the Congress; article II dealt with the executive branch of our government; and article III, the judiciary.

America is the longest running experiment in democracy, and our Constitution is more replicated across the globe than any other Constitution in the world. But our Constitution has never been perfect. The Framers never pretended that it was perfect.

This past weekend, I was privileged to give the keynote address during a commissioning ceremony at the Port of Wilmington for a new Virginia-class, fast-attack, nuclear submarine that bears the name of Delaware—the first Navy vessel named after the State of Delaware in over 100 years. At the end of my remarks, there was a crowd of about several thousand people gathered on the Delaware River, right beside the submarine and its crew. Among the folks in that crowd were the President of our country and the First Lady of the United States, Dr. Jill Biden, who was the sponsor of the boat.

I asked everyone there to stand and hold hands and join me in reciting the preamble to the Constitution, which begins something like this:

> We the People of the United States, in Order to form a more perfect Union—

It doesn't say ''a perfect Union''; rather, it says ''a more perfect Union.'' Why is that? Because our Framers understood that this would be an experiment and that it would be up to each generation that follows to decide how this experiment will proceed and if it will succeed, up to each generation to face those who say that this great experiment in democracy will never work.

It is through our actions on days like this that we show them that it does

still work. Judge Jackson's nomination is proof that, indeed, we have made this Nation more perfect over time and that despite our divisions—and we have them—generations of Americans have worked together, often across party lines, across State lines, across philosophical lines, to make a nomination like this possible.

Like many Americans, I have seen remarkable progress in my own lifetime. While my sister and I were born in a coal-mining town in Beckley, WV, we were raised in Danville, VA, right on the North Carolina border, just north of Greensboro.

Danville, VA, was known as the Last Capital of the Confederacy. Forced to flee Richmond after Union victories started piling up in early 1865, Confederate President Jefferson Davis actually held his Cabinet's last meeting—their last meeting—in Danville, where I grew up. He did that a few days before Lee surrendered to Grant at Appomattox.

Although it was nearly a century after the Civil War ended when my family moved to Delaware—nearly a century—racial prejudice and discrimination still prevailed there.

Growing up, my sister and I witnessed racism up close and personal. Every morning, for example, our schoolbus would take us to an all-White high school 10 miles away from our home, and about half an hour later, another schoolbus would come by and pick up Black students who had been waiting along with us and take them to their school, past my school and another 10 miles to their school, which was not a better school. It was a school that none of us would be especially proud of.

If my sister and I went to lunch with our family, we would sit at the lunch counter, but Black families were denied service.

If we went to the movie theater in Danville, VA, we sat on the ground floor; the Black patrons had to sit up in the balcony.

That is the America many of us lived in not all that long ago—the same America that Judge Jackson's parents, Johnny and Ellery Brown, were born into. It was an America where discrimination on the basis of race was sanctioned by State governments; an America where the judicial doctrine of ''separate but equal'' was still enshrined into our laws by the Supreme Court; where arbitrary literacy tests kept Black Americans away from poll booths; an America that treated back Americans like second-class citizens despite a civil war, an Emancipation Proclamation, and ratification of the 13th, 14th, and 15th Amendments to our Constitution. It was an America that was far from perfect.

But through decades of struggle, and thanks to the heroes of the civil rights movement, our Nation began to confront injustice in our communities and inequality in our laws. And thanks to brilliant Black lawyers like Thurgood Marshall and Wilmington, Delaware's Louis Redding, a number of legal challenges to America's separate but unequal classrooms went all the way to the Supreme Court.

And perhaps the greatest decision in the Supreme Court's history, Brown v. Board of Education declared to the Nation that the principle of separate but equal could never truly be equal. Brown v. Board of Education did not make our Nation perfect. But it was proof that when the Supreme Court is at its best, America and our Constitution are at their best.

The Supreme Court changed the America that my sister and I lived in—that Judge Jackson's parents lived in—for the better. Combined with the landmark civil rights bills of the 1960s, including the Civil Rights Act of 1964 and the Voting Rights Act of 1965, it made the America that Judge Jackson was born into more perfect than it was for the generations that came before her.

And I hope and pray that each generation will continue to recognize the uniquely American opportunity that our Constitution affords us—the ability to change our communities and our laws for the better—and take on the task themselves.

As Judge Jackson stated in her confirmation hearing, her parents taught her that—and I want to quote her. This is a quote from her:

> Unlike the many barriers that they had to face growing up, my path was clearer, such that if I worked hard and believed in myself, in America I could do anything or be anything I wanted to be.

And, my goodness, did she work hard. The daughter of two graduates of HBCU colleges, Judge Jackson was a star on her high school debate team and was elected ''mayor'' of Palmetto Junior High School and student body president of Miami Palmetto Senior High School. Judge Jackson then graduated magna cum laude from Harvard University and cum laude from Harvard Law School, where she was an editor of the Harvard Law Review. She clerked for not one, not two, but three Federal judges, including for Supreme Court Justice Stephen Breyer.

Judge Jackson could have done anything she wanted with a resume like that—anything—including pursuing any number of well-paying opportunities in the legal profession. Instead, Judge Jackson chose public service, in part because service was instilled in her by her parents, both of whom were public schoolteachers. And public service, no doubt, runs in her family.

Her younger brother felt a similar call to serve. After graduating from another fine HBCU university, Howard University right here in Washington, Judge Jackson's brother enlisted—enlisted—in the U.S. Army right after the 9/11 attacks. He was deployed to Iraq. He also ended up going to Egypt. And then following in the footsteps of two of Judge Jackson's uncles, he became a Baltimore police officer.

When I had the opportunity to meet with Judge Jackson in my office last month, we talked about a wide range of things. Among them, we talked about the diversity of her professional experience, including her time as a public defender right here in the Nation's Capital.

As most of us know, public defenders work very long hours for very little pay. They represent clients who cannot afford an expensive lawyer, and in some cases, they cannot afford any lawyer at all. But our system of government affords every person charged with a crime the presumption of innocence, the right to a fair trial, and the right to a competent defense.

It is a testament to the character of Judge Jackson that she is so committed to equal justice under the law that she was willing to commit the early stages of her career to this important work.

If confirmed, Judge Jackson would be the first Supreme Court Justice to have served as a Federal public defender in this Court's long, storied history and the first with significant criminal defense experience since Justice Marshall.

Now, in 2005, I voted to confirm Chief Justice John Roberts to the Supreme Court; not every Democrat did that. As you may recall, he was appointed by former President George W. Bush, a Republican. Some of my colleagues might remember, before Chief Justice Roberts was ever nominated to a Federal judgeship, he worked in private practice where his firm represented an individual appealing a death penalty conviction for the murder of eight people.

During his 2005 confirmation hearing to the Supreme Court, Chief Justice Roberts was asked about it and stated—and I want to quote him right now. Here is what he said:

> In representing clients, in serving as a lawyer, it's not my job to decide whether that's a good idea or a bad idea. The job of the lawyer is to articulate the legal argument on behalf of the client.

Chief Justice Roberts likened this work to John Adams defending British soldiers after the Boston Massacre, saying that Adams:

> . . . helped show that what our [Founding Fathers] were about was defending the rule of law, not undermining it. And that principle that you don't identify the lawyer with the particular views of a client or the views that the lawyer advances on behalf of the client is critical to the fair administration of justice.

Like Chief Justice Roberts, Judge Jackson has lived up to the values set out over 230 years ago, and in doing so, she has protected and defended our Constitution.

After her time as a public defender, Judge Jackson served as a vice chair for the U.S. Sentencing Commission. She was confirmed unanimously by the U.S. Senate.

Judge Jackson was then nominated to the U.S. District Court for the District of Columbia. She was confirmed unanimously by the U.S. Senate for that post.

And last year, President Biden nominated Judge Jackson to serve on the DC Circuit Court of Appeals, oftentimes referred to as our Nation's second highest court. Yet again, she was confirmed by the U.S. Senate with bipartisan support.

During the decade that she served as a Federal judge, Judge Jackson established a track record as a consensus builder, just like Justice Breyer. During the decade that she served as a Federal judge, Judge Jackson has been evenhanded and she has been impartial. During the decade that she has served as a Federal judge, Judge Jackson has ruled for and against the government, in favor of prosecutors and for criminal defendants, and for both civil plaintiffs and defendants.

As Judge Jackson told our colleagues on the Judiciary Committee recently, she has, she said:

a duty to decide cases based solely on the law, without fear or favor, prejudice or passion.

Judge Jackson is always guided by our Constitution. And it is why she received the support of judges nominated by Democrat and Republicans alike, by law enforcement and the civil rights community, and by Republicans and Democrats in this body on multiple occasions.

Now, these past few weeks, I heard some of our colleagues on the other side of the aisle use this confirmation process to mention the unfairness toward past nominees. Well, every one of these nominees—every nominee that they referred to received a hearing and a vote. The same cannot be said of Merrick Garland, former chief justice of the DC Court of Appeals who was nominated by former President Obama to serve on the Supreme Court. Judge Garland did not receive a hearing. Judge Garland did not receive a vote because our colleagues on the other side of the aisle decided to invent a new rule, and most of them even refused to meet with Merrick Garland, one of the finest servants I have ever known. And this shameful blockade led to what many Americans, myself included, view as a stolen Supreme Court seat, a permanent stain on this body's reputation and a reduction in the Supreme Court's credibility.

Then 4 years later, our colleagues on the other side of the aisle broke their own precedent and invented yet another new rule to confirm a Supreme Court Justice 8 days—8 days before election day, when tens of millions of ballots had already been cast.

And while I will never forget this truly shameful behavior, this week we have a chance to move away from politics. We have a chance to place an extremely well-qualified nominee to the Supreme Court and to do so with the support of Senators from both sides of the aisle.

In the end, the American people need to trust the Supreme Court to make decisions on questions that impact every single American: whether we have access to clean air is one of those issues, whether we have access to clean water, whether we have access to good healthcare, whether women have the right to make their own healthcare decisions. We need a Supreme Court that stays above the political fray. We need a Supreme Court that calls ''balls and strikes,'' as Chief Justice Roberts once said—a Supreme Court that maintains the trust of the American people as the arbiter of a Constitution that protects the civil rights of all Americans.

Judge Jackson will bring a breadth and a diversity of experience to the Supreme Court not often seen. Judge Jackson's resume—Harvard; Harvard Law; clerk to three Federal judges, including Justice Breyer; a public defender; U.S. Sentencing Commission vice chairman; Federal district court judge; and Federal Circuit Court judge—is evidence that she is among the most-qualified individuals in our country for this esteemed role.

Her character and her intellect are beyond reproach. She weathered a grueling confirmation process with grace and dignity.

Let me close by noting that Judge Jackson's nomination is proof that today in America one's qualifications and unrelenting work ethic earn you your spot, that public service is valued and commitment to the principles that protect our country do mean something, that the sacrifices of one generation slowly but surely make for a better America for the next generation.

So count me among the millions of Americans who are inspired by Judge Jackson's life story, a uniquely American story that provides proof that our Nation can be made more perfect over time.

And it brings this Senator from Delaware, who grew up in Danville, the last capital of the Confederacy, into a much different America. It brings me great joy to be able to cast a vote for Judge Ketanji Brown Jackson to serve as an Associate Justice on the Supreme Court of the United States.

And with that I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

MOTIONS TO INSTRUCT CONFEREES

Mr. SANDERS. Mr. President, I look forward to offering two rollcall votes on motions to instruct conferees to the so-called ''competitiveness'' bill based on the assurances given to me by the majority leader. I am not quite sure when we are going to get to that, but I look forward to offering those two rollcall votes.

The first motion would instruct the conference committee not to provide $53 billion to the highly profitable microchip industry without protections for the American people.

The second motion would instruct conferees not to provide a $10 billion bailout to Blue Origin, a space company owned by Jeff Bezos, the second-wealthiest person in America, who is also the owner of Amazon. Amazon is a company which, in a given year, pays nothing—zero—in Federal income taxes after making billions in profits; and, by the way, in a given year, Mr. Bezos himself, one of the wealthiest people in the country, has paid nothing in Federal income taxes despite being worth nearly $200 billion.

Let me be very clear. Mr. Bezos has enough money to buy a very beautiful $500 million yacht. It looks very nice to me, not that I know much about yachts; but that one looks very nice. Mr. Bezos has enough money to purchase a $23 million mansion with 25 bathrooms. I am not quite sure you need 25 bathrooms, but that is not my business—and here is that mansion. So, no, count me in as somebody who does not think that the taxpayers of this country need to provide Mr. Bezos a $10 billion bailout to fuel his space hobby.

When all is said and done, both of these motions are—the one on $53 billion for the microchip industry and $10 billion for Mr. Bezos—touch on an extremely important issue that is very rarely discussed in the corporate media or on the floor of the Senate, and that is how we proceed—how we go forward with industrial policy in this country.

I should be very clear in saying I believe in industrial policy. I believe that it makes sense on certain occasions for the government and the private sector to work together in a mutually beneficial way to address a pressing need in America.

Industrial policy, to me, means cooperation between the government and the private sector—cooperation. It does not mean the government providing massive amounts of corporate welfare to extremely profitable corporations without getting anything in return: Here is your check. Do what you want. Have a nice day.

In other words, will the U.S. Government develop an industrial policy that benefits all of our society or will we continue to have an industrial policy that benefits just the wealthy and the powerful?

In 1968, Dr. Martin Luther King, Jr., said:

The problem is that we all too often have socialism for the rich and rugged free enterprise capitalism for the poor.

I am afraid that what Dr. King said 54 years ago was not only accurate back then but is even more accurate today.

We hear a lot of talk around here about the need to create public-private partnerships. That all sounds very good, but when the government adopts an industrial policy that socializes all of the risk and privatizes all of the profits, whether it is handing the microchip industry a $53 billion blank check or giving Mr. Bezos a $10 billion bailout to fly to the Moon, that is not a partnership. That is the exact opposite of a partnership. That is corporate welfare. That is crony capitalism.

Each and every day, I have heard my Republican colleagues and some corporate Democrats blame inflation on runaway government spending. In fact,

one of my colleagues in the Democratic caucus has even suggested that we need to take a strategic pause when it comes to making urgent Federal investments in childcare, healthcare, education, affordable housing, paid family and medical leave, and home healthcare—policies that would substantially improve the lives of the American people. Well, you know what I believe. I believe that maybe—just maybe—the time has come to take a strategic pause when it comes to providing tens of billions of dollars in corporate welfare to some of the most profitable corporations and wealthiest people on this planet.

The American people are becoming increasingly sick and tired of corporations making recordbreaking profits while ordinary people struggle to pay outrageously higher prices for gas, for rent, for food. They are sick and tired of the high cost of prescription drugs, childcare, housing, groceries. They are sick and tired of CEOs making 350 times more than the average worker while over half of our people live paycheck to paycheck. The American people are sick and tired of the wealthiest people in our country and the most profitable corporations in some cases not paying a nickel in Federal income tax.

What does this so-called competitiveness bill do? Instead of addressing any of these issues, this bill provides $53 billion in corporate welfare to the microchip industry, with no protections for the American people, and a $10 billion bailout to Mr. Bezos. Now, that may make sense to Mr. Bezos, and it may make sense to other corporate leaders, but it does not make sense to me nor do I think it makes sense to the American people.

In terms of the microchip industry, the American people should know the truth. We are talking about an industry that has shut down over 780 manufacturing plants in the United States and eliminated 150,000 American jobs over the last 20 years as a result of moving their productions overseas. They have shut down plants in America and moved them overseas for cheap labor.

In other words, in order to make more profits, these companies closed plants in America and hired people—sometimes at starvation wages—in other countries, and now, believe it or not, these very same people, these very same companies, are in line to receive $53 billion in corporate welfare to literally undo the damage that they caused.

Now, some of my colleagues make the point that the microchip industry is enormously important for our economy and that we must become less dependent on foreign nations for microchips. I agree. There is no argument about that. But we can and must accomplish that goal of breaking our dependence on foreign countries for microchips without simply throwing money at these huge corporations while the taxpayer gets nothing in return.

I suspect five major semiconductor companies will likely receive the lion's share of this taxpayer handout. They are Intel, Texas Instruments, Micron Technology, GlobalFoundries, and Samsung. These five companies that are in line for a $53 billion bailout made over $75 billion in profits last year.

The company that will likely benefit the most from this taxpayer assistance is Intel. I have nothing against Intel. I wish them the very best, but let us be clear: Intel is not a poor company. Intel is not going broke—far from it. In 2021, Intel made nearly $20 billion in profits. We are talking about a company that had enough money to spend over $14 billion during the pandemic not on research and development but on buying back its own stock to reward its executives and wealthy shareholders. We are talking about a company that could afford to give its CEO, Mr. Pat Gelsinger, a $116 million compensation package last year. We are talking about a company that could afford to spend over $100 million on lobbying and campaign contributions over the past 20 years. Does it sound like this company, as well as the others, really needs corporate welfare? I don't think so.

Another company that would receive taxpayer assistance under this legislation is Texas Instruments. Last year, Texas Instruments made $7.8 billion in profits. In 2020, this company spent $2.5 billion in buying back its own stock while it has outsourced thousands of good-paying American jobs to low-wage countries and spent more than $40 million on lobbying over the past 20 years. That is Texas Instruments.

And on and on it goes.

So the first amendment that I would like a vote on and expect a vote on would instruct the conference committee to prevent microchip companies from receiving taxpayer assistance unless they agree to issue warrants or equity stakes to the Federal Government. If private companies are going to benefit from over $53 billion in taxpayer grants, the financial gains made by these companies must be shared with the American people, not just wealthy shareholders.

In other words, all this amendment says is that, if these investments turn out to be profitable as a direct result of these Federal grants, the taxpayers of this country have a right to get a return on that investment.

This is by no means a radical idea. These exact conditions were imposed on corporations that received taxpayer assistance in the bipartisan CARES Act, which, as you will recall, passed the Senate 96 to 0. In other words, every Member of the U.S. Senate has already voted for the conditions that are in this amendment.

In addition, this amendment would instruct the conference committee to require these highly profitable companies not to buy back their own stock, not to outsource American jobs, not to repeal collective bargaining agreements, and to remain neutral in any union-organizing efforts.

Again, this is not a radical idea. All of these conditions were imposed on companies that received funding from the CARES Act, and that passed the Senate by a vote of 96 to 0.

The second motion that I have introduced touches on an issue that we have very, very rarely discussed on the floor of the Senate. Unbelievably, the so-called competition bill would provide some $10 billion in taxpayer money to Jeff Bezos, the second wealthiest person in America, for his space race with Elon Musk, the wealthiest person in America. So we are looking at a space race between the two wealthiest guys in America.

You know, when I was a young man a few years ago and Neil Armstrong went to the Moon, I recall like yesterday the kind of incredible joy and pride in this country because the United States of America did something that people never ever thought would be possible. Who would have dreamed of sending a man to the Moon? Extraordinary. The entire world, not only people in America, watched that event with bated breath. All over the world, TV sets were on on every continent on Earth. It was just an extraordinary accomplishment for all of humanity. That is what Neil Armstrong said when he stepped onto the Moon—that it was not just for the United States—but we, of course, our Nation, took special pride because that was an American project.

I worry very much that what we are seeing now is not a space race between the United States and other countries as to which nation will return to the Moon or perhaps get to Mars but, rather, a space race between Mr. Musk and Mr. Bezos—the two wealthiest people in America—as to who will gain control over NASA and future space explorations.

In other words, if we are able to accomplish the unbelievable, extraordinary goal of sending a person to Mars, I want the flag that will be flying on that planet to be the flag of the United States of America, not the flag of SpaceX or Blue Origin.

Let us be clear: The $10 billion in this bill for Jeff Bezos and his space company, Blue Origin, is just the tip of the iceberg. The reality is that the space economy, which today mostly consists of private companies using NASA facilities free of charge to launch satellites into space, is already very profitable and could become and will likely become even more so in the future.

Bank of America predicts that by 2030, the space economy will triple in size to $1.4 trillion. That is ''trillion'' with a t.

According to the most recent data, private corporations made over $94 billion in profits a year for goods or services that are used in space—profits

that could not have been achieved without the assistance of NASA, a government Agency funded by the taxpayers of America.

And while we are talking about the profitability of satellites today—and that is already a very profitable industry—sometime in the future—not next year, not 10 years from now, but sometime in the future—the real money may come to those who not only provide satellites but those who figure out how to mine lucrative minerals or asteroids. Does this sound like science fiction? It is not. This is exactly what is being worked on right now, mining lucrative minerals on asteroids.

In 2015, the famous astrophysicist, Neil deGrasse Tyson, predicted:

> The first trillionaire there will ever be is the person who exploits the natural resources on asteroids . . . . There's this vast universe of limitless energy and limitless resources. I look at wars fought over access to resources. That could be a thing of the past, once space becomes our backyard.

End of quote, Mr. deGrasse Tyson.

Who gets to own the resources discovered by private corporations in space?

Well, as a result of a little-known 2015 SPACE Act that passed the Senate by unanimous consent with virtually no floor debate, private corporations are able to own all of these resources. In other words, the taxpayers of this country will get a zero-percent return on the investment they made in these private enterprises, which could turn out to be unbelievably lucrative.

Is that what we want space exploration to become? Do we really think that it is acceptable for NASA to hand out billions of dollars to some of the wealthiest billionaires in America today to make them even wealthier? Or do we want to use space exploration to benefit all of the American people and improve life here on the planet for everyone?

It is time that we had a serious debate on the future of NASA, instead of just handing out $10 billion to Mr. Bezos.

Let me conclude by saying that I happen to believe and support space exploration. I think the benefits could be extraordinary for the American people and for people all over the world. But if we continue down the path of privatizing space exploration, it also has the potential to make the obscenely rich even richer and more powerful than anyone can possibly imagine today. In my view, we cannot and must not allow that to happen.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

NOMINATION OF KETANJI BROWN JACKSON

Mr. BENNET. Mr. President, I rise tonight to support Ketanji Brown Jackson's nomination to serve as an Associate Justice on the U.S. Supreme Court.

Judge Jackson comes to this floor with impeccable credentials. She graduated from Harvard magna cum laude. She graduated with honors from Harvard Law School, where she edited the Harvard Law Review.

After graduation, Judge Jackson worked at top firms in private practice and secured three prestigious clerkships, including one for Justice Breyer on the Supreme Court of the United States. Later, she served as a public defender, representing people who couldn't afford a lawyer.

I can't think of better evidence of her commitment to equal justice under the law, where everyone, regardless of their means, has the right to fair representation.

Judge Jackson is clearly qualified for this position. There is nobody who doubts that. My colleagues know it because the Senate has confirmed her three times with bipartisan support: first, to serve as Vice Chair of the U.S. Sentencing Commission; second, for the U.S. District Court for the District of Columbia; and, last, for the U.S. Court of Appeals for the DC Circuit.

Taken together, Judge Jackson comes to this floor with the best legal training America can offer: a decade of experience on the Federal bench and a consistent record of bipartisan support here on this floor.

I had the opportunity to meet with Judge Jackson 2 weeks ago, after she had been rolled around in the barrel—that is one way of saying it—during the confirmation hearings that people all over the country watched. And in our conversation, after she had been through all of that turmoil, she told me about how her parents had attended segregated schools in Miami before working as public school teachers here in Washington, DC. Her dad went on to be a lawyer, a lawyer for the Miami school district, something I appreciate, having been a superintendent of schools.

Unlike her parents, Judge Jackson grew up in America after the civil rights laws of the 1960s and remembered how hard her parents worked every single day to give her opportunities they never even dreamed of for themselves. And she seized those opportunities. She earned top grade. She was elected student body president.

And when she told her guidance counselor she wanted to apply to Harvard, the counselor warned she shouldn't set her ''sights so high.'' Fortunately for America, she set her sights high. She set her sights where they should have been set. She followed the high example of her parents, working hard and impressing everyone along the way, friends and colleagues and mentors, who are virtually beating down the doors of this Capitol to tell us what a thoughtful, fairminded, and principled Justice she would be.

That hasn't stopped some colleagues from distorting her record, trying to say to the American people that she is soft on crime. That would come as news, I think, to the Fraternal Order of Police, who has endorsed her candidacy for the Court. It would come as news to the International Association of Chiefs of Police. Both have endorsed her nomination. They see what is obvious to anyone who fairly reviews her record, which is that Judge Jackson has spent her entire career devoted to the rule of law.

Her brother and two uncles served as police officers. So law enforcement isn't some academic abstraction for her. It is literally her family.

The Presiding Officer knows something about that, I think, in his family history as well.

In our meeting, I asked Judge Jackson what makes a good judge. We had a long talk about that. One of the things she said was communication, because judges have to explain their reasoning in every decision, which is a lot more than I can say for the U.S. Senate.

She also said that it is the unique role of the judge to identify and to extract their bias before every case. And if you look at her more than 570 written decisions, it is clear how seriously she takes that responsibility.

I was just on the phone with some people from Colorado before I came over here. And I said to them—I told them I was coming out here to give this speech. And I said to them—these are old, old friends of mine—that I can't remember a time when I sat down with somebody and had a 30-minute conversation where I came away more impressed than I was by Judge Jackson.

I found her to be both brilliant and completely down-to-earth, which is, I think, a particularly important combination for a judge at any level—at any level—to have both the intellect to grapple with the nuances of the law and the experience to appreciate how it affects real people.

It wasn't that long ago that Judge Jackson would have received over 90 votes on this floor, just like her mentor, Justice Breyer, did; just like qualified judges when I was in law school myself. The Senate confirmed Justice Breyer 96 to 3, just like we confirmed Justice Scalia 98 to 0, and Justice Sandra Day O'Connor got 91 to nothing. Somebody was out that day. I guarantee you they would have voted for her if they had been here.

Each time that happened, the Senate reinforced the independence of the judiciary, set aside our partisan politics, and stood up, I think, for integrity and for the rule of law.

I am sad. I am sad tonight that Judge Jackson won't get 99 votes tomorrow, even though she deserves it. And that is not a reflection on her. As I said, if this were an earlier day in the Senate, she would get 99 votes. She would have gotten 99 votes if she had come in a different era. It is a reflection of how we, as Senators—and I among them—have shredded our constitutional responsibility to advise and consent.

It is my hope that by the time—I was going to say, when my children are adults; they almost are adults; they

are adults—but by the time they are running the country, with everybody else in their generation, that we will have figured out a way to return the Senate to a place where we take our responsibility—our constitutional responsibility—to advise and consent seriously, and we find a way to make it, once again, a bipartisan effort in this place, and find a way to stitch ourselves back together again. I am prepared to work with anybody on the floor to try to do that. But in the meantime, this really, in my view, is a moment to celebrate. It is a moment to celebrate.

In the last few weeks, my office has literally been flooded with messages from Coloradans telling me what an extraordinary Justice Judge Jackson would make. And they don't have to persuade me. Judge Jackson is an inspiration to me and to so many Americans, to millions and millions of Americans.

In the past few weeks, I couldn't help but imagine what it would mean to the students I used to work for in the Denver Public Schools to see Judge Jackson on the Court, the same Court that once ruled in Dred Scott v. Sandford that her ancestors were little more than property, a Court that codified in Plessy v. Ferguson the segregated schools that her parents were forced to attend and the segregated hotels and buses and movie theaters they endured every single day, day after day.

And it is a reminder that change is possible in America. Our country isn't perfect—far from it. Our history has always been a battle between the highest ideals expressed in our Constitution and our worst impulses as human beings.

And if you look at our history, if you really look at our history, the path from cases like Dred Scott and Plessy to Brown and Obergefell was cleared, as it always is, by Americans who refused to give up on our highest ideals; who insisted, as Dr. King once said, that we make real the promise of our democracy.

This week is a victory for our highest ideals and for the promise of American democracy. It is a moment to celebrate a nation that, as Judge Jackson said, in one generation went from forcing her parents to live under Jim Crow to elevating her to the highest Court in the land.

After carefully reviewing her record, I believe that Judge Jackson will join the ranks of Earl Warren, Thurgood Marshall, and Ruth Bader Ginsburg, Justices who have helped bridge the gap between the words written in our Constitution and their reality in America today, and I hope she will join the Court's great dissenters, Justices like Justice Harlan, who opposed decisions that outlawed the minimum wage, or Justices Roberts and Murphy, who refused to condone the internment of Japanese Americans in Colorado and across the country. All of those Justices stood not for an ideology but for the American values etched in our Constitution: freedom, equality, democracy, and the rule of law.

I am confident that Judge Jackson will stand for those values fairly, impartially, and without prejudice; and tomorrow I will enthusiastically vote for her confirmation. I would suggest that everybody in this Chamber would have a good reason to vote for her confirmation, and I hope they will consider it.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

EXECUTIVE CALENDAR

Mr. SCHUMER. Mr. President, in a few moments, I will lock in our agreement on both PNTR as well as cloture on the SCOTUS nomination.

First, I ask unanimous consent that the Senate consider the following nominations en bloc: Calendar Nos. 810, 852, and 862; that the Senate vote on the nominations, en bloc, without intervening action or debate; that the motions to reconsider be considered made and laid upon the table; that any statements related to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action; and that the Senate resume legislative session.

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

The question is, Will the Senate advise and consent to the nominations of Glen S. Fukushima, of California, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 2024; Krista Anne Boyd, of Florida, to be Inspector General, Office of Personnel Management; and Marvin L. Adams, of Texas, to be Deputy Administrator for Defense Programs, National Nuclear Security Administration, en bloc?

The nominations were confirmed en bloc.

LEGISLATIVE SESSION

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

MORNING BUSINESS

ARMS SALES NOTIFICATION

Mr. MENENDEZ. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of certain proposed arms sales as defined by that statute. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Senate Foreign Relations Committee.

In keeping with the committee's intention to see that relevant information is available to the full Senate, I ask unanimous consent to have printed in the RECORD the notifications which have been received. If the cover letter references a classified annex, then such annex is available to all Senators in the office of the Foreign Relations Committee, room SD–423.

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

DEFENSE SECURITY COOPERATION AGENCY,
Arlington, VA.

Hon. ROBERT MENENDEZ,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(5)(C) of the Arms Export Control Act (AECA), as amended, we are forwarding Transmittal No. 22–0E. This notification relates to enhancements or upgrades from the level of sensitivity of technology or capability described in the Section 36(b)(1) AECA certification 20–40 of July 6, 2020.

Sincerely,

JAMES A. HURSCH,
Director.

Enclosures.

TRANSMITTAL NO. 22–0E

Report of Enhancement or Upgrade of Sensitivity of Technology or Capability (Sec. 36(b)(5)(C), AECA)

(i) Purchaser: Government of France.

(ii) Sec. 36(b)(1), AECA Transmittal No.: 20–40; Date: July 6, 2020; Military Department: Navy.

(iii) Description: On July 6, 2020, Congress was notified by Congressional certification transmittal number 20–40, of the possible sale, under Section 36(b)(1) of the Arms Export Control Act, of three (3) E–2D Advanced Hawkeye Aircraft, ten (10) T–56–427A engines (6 installed and 4 spares), three (3) AN/APY–9 radar assemblies, four (4) AN/ALQ–217 electronic support measure systems (3 installed and 1 spare), three (3) AN/AYK–27 Integrated Navigation Channels and Display Systems, five (5) Link–16 (MIDS-JTRS) Communications Systems (3 installed and 2 spares), ten (10) Embedded GPS/INS (EGI) Devices (6 installed and 4 spares), four (4) AN/APX–122(A) and AN/APX–123(A) Identification, Friend or Foe systems (3 installed and 1 spare) and one (1) Joint Mission Planning System. Also included were Common Systems Integration Laboratories with/Test Equipment, one in Melbourne, FL, and the other in France; air and ground crew equipment; support equipment; spare and repair parts; publications and technical documentation; transportation; training and training equipment; U.S. Government and contractor logistics, engineering, and technical support services; and other related elements of logistics and program support. The estimated total cost was $2 billion. Major Defense Equipment (MDE) constituted $1.3 billion of this total.

This transmittal notifies the inclusion of: one (1) Tactics Trainer—Weapon Systems (TT) (MDE). Also included are additional training devices, spares, and services. The total estimated MDE value will increase by $42 million, resulting in a new MDE total of $1.35 billion. The total estimated case value will increase to $2.1 billion.

(iv) Significance: The proposed sale will improve France's ongoing E–2D acquisition. These trainers directly support France's capabilities for Electronic Warfare, air safety, NATO missions, and interoperability with U.S. forces.

(v) Justification: This proposed sale will support the foreign policy and national security of the United States by helping to improve the security of a NATO ally which is

an important force for political stability and economic progress in Europe.

(vi) Sensitivity of Technology: The E–2D Tactics Trainer—Weapon Systems (TT) delivers a comprehensive and dynamic high fidelity environment simulating the E–2D Advanced Hawkeye (AHE) Combat Information Center (CIC) and related aircraft subsystems. The TT provides coordinated ground based qualification and continuation training for Naval Flight Officer (NFO) crew positions of the E–2D including: Air Control Officer (ACO), Combat Information Center Officer (CICO), Radar Officer (RO), and Tactical Forth Operator and an Instructor Operation Station (IOS) for simulation control and recording of student performance.

The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

(vii) Date Report Delivered to Congress: April 5, 2022.

ARMS SALES NOTIFICATION

Mr. MENENDEZ. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of certain proposed arms sales as defined by that statute. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Senate Foreign Relations Committee.

In keeping with the committee's intention to see that relevant information is available to the full Senate, I ask unanimous consent to have printed in the RECORD the notifications which have been received. If the cover letter references a classified annex, then such annex is available to all Senators in the office of the Foreign Relations Committee, room SD–423.

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

DEFENSE SECURITY COOPERATION AGENCY,
Arlington, VA.

Hon. NANCY PELOSI,
Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 22–16, concerning the Army's proposed Letter(s) of Offer and Acceptance to the Taipei Economic and Cultural Representative Office in the United States (TECRO) for defense articles and services estimated to cost $95 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

JAMES A. HURSCH,
Director.

Enclosures.

DEFENSE SECURITY COOPERATION AGENCY,
Arlington, VA.

Hon. ROBERT MENENDEZ,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 22–16, concerning the Army's proposed Letter(s) of Offer and Acceptance to the Taipei Economic and Cultural Representative Office in the United States (TECRO) for defense articles and services estimated to cost $95 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

JAMES A. HURSCH,
Director.

Enclosures.

DEFENSE SECURITY COOPERATION AGENCY,
Arlington, VA.

Hon. GREGORY W. MEEKS,
Chairman, Committee on Foreign Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 22–16, concerning the Army's proposed Letter(s) of Offer and Acceptance to the Taipei Economic and Cultural Representative Office in the United States (TECRO) for defense articles and services estimated to cost $95 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

JAMES A. HURSCH,
Director.

Enclosures.

TRANSMITTAL NO. 22–16

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) Prospective Purchaser: Taipei Economic and Cultural Representative Office in the United States (TECRO).

(ii) Total Estimated Value:
Major Defense Equipment* $0 million.
Other $95 million.
Total $95 million.
Funding Source: National Funds.

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:

Major Defense Equipment (MDE): None

Non-MDE: Contractor Technical Assistance support consisting of training, planning, fielding, deployment, operation, maintenance, and sustainment of the Patriot Air Defense System, associated equipment, and logistics support elements; as well as Patriot Ground Support Equipment, spare parts, and consumables as required in support of Technical Assistance activities.

(iv) Military Department: Army (TW–B–ZDU).

(v) Prior Related Cases, if any: TW–B–YYV, TW–B–ZCY.

(vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None.

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: None.

(viii) Date Report Delivered to Congress: April 5, 2022.

*As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Taipei Economic and Cultural Representative Office in the United States—Contractor Technical Assistance

The Taipei Economic and Cultural Representative Office in the United States (TECRO) has requested to buy Contractor Technical Assistance support consisting of training, planning, fielding, deployment, operation, maintenance, and sustainment of the Patriot Air Defense System, associated equipment, and logistics support elements; as well as Patriot Ground Support Equipment, spare parts, and consumables as required in support of Technical Assistance activities. The total estimated program cost is $95 million.

This proposed sale is consistent with U.S. law and policy as expressed in Public Law 96–8.

This proposed sale serves U.S. national, economic, and security interests by supporting the recipient's continuing efforts to modernize its armed forces and to maintain a credible defensive capability. The proposed sale will help improve the security of the recipient and assist in maintaining political stability, military balance, economic and progress in the region.

The proposed sale will help to sustain the recipient's missile density and ensure readiness for air operations. The recipient will use this capability as a deterrent to regional threats and to strengthen homeland defense. The recipient will have no difficulty absorbing this equipment and services into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The prime contractor will be Raytheon Technologies, Andover, MA. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to recipient.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

TRIBUTE TO BETTY REID SOSKIN

Mr. KING. Mr. President, as the chair of the Senate National Parks Subcommittee and on behalf of Senator DAINES, the Ranking Member of the Senate National Parks Subcommittee, today, I wish to recognize Betty Reid Soskin, who recently retired as the National Park Service's oldest active ranger. Betty spent a decade and a half sharing her personal experiences as a ranger at the Rosie the Riveter/WWII Home Front National Park in Richmond, CA. I want to thank Betty for her service and wish her well in her much-deserved retirement.

Betty had a long path before landing at the National Park Service. She grew up in a Cajun-Creole, African-American family in Oakland, CA. Her family was forced to leave their home in New Orleans after the ''Great Flood'' in 1927, and they moved to Oakland to join Betty's maternal grandfather. After graduating from Castlemont High School, Betty went to work as a file clerk in a segregated union hall, Boilermaker's A–36, during World War II. Later, she and her husband, Mel Reid, opened Reid's Records, one of the first Black-owned music stores; the store remained open until fall of 2019. Betty also worked for a Berkley city council member and as a field representative in West Contra Costa County for two members of the California State Assembly.

In the early 2000s, Betty was involved in the planning meetings with the city of Richmond and the National Park Service to develop the management plan for the Rosie the Riveter/WWII Home Front National Historic Park. She also worked with the National Park Service on a grant to cover untold stories of African-Americans on

the home front during WWII, which led to a temporary position working for the National Park Service at the age of 84. Betty became a permanent National Park Service employee in 2011 and has been leading public programs and sharing her personal stories and observations with park visitors ever since.

Betty gained national fame in 2013, during the government shutdown, when media outlets wanted to interview her as the oldest National Park Service ranger, to get her take on the shutdown. Betty participated in numerous national television interviews but managed to stay out of the political fray, saying that she wanted to focus what little time she had left on getting back to work, sharing her stories of the WWII home front. In 2015, Betty was selected by the National Park Service to participate in the national tree-lighting ceremony at the White House and introduced President Barack Obama in the national telecast on the annual PBS special. In fall 2019, Betty suffered a stroke and spent months in therapy, returning to work just before the COVID–19 pandemic struck. Prior to her retirement, Betty started doing weekly virtual visits to continue to share her perspectives with visitors.

Like many park rangers, Betty's path to the National Park Service may not have been the most direct, but we have all benefited from her decision to dedicate herself to public service. Her firsthand experiences on the home front during WWII help provide critical lessons for all Americans, regardless of their age, and we are so thankful that Betty chose to spend so many years of her life sharing her experiences with us all. We will certainly miss her insights and passion, but she has earned this retirement. On behalf of myself and Senator DAINES, I extend our best wishes to Betty and thank her again her service.

ADDITIONAL STATEMENTS

TRIBUTE TO CAMERON MOORE

● Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Cam for his hard work as an intern in my Casper Office. I recognize his efforts and contributions to my office, as well as to the State of Wyoming.

Cam is a native of Casper. He is a graduate of Kelly Walsh High School. Cam currently attends Casper College, where he is studying political science. He has demonstrated a strong work ethic, which has made him an invaluable asset to our office. The quality of his work is reflected in his great efforts over the last several months.

I want to thank Cam for the dedication he has shown while working for me and my staff. It is a pleasure to have him as part of our team. I know he will have continued success with all of his future endeavors. I wish him all my best on his journey.●

TRIBUTE TO RACHELLE TRUJILLO

● Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Rachelle for her hard work as an intern in my Casper Office. I recognize her efforts and contributions to my office, as well as to the State of Wyoming.

Rachelle is a native of Casper. She is a graduate of Kelly Walsh High School. Rachelle currently attends Casper College, where she is studying international studies and communications. She has demonstrated a strong work ethic, which has made her an invaluable asset to our office. The quality of her work is reflected in her great efforts over the last several months.

I want to thank Rachelle for the dedication she has shown while working for me and my staff. It is a pleasure to have her as part of our team. I know she will have continued success with all of her future endeavors. I wish her all my best on her journey.●

TRIBUTE TO VIOLET WRIGHT

● Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Violet for her hard work as an intern in my Casper Office. I recognize her efforts and contributions to my office, as well as to the State of Wyoming.

Violet is a native of Casper. She is a graduate of Natrona County High School. Violet currently attends Casper College, where she is studying public relations and human communications. She has demonstrated a strong work ethic, which has made her an invaluable asset to our office. The quality of her work is reflected in her great efforts over the last several months.

I want to thank Violet for the dedication she has shown while working for me and my staff. It is a pleasure to have her as part of our team. I know she will have continued success with all of her future endeavors. I wish her all my best on her journey.●

TRIBUTE TO KAY GUINANE

● Mr. BROWN. Mr. President, I rise as chairman of the Banking, Housing and Urban Affairs Committee to honor and recognize the contributions of Kay Guinane upon her retirement from the Charity and Security Network.

In 2009, Ms. Guinane founded the Charity and Security Network—C and SN—a resource and advocacy center for nonprofit organizations to promote and protect their ability to carry out effective programs that support peace and human rights, aid civilians in areas of disaster and armed conflict, and build democratic governance.

Kay formed C and SN after observing significant obstacles in achieving critical humanitarian, peacebuilding and human rights programs. She recognized laws that restricted interactions with and financial support for designated groups and individuals were also severely limiting the critical work of civil society programs that provided assistance to the most vulnerable populations around the world. C and SN blazed a trail in being one of the first nonprofit organizations to address these issues.

Early on, in concert with colleagues around the world who had experienced similar impediments, Kay began engaging with elected officials and administration policymakers, seeking solutions, including the committees in Congress responsible for illicit finance and sanctions policy. Kay and her organization were a critical resource for the Senate Banking Committee for years as we addressed important policy issues, and unintended consequences of certain policies around illicit financing, bank de-risking, the conveyance of remittances overseas from families in the US—including large communities of Somalis, Ethiopians, and people from across Latin America—and other issues.

In May 2010, Kay testified in the first congressional oversight hearing since September 11, 2001, to look at the impact of anti-terrorist financing enforcement policies on the U.S. charitable sector. The hearing entitled, ''Anti-Money Laundering: Blocking Terrorist Financing and Its Impact on Lawful Charities,'' was held by the House Financial Services subcommittee on Oversight and Investigations. During the hearing, a Treasury official acknowledged that the laws aimed at stopping terrorist financing could have the unintended consequence of harming the effectiveness of certain charitable programs. Kay outlined specific problems faced by the U.S. nonprofit sector, including the issue of banks freezing accounts indefinitely, and noted the negative impact of U.S. Treasury enforcement actions on legitimate charitable organizations operating solely to assist vulnerable populations.

Over the next decade, Kay and the work of C and SN were a driving force in efforts to address challenges civil society groups had in implementing their essential lifesaving, peacebuilding and human rights work. Kay's vision and efforts built an impressive network of nearly 200 organizations internationally with a shared goal of assisting the most vulnerable and protecting fundamental civil liberties. These organizations addressed issues surrounding civil societal concerns and financial access restrictions for nonprofits to combating obstacles in reaching general populations due to specific sanctioned entities.

By drawing on legal expertise, firsthand experiences of those working with these limitations, and policy analysis, the work of C and SN has helped raise awareness of and craft solutions for civil society and human rights concerns around the world. It has also resulted in tangible improvements in regulations, international guidelines, and policies. One notable and tangible

legislative victory was in key provisions of the Anti-Money Laundering Act of 2020, which assisted to improve financial access for charities.

While her steadfast work will be missed, Kay's legacy at C and SN and its network of affiliates will have an impact on global civil liberties and human rights issues going forward. I offer her my heartfelt congratulations to her on her retirement, and wish her—and C and SN, which she leaves in good hands—all the best going forward.●

TRIBUTE TO CHIEF WARRANT OFFICER 5 DAVID HAMMON

● Ms. DUCKWORTH. Mr. President, I rise today to pay tribute to the remarkable career of CW5 David Hammon, a 42-year servicemember of the Illinois Army National Guard who will retire on April 30, 2022. Chief Hammon was the fifth command chief warrant officer of the State of Illinois and only the third full-time soldier to hold the position.

Chief Hammon enlisted in the Army as an aircraft mechanic in 1980. He served with the 219th Transportation Company, 40th Aviation Battalion (Attack Helicopter), 1144th Transportation Battalion, and 1st Battalion, 106th Aviation Regiment. In 1996, he became an aviation warrant officer with the 106th. He served in various units and positions, to include aviation intermediate maintenance, light medium transportation, lift, and aviation unit maintenance. His latest assignment was as a maintenance test pilot for Company D, 1st Battalion, 106th Aviation Regiment in Decatur, flying the UH–60 Blackhawk. Chief Hammon deployed twice in support of Operation Iraqi Freedom/New Dawn. In 2004 to 2005, he deployed with Headquarters, 1st Battalion, 106th Aviation Regiment, and in 2009 to 2010, he deployed with Company A, 1st Battalion, 106th Aviation Regiment. His overseas deployment training missions include Germany, El Salvador, Panama, Iceland, and Hawaii.

Chief Hammon's military awards and decorations include Meritorious Service Medal, Air Medal (Numeral 2), Army Commendation Medal (3 oakleaf clusters), National Defense Service Medal (1 Bronze Star), Iraq Campaign Medal (3 Bronze Service Stars), Global War on Terrorism Service Medal, Humanitarian Service Medal, Armed Forces Reserve Medal (M 2 Device), Overseas Service Ribbon (Numeral 2), Army Reserve Component Overseas Training Ribbon (Numeral 7), Illinois State Active Duty (Numeral 2), Army Combat Action Badge, Master Army Aviator Badge, Army Excellence in Competition Badge Bronze Rifle, Driver and Mechanic Badge.

Chief Hammon's leadership, determination, and commitment have no doubt changed lives and helped to make our country safer. As his Army career ends, may he continue to be ''Always Ready, Always There!'' and forever take pride in knowing that his exemplary efforts and unwavering professionalism contributed greatly to the success of the Army and the National Guard mission.●

REMEMBERING COLONEL GAIL S. HALVORSEN

● Mr. LEE. Mr. President, Col. Gail S. Halvorsen is known as the ''Candy Bomber'' because in 1948, Colonel Halvorsen brought not only much needed supplies to the besieged residents of Berlin, but he brought joy in the form of candy bars and bubble gum with miniature parachutes dropped from his airplane. This story of hope, light, and service is but a highlight in a life dedicated to serving others.

While Colonel Halvorsen passed away earlier this year at the notable age of 101 years, the people of Utah hold him and his story close to our hearts. Recently, my staff and I were honored to join the Gail S. Halvorsen Foundation and other groups in Utah to help facilitate the donation of six tons of school and baby supplies along with 9,000 letters from Utah schoolchildren to refugees fleeing Ukraine. While logistical challenges are characteristic of international donations of this type, the dedication of the Halvorsen Foundation and all involved ensured these vital supplies made it safely to those within a critical timeline.

In a time of violence and evil, when our friends are under attack, Gail Halvorsen is again leading the way for American generosity, kindness, and compassion. The parallels between these two tragic situations are moving. The men and women of America's military volunteered in aiding in delivering supplies to those in need. The Halvorsen family and foundation were involved intimately in the effort. Colonel Halvorsen's daughter brought along chocolate bars to induct the Navy pilots as some of the next generation of ''candy bombers.'' These supplies landed at Tempelhof airbase where the legend began. Now, as then, the people of the United States are showing characteristic kindness. It is particularly moving to me that alongside the supplies and necessities of life, this shipment included touching letters from the schoolchildren of Utah. Gail Halvorsen is remembered not for his efficiency or logistics, but his kindness and gift for human connection.

These diapers, packages of formula, and school supplies will be used by the most vulnerable of the Ukrainian refugees. This gesture of kindness will lift up weary hands and encourage struggling hearts of the mothers and fathers of these children. Importantly, at this moment of difficulty and despair, the Gail Halvorsen Foundation and the people of Utah are also remembering the people behind the tragedy and are remembering kindness, humanity, and an individual touch in the effort to relieve suffering.

The people of Utah are not unfamiliar with stories of displacement. Utah was settled by religious refugees seeking freedom from persecution and violence. Indeed, the history of the United States is broadly marked by groups fleeing violence, persecution, or turmoil in their homelands. The American empathy for refugees and desire to help those in desperate need is alive and well in the hearts and minds of Utahns.

Col. Gail S. Halvorsen lived a life dedicated to service. His signature kindness shines brightly in telling his signature story. His glowing smile matched his glowing personality. In Utah, we miss the ''Candy Bomber'' and his personal touch. Neverthless, his mission and influence continues.

The dedicated work of the Gail S. Halvorsen Foundation is changing lives today. Be it caring for refugees, inspiring kindness, or building future generations of STEM professionals, the Gail S. Halvorsen Foundation continues the legacy of one of Utah's greatest citizens. Col. Gail S. Halvorsen's story, his legacy, and his influence carry on bringing smiles and relief all along the way.●

TRIBUTE TO DAVID MICHAEL THOMAS

● Mr. PAUL. Mr. President, while it is not possible to specifically recognize every Vietnam veteran who honorably served our Nation, each time we celebrate one, we also focus our attention on thousands of others, many of whom lost their lives decades ago.

Today, I want to honor David Michael Thomas, who followed in the footsteps of his own father, Glenn Elmore Thomas, a personal bodyguard for Dwight D. Eisenhower, and joined the U.S. Army in 1970. Specialist Thomas was stationed outside the Tan Son Nhut Air Field with the 519th Military Intelligence Battalion, 525th Military Intelligence Group for 2 years. He received the National Defense Service Medal, the Vietnam Service Medal with 2 Stars, Vietnam Campaign Medal with 60 Device, Meritorious Unit Citation, and the Army Commendation Medal.

Upon his return from Vietnam, he graduated from Western Kentucky University in my hometown of Bowling Green and, most notably, met his future wife, Julia Kirk at the Baptist Student Union. Together, they embarked on his 40 years of pastoral ministry in seven different States, finally retiring back in our community. He and Julia are blessed with four children and a host of grandchildren and great-grandchildren.

His legacy of serving others, first in the Armed Services and then in pastoral ministry, continues in a unique way with which I have a personal connection. His daughter, Amy Bee, is a constituent service representative in my office in Bowling Green. She is one of the many talented staff members

who help Kentuckians navigate the highly complex problems that they are experiencing with Federal agencies, like the Internal Revenue Service, or the Veterans Administration. Men and women who have exhausted every avenue of their own resources count on professionals like Amy—and her talented colleagues—to resolve their issues in a timely way. It is a unique and highly demanding form of service and reflects the values modeled by Amy's father and grandfather.

Later this month, David Thomas—and a plane full of fellow veterans—will come to Washington with an Honor Flight Bluegrass excursion. Each one of these veterans has his or her own story to tell, and by sharing a glimpse into the life of David Thomas, we salute them all.●

RECOGNIZING MALVAGIO'S RESTAURANT

● Mr. RISCH. Mr. President, as a member and former chairman of the Senate Committee on Small Business and Entrepreneurship, each month I recognize and celebrate the American entrepreneurial spirit by highlighting the success of a small business in my home State of Idaho. Today, I am pleased to honor Malvagio's Restaurant as the Idaho Small Business of the Month for April 2022.

Malvagio's Restaurant brings a taste of Italy to Coeur d'Alene with their sampling of hand-crafted wood-fired pizzas, pastas, salads, and breads. With a dream of bringing their community together with food and a passion for the tradition of wood-fired cooking, owners Svitlana and Matthew Petersen dedicated a year to perfecting the craft and designing an innovative, mobile wood-fired oven. Using this unique oven as the cornerstone of their restaurant, the couple founded Malvagio's in 2016.

In the 5 years since Malvagio's first opened its doors, the restaurant has become a mainstay of the Coeur d'Alene community. While they have brought smiles to countless faces in their mom-and-pop restaurant, the Petersen's mobile wood-fired oven has allowed the business to branch into catering. Today, Malvagio's pizzas are a common sight at weddings, parties, and other celebrations across northern Idaho. Thanks to this growth, the restaurant now employs eight Idahoans and is the official dealer of Forno Bravo wood-fired ovens in Idaho.

Malvagio's success is matched only by the Petersen's dedication to giving back. As the world watched Russia's invasion of Ukraine, Svitlana—a Ukrainian native—and Matthew began serving an authentic Ukrainian dish at Malvagio's. During the week of March 2, 2022, all proceeds from each purchase of a cup of borscht, a Ukrainian beetroot soup, were donated to Ukrainian humanitarian needs. By virtue of these efforts, Malvagio's has raised thousands of dollars in support of Ukraine and has become a champion of Idahoan entrepreneurship and philanthropy.

Congratulations to Svitlana, Matthew, and all of the employees at Malvagio's Restaurant for being selected as the Idaho Small Business of the Month for April 2022. You make our great State proud, and I look forward to your continued growth and success.●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Swann, one of his secretaries.

PRESIDENTIAL MESSAGE

REPORT RELATIVE TO THE ISSUANCE OF AN EXECUTIVE ORDER DECLARING ADDITIONAL STEPS WITH RESPECT TO THE NATIONAL EMERGENCY WITH RESPECT TO THE UNUSUAL AND EXTRAORDINARY THREAT TO THE NATIONAL SECURITY, FOREIGN POLICY, AND ECONOMY OF THE UNITED STATES POSED BY SPECIFIED HARMFUL FOREIGN ACTIVITIES OF THE GOVERNMENT OF THE RUSSIAN FEDERATION ORIGINALLY DECLARED IN EXECUTIVE ORDER 14024 OF APRIL 15, 2021—PM 30

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), and section 301 of title 3, United States Code, I hereby report that I have issued an Executive Order in order to take additional steps with respect to the national emergency declared in Executive Order 14024 of April 15, 2021, with respect to the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States posed by specified harmful foreign activities of the Government of the Russian Federation.

The order prohibits the following: (i) new investment in the Russian Federation by a United States person, wherever located; (ii) the exportation, reexportation, sale, or supply, directly or indirectly, from the United States, or by a United States person, wherever located, of any category of services as may be determined by the Secretary of the Treasury, in consultation with the Secretary of State, to any person located in the Russian Federation; and (iii) any approval, financing, facilitation, or guarantee by a United States person, wherever located, of a transaction by a foreign person where the transaction by that foreign person would be prohibited by this section if performed by a United States person or within the United States.

I am enclosing a copy of the Executive Order I have issued.

JOSEPH R. BIDEN, Jr.

THE WHITE HOUSE, *April 6, 2022.*

MESSAGES FROM THE HOUSE

At 12:46 p.m., a message from the House of Representatives delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1218. An act to require the Federal Communications Commission to incorporate data on maternal health outcomes into its broadband health maps.

H.R. 1540. An act to provide for joint reports by relevant Federal agencies to Congress regarding incidents of terrorism, and for other purposes.

H.R. 2501. An act to require the National Telecommunications and Information Administration and the Federal Communications Commission to update the memorandum of understanding on spectrum coordination.

H.R. 4209. An act to support remediation of illicit cross-border tunnels, and for other purposes.

H.R. 4476. An act to establish the Department of Homeland Security (DHS) Trade and Economic Security Council and the position of Assistant Secretary for Trade and Economic Security within the Department of Homeland Security, and for other purposes.

H.R. 5633. An act to amend the Homeland Security Act of 2002 to enhance transparency regarding reports conducted by the Inspector General of the Department of Homeland Security, and for other purposes.

H.R. 5641. An act to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to increase the threshold for eligibility for assistance under sections 403, 406, 407, and 502 of such Act, and for other purposes.

H.R. 5689. An act to improve the provision of Federal resources to help build capacity and fund risk-reducing, cost-effective mitigation projects for eligible State, local, Tribal, and territorial governments and certain private nonprofit organizations, and for other purposes.

H.R. 6387. An act to amend the Homeland Security Act of 2002 to establish a school security coordinating council, and for other purposes.

ENROLLED BILLS SIGNED

At 3:58 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker had signed the following enrolled bills:

S. 233. An act to designate the Rocksprings Station of the U.S. Border Patrol located on West Main Street in Rocksprings, Texas, as the ''Donna M. Doss Border Patrol Station''.

S. 1226. An act to designate the United States courthouse located at 1501 North 6th Street in Harrisburg, Pennsylvania, as the ''Sylvia H. Rambo United States Courthouse'', and for other purposes.

S. 2126. An act to designate the Federal Office Building located at 308 W. 21st Street in Cheyenne, Wyoming, as the ''Louisa Swain Federal Office Building'', and for other purposes.

S. 2629. An act to establish cybercrime reporting mechanisms, and for other purposes.

H.R. 3197. An act to direct the Secretary of the Interior to convey to the City of Eunice, Louisiana, certain Federal land in Louisiana, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. LEAHY).

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2501. An act to require the National Telecommunications and Information Administration and the Federal Communications Commission to update the memorandum of understanding on spectrum coordination; to the Committee on Commerce, Science, and Transportation.

H.R. 4209. An act to support remediation of illicit cross-border tunnels, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4476. An act to establish the Department of Homeland Security (DHS) Trade and Economic Security Council and the position of Assistant Secretary for Trade and Economic Security within the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5633. An act to amend the Homeland Security Act of 2002 to enhance transparency regarding reports conducted by the Inspector General of the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5641. An act to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to increase the threshold for eligibility for assistance under sections 403, 406, 407, and 502 of such Act, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5689. An act to improve the provision of Federal resources to help build capacity and fund risk-reducing, cost-effective mitigation projects for eligible State, local, Tribal, and territorial governments and certain private nonprofit organizations, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 6387. An act to amend the Homeland Security Act of 2002 to establish a school security coordinating council, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 4008. A bill to provide COVID relief for restaurants, gyms, minor league sports teams, border businesses, live venue service providers, exclave businesses, and providers of transportation services.

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1218. An act to require the Federal Communications Commission to incorporate data on maternal health outcomes into its broadband health maps.

H.R. 1540. An act to provide for joint reports by relevant Federal agencies to Congress regarding incidents of terrorism, and for other purposes.

H.R. 3599. An act to establish a Federal rotational cyber workforce program for the Federal cyber workforce, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 4022. A bill to codify in statute the CDC title 42 expulsion order, which suspends the right for certain aliens to enter the United States land borders, until February 1, 2025.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–3663. A communication from the Board Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's proposed fiscal year 2023 Budget and Performance Plan; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3664. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Sodium Salt of Acifluorfen; Pesticide Tolerances for Emergency Exemptions'' (FRL No. 9657–01–OCSPP) received in the Office of the President of the Senate on April 1, 2022; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3665. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Cyantraniliprole; Pesticide Tolerances'' (FRL No. 9648–01–OCSPP) received in the Office of the President of the Senate on April 5, 2022; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3666. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting the report of an officer authorized to wear the insignia of the grade of rear admiral (lower half) in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–3667. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Leon N. Thurgood, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–3668. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Eric T. Fick, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–3669. A communication from the Alternate Federal Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement: Contract Closeout Authority for DoD Services Contracts (DFARS Case 2021–D012)'' (RIN0750–AL48) received in the Office of the President of the Senate on April 1, 2022; to the Committee on Armed Services.

EC–3670. A communication from the Senior Official Performing the Duties of Assistant Secretary of Defense (Legislative Affairs), transmitting an additional legislative proposal relative to the ''National Defense Authorization Act for Fiscal Year 2023''; to the Committee on Armed Services.

EC–3671. A communication from the Senior Congressional Liaison, Legislative Affairs, Bureau of Consumer Financial Protection, transmitting, pursuant to law, a report entitled ''Consumer Response Annual Report''; to the Committee on Banking, Housing, and Urban Affairs.

EC–3672. A communication from the Senior Congressional Liaison, Legislative Affairs, Bureau of Consumer Financial Protection, transmitting, pursuant to law, a report entitled ''Exemptions to Suspicious Activity Report Requirements'' (RIN1557–AE77) received in the Office of the President of the Senate on March 30, 2022; to the Committee on Banking, Housing, and Urban Affairs.

EC–3673. A communication from the Program Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''FY2021 Office of Minority and Women Inclusion Annual Report''; to the Committee on Banking, Housing, and Urban Affairs.

EC–3674. A communication from the Chairman, Federal Financial Institutions Examination Council, transmitting, pursuant to law, the Council's 2021 Annual Report to Congress; to the Committee on Banking, Housing, and Urban Affairs.

EC–3675. A communication from the Chair and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to various countries; to the Committee on Banking, Housing, and Urban Affairs.

EC–3676. A communication from the President and Chair of the Export-Import Bank of the United States, transmitting, pursuant to law, the Bank's 2021 Annual Report; to the Committee on Banking, Housing, and Urban Affairs.

EC–3677. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Energy Conservation Program: Test Procedure for Water Closets and Urinals'' (RIN1904–AE03) received in the Office of the President of the Senate on March 30, 2022; to the Committee on Energy and Natural Resources.

EC–3678. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; Wisconsin; Redesignation of the Manitowoc, Wisconsin Area to Attainment of the 2015 Ozone Standard'' (FRL No. 9484–02–R5) received in the Office of the President of the Senate on April 1, 2022; to the Committee on Environment and Public Works.

EC–3679. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; Delaware; Amendments to Control of Volatile Organic Compounds Mobile Equipment Repair and Refinishing Rule Regulation'' (FRL No. 9666–02–R3) received in the Office of the President of the Senate on April 1, 2022; to the Committee on Environment and Public Works.

EC–3680. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; South Dakota; Revisions to South Dakota Codified Law and Administrative Rules of South Dakota'' (FRL No. 9680–02–R8) received in the Office of the President of the Senate on April 1, 2022; to the Committee on Environment and Public Works.

EC–3681. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval;

Connecticut; Negative Declaration for the Oil and Gas Industry'' (FRL No. 9546–02–R1) received in the Office of the President of the Senate on April 1, 2022; to the Committee on Environment and Public Works.

EC–3682. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Finding of Failure to Attain the 2010 Sulfur Dioxide Standard; Tennessee; Sullivan County Nonattainment Area'' (FRL No. 9374–02–R4) received in the Office of the President of the Senate on April 5, 2022; to the Committee on Environment and Public Works.

EC–3683. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; Kansas; 2015 Ozone NAAQS Interstate Transport Requirements'' (FRL No. 9428–02–R7) received in the Office of the President of the Senate on April 5, 2022; to the Committee on Environment and Public Works.

EC–3684. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; Missouri; Control of Emissions from the Manufacturing of Paints, Varnishes, Lacquers, Enamels and Other Allied Surface Coating Products'' (FRL No. 9396–02–R7) received in the Office of the President of the Senate on April 5, 2022; to the Committee on Environment and Public Works.

EC–3685. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Clean Air Plans; Base Year Emissions Inventories for the 2015 Ozone Standards; Arizona; Phoenix-Mesa and Yuma Nonattainment Areas'' (FRL No. 9101–02–R9) received in the Office of the President of the Senate on April 5, 2022; to the Committee on Environment and Public Works.

EC–3686. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Limited Approval and Limited Disapproval; California; Air Resources Board; Volatile Organic Compounds'' (FRL No. 8791–02–R9) received in the Office of the President of the Senate on April 5, 2022; to the Committee on Environment and Public Works.

EC–3687. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; Alabama; Birmingham Limited Maintenance Plan for the 1997 8-Hour Ozone NAAQS'' (FRL No. 9539–02–R4) received in the Office of the President of the Senate on April 5, 2022; to the Committee on Environment and Public Works.

EC–3688. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; Kentucky; 2015 8-hour Ozone Nonattainment New Source Review Permit Program Requirements'' (FRL No. 9502–02–R4) received in the Office of the President of the Senate on April 5, 2022; to the Committee on Environment and Public Works.

EC–3689. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; Georgia; Air Quality Control, Miscellaneous Rule Revisions to Definitions and Permitting'' (FRL No. 9537–02–R4) received in the Office of the President of the Senate on April 5, 2022; to the Committee on Environment and Public Works.

EC–3690. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; Indiana, Ohio; Definition of Chemical Process Plants Under State Prevention of Significant Deterioration Regulations and Operating Permit Programs'' (FRL No. 9397–02–R5) received in the Office of the President of the Senate on April 5, 2022; to the Committee on Environment and Public Works.

EC–3691. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; Minnesota; Bulk Silos PM10 FESOP Update'' (FRL No. 9547–02–R5) received in the Office of the President of the Senate on April 5, 2022; to the Committee on Environment and Public Works.

EC–3692. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; Illinois; Infrastructure SIP Requirements for the 2012 PM2.5 and 2015 Ozone NAAQS'' (FRL No. 9056–02–R5) received in the Office of the President of the Senate on April 5, 2022; to the Committee on Environment and Public Works.

EC–3693. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; Iowa; Determination of Attainment by the Attainment Date for the 2010 1-Hour Sulfur Dioxide Standard'' (FRL No. 9461–02–R7) received in the Office of the President of the Senate on April 5, 2022; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MENENDEZ, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

S.J. Res. 17. A joint resolution requiring the advice and consent of the Senate or an Act of Congress to suspend, terminate, or withdraw the United States from the North Atlantic Treaty and authorizing related litigation, and for other purposes.

By Mr. MENENDEZ, from the Committee on Foreign Relations, with an amendment in the nature of a substitute and with an amended preamble:

S. Res. 446. A resolution commending the Government of Lithuania for its resolve in increasing ties with Taiwan and supporting its firm stance against coercion by the Chinese Communist Party.

S. Res. 456. A resolution expressing support for a free, fair, and peaceful December 4, 2021, election in The Gambia.

By Mr. MENENDEZ, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

S. 3199. A bill to promote peace and democracy in Ethiopia, and for other purposes.

S. 3491. A bill to establish a commission to reform and modernize the Department of State.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. PETERS for the Committee on Homeland Security and Governmental Affairs.

*Derek Kan, of California, to be a Governor of the United States Postal Service for a term expiring December 8, 2028.

*Daniel Mark Tangherlini, of the District of Columbia, to be a Governor of the United States Postal Service for a term expiring December 8, 2027.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CASEY (for himself and Mr. GRASSLEY):

S. 4009. A bill to amend title XVIII of the Social Security Act to rebase the calculation of payments for sole community hospitals and Medicare-dependent hospitals, and for other purposes; to the Committee on Finance.

By Mr. WHITEHOUSE (for himself and Mr. BLUMENTHAL):

S. 4010. A bill to amend title 28, United States Code, to provide for the establishment of a code of conduct for the justices of the Supreme Court of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. WARNOCK:

S. 4011. A bill to amend title XVIII of the Social Security Act to provide for a cap on beneficiary liability under part D of the Medicare program, and for other purposes; to the Committee on Finance.

By Mr. BRAUN:

S. 4012. A bill to amend the Internal Revenue Code of 1986 to modify the depreciation of nonresidential real property and residential rental property; to the Committee on Finance.

By Mr. SANDERS (for himself, Mr. PADILLA, Mr. BOOKER, Ms. WARREN, Mr. MARKEY, Mr. MURPHY, and Mr. MERKLEY):

S. 4013. A bill to promote United States energy security and independence by bolstering renewable energy supply chains in the United States, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. DUCKWORTH (for herself, Mr. CASSIDY, and Mr. BROWN):

S. 4014. A bill to authorize the Director of the National Science Foundation to award grants to support research on the disruption of regular cognitive processes associated with COVID–19 infection, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. DUCKWORTH (for herself, Mr. MARKEY, and Mr. KAINE):

S. 4015. A bill to authorize the Secretary of Health and Human Services to award grants to eligible entities for creating or enhancing capacity to treat patients with Long COVID through a multidisciplinary approach; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BRAUN:

S. 4016. A bill to amend the Congressional Budget Act of 1974 to set responsible budget targets; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. BLACKBURN (for herself and Mr. HAGERTY):

S. 4017. A bill to designate the United States courthouse located at 111 South Highland Avenue in Jackson, Tennessee, as the ''James D. Todd United States Courthouse'', and for other purposes; to the Committee on Environment and Public Works.

By Mr. VAN HOLLEN (for himself and Mr. TILLIS):

S. 4018. A bill to enable high research activity status historically Black colleges or universities to increase capacity toward achieving very high research activity status; to the Committee on Armed Services.

By Mr. REED:

S. 4019. A bill to protect airline crew members, security screening personnel, and passengers by banning abusive passengers from commercial aircraft flights, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BRAUN (for himself, Mr. SCOTT of Florida, and Mr. CRUZ):

S. 4020. A bill to require balanced budgets in concurrent resolutions on the budget, to establish limits on the waiver of budget points of order, and to prevent appropriations in excess of the amount authorized to be appropriated; to the Committee on the Budget.

By Mr. GRASSLEY (for himself and Mr. GRAHAM):

S. 4021. A bill to amend the Immigration and Nationality Act to expand the grounds of inadmissibility and deportability for human rights violators; to the Committee on the Judiciary.

By Mr. RUBIO (for himself, Mr. TILLIS, Mr. RISCH, Mr. WICKER, Mr. DAINES, Mr. CRAMER, Mr. BRAUN, Mr. CRAPO, Mr. HOEVEN, and Mr. SCOTT of South Carolina):

S. 4022. A bill to codify in statute the CDC title 42 expulsion order, which suspends the right for certain aliens to enter the United States along United States land borders, until February 1, 2025; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. STABENOW (for herself and Mr. THUNE):

S. Res. 577. A resolution designating April 2022 as ''Parkinson's Awareness Month''; to the Committee on the Judiciary.

By Mr. MORAN (for himself and Mr. MARSHALL):

S. Res. 578. A resolution commending and congratulating the University of Kansas Jayhawks men's basketball team for winning the 2022 National Collegiate Athletic Association Basketball National Championship; considered and agreed to.

By Mr. CRUZ:

S. Res. 579. A resolution recognizing the 100th anniversary of Big Bertha, one of the largest bass drums in use by a university in the United States and located at The University of Texas at Austin; considered and agreed to.

By Mr. BRAUN (for himself and Mr. YOUNG):

S. Res. 580. A resolution recognizing the 100th anniversary of the creation of the Purdue ''All-American'' Marching Band's World's Largest Drum; considered and agreed to.

By Mr. GRASSLEY:

S. Res. 581. A resolution supporting the designation of the week of April 24 through April 30, 2022, as ''National Crime Victims' Rights Week''; considered and agreed to.

By Mr. KING (for himself, Mr. DAINES, Mr. REED, Mr. RUBIO, Ms. HIRONO, Mr. CASSIDY, Ms. KLOBUCHAR, Mr. WICKER, Mr. PADILLA, Mrs. BLACKBURN, Mr. LUJÁN, Ms. LUMMIS, Mrs. FEINSTEIN, Mr. CRAMER, Mr. WHITEHOUSE, Mr. BURR, Ms. CORTEZ MASTO, Mr. MARSHALL, Ms. ROSEN, Mr. SCOTT of South Carolina, Mr. MANCHIN, Mr. BARRASSO, Mr. KAINE, Mr. HOEVEN, Mr. WARNER, Ms. COLLINS, Ms. CANTWELL, Mr. PORTMAN, Mr. DURBIN, Mr. BRAUN, Mr. WYDEN, Mr. TILLIS, Ms. BALDWIN, Mr. KENNEDY, Mr. MARKEY, Mr. HAGERTY, Mr. PETERS, Mr. BOOZMAN, Mr. CARDIN, Mr. YOUNG, Mr. KELLY, Mr. GRAHAM, Ms. HASSAN, Mrs. CAPITO, Ms. WARREN, Mr. ROUNDS, Ms. DUCKWORTH, Mr. BLUNT, Mr. VAN HOLLEN, Mr. SCOTT of Florida, Mr. MERKLEY, Mr. COTTON, Ms. SMITH, Mrs. SHAHEEN, Mrs. MURRAY, Mr. COONS, Mr. CARPER, Mr. HICKENLOOPER, Mr. MURPHY, Mr. HEINRICH, Ms. STABENOW, and Mr. TESTER):

S. Res. 582. A resolution designating the week of April 16 through April 24, 2022, as ''National Park Week''; considered and agreed to.

By Mr. PETERS (for himself, Mrs. FISCHER, Mr. WICKER, and Ms. CANTWELL):

S. Res. 583. A resolution supporting the goals and ideals of National Safe Digging Month; considered and agreed to.

ADDITIONAL COSPONSORS

S. 377

At the request of Mrs. GILLIBRAND, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 377, a bill to promote and protect from discrimination living organ donors.

S. 391

At the request of Mr. GRASSLEY, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 391, a bill to amend title 18, United States Code, to reauthorize and expand the National Threat Assessment Center of the Department of Homeland Security.

S. 406

At the request of Mr. PAUL, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 406, a bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 625

At the request of Mr. TESTER, the name of the Senator from Arizona (Mr. KELLY) was added as a cosponsor of S. 625, a bill to amend title 10, United States Code, to eliminate the enrollment fee requirement for TRICARE Select for members of the Armed Forces who retired before January 1, 2018.

S. 765

At the request of Mr. MENENDEZ, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 765, a bill to improve United States consideration of, and strategic support for, programs to prevent and respond to gender-based violence from the onset of humanitarian emergencies and to build the capacity of humanitarian actors to address the immediate and long-term challenges resulting from such violence, and for other purposes.

S. 976

At the request of Mr. TESTER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 976, a bill to amend title 38, United States Code, to improve and to expand eligibility for dependency and indemnity compensation paid to certain survivors of certain veterans, and for other purposes.

S. 1136

At the request of Ms. CANTWELL, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 1136, a bill to amend the Internal Revenue Code of 1986 to reform the low-income housing credit, and for other purposes.

S. 1233

At the request of Mr. CARDIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1233, a bill to amend the Internal Revenue Code of 1986 to simplify reporting requirements, promote tax compliance, and reduce tip reporting compliance burdens in the beauty service industry.

S. 1467

At the request of Mr. TESTER, the name of the Senator from Illinois (Ms. DUCKWORTH) was added as a cosponsor of S. 1467, a bill to direct the Secretary of Veterans Affairs to carry out a series of clinical trials on the effects of cannabis on certain health outcomes of veterans with chronic pain and posttraumatic stress disorder, and for other purposes.

S. 1489

At the request of Mr. MENENDEZ, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1489, a bill to amend the Inspector General Act of 1978 to establish an Inspector General of the Office of the United States Trade Representative, and for other purposes.

S. 1530

At the request of Ms. HIRONO, her name was added as a cosponsor of S. 1530, a bill to amend the Child Nutrition Act of 1966 and the Richard B. Russell National School Lunch Act to make breakfasts and lunches free for all children, and for other purposes.

S. 1658

At the request of Mr. MERKLEY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1658, a bill to amend the Fair Labor Standards Act of 1938 to expand access to breastfeeding accommodations in the workplace, and for other purposes.

S. 2001

At the request of Mr. KING, the name of the Senator from Wyoming (Ms. LUMMIS) was added as a cosponsor of S. 2001, a bill to amend the Federal Meat Inspection Act to exempt from inspection the slaughter of animals and the preparation of carcasses conducted at a

custom slaughter facility, and for other purposes.

S. 2607

At the request of Mr. PADILLA, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Colorado (Mr. HICKENLOOPER) were added as cosponsors of S. 2607, a bill to award a Congressional Gold Medal to the former hostages of the Iran Hostage Crisis of 1979–1981, highlighting their resilience throughout the unprecedented ordeal that they lived through and the national unity it produced, marking 4 decades since their 444 days in captivity, and recognizing their sacrifice to the United States.

S. 2675

At the request of Mr. CARDIN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2675, a bill to amend the American Rescue Plan Act of 2021 to increase appropriations to Restaurant Revitalization Fund, and for other purposes.

S. 2780

At the request of Mr. MARSHALL, the name of the Senator from Utah (Mr. LEE) was added as a cosponsor of S. 2780, a bill to amend title 10, United States Code, to prohibit certain adverse personnel actions taken against members of the Armed Forces based on declining the COVID–19 vaccine.

S. 2854

At the request of Mr. KENNEDY, the name of the Senator from North Carolina (Mr. TILLIS) was added as a cosponsor of S. 2854, a bill to allow for the transfer and redemption of abandoned savings bonds.

S. 2935

At the request of Mr. TESTER, the name of the Senator from Arizona (Mr. KELLY) was added as a cosponsor of S. 2935, a bill to amend the Family and Medical Leave Act of 1993 to provide leave because of the death of a son or daughter.

S. 3171

At the request of Mr. KENNEDY, the names of the Senator from Connecticut (Mr. MURPHY) and the Senator from New Hampshire (Ms. HASSAN) were added as cosponsors of S. 3171, a bill to ensure that Federal work-study funding is available for students enrolled in residency programs for teachers, principals, or school leaders, and for other purposes.

S. 3824

At the request of Mrs. GILLIBRAND, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Minnesota (Ms. SMITH) were added as cosponsors of S. 3824, a bill to amend the Public Health Service Act to reauthorize a grant program for screening, assessment, and treatment services for maternal mental health and substance use disorders, and for other purposes.

S. 3904

At the request of Mr. CASSIDY, the name of the Senator from North Carolina (Mr. TILLIS) was added as a cosponsor of S. 3904, a bill to enhance the cybersecurity of the Healthcare and Public Health Sector.

S. 3915

At the request of Mr. BARRASSO, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 3915, a bill to require the Secretary of Energy to provide technology grants to strengthen domestic mining education, and for other purposes.

S. 3917

At the request of Mr. INHOFE, the name of the Senator from Wisconsin (Mr. JOHNSON) was added as a cosponsor of S. 3917, a bill to apply the Medicaid asset verification program to all applicants for, and recipients of, medical assistance in all States and territories, and for other purposes.

S. 3975

At the request of Mr. COONS, the names of the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from North Carolina (Mr. TILLIS) were added as cosponsors of S. 3975, a bill to reauthorize the Victims of Child Abuse Act of 1990, and for other purposes.

S.J. RES. 25

At the request of Mrs. SHAHEEN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S.J. Res. 25, a joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections.

S. RES. 559

At the request of Ms. KLOBUCHAR, the name of the Senator from Tennessee (Mrs. BLACKBURN) was added as a cosponsor of S. Res. 559, a resolution expressing gratitude on behalf of the people of the United States to the journalists and news staff who are risking injury and death, are subject to grave threat, and have sacrificed their lives, to chronicle and report on the ongoing war in Ukraine resulting from the Russian Federation's invasion.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REED:

S. 4019. A bill to protect airline crew members, security screening personnel, and passengers by banning abusive passengers from commercial aircraft flights, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. REED. Mr. President, today I am introducing the Protection from Abusive Passengers Act, a bill that is aimed at eliminating the rash of violence and abuse that is occurring on commercial flights across the country. I am pleased to be joined in this effort by Representative ERIC SWALWELL of California, who is introducing companion legislation in the other body. The goal of our bill is to send a clear signal that individuals who engage in serious abusive or violent behavior on an aircraft or at an airport security checkpoint will be banned from flying.

Since 2020, we have seen an extraordinary increase in the number of cases of violence and abuse against crewmembers and airline passengers. In 2021, the Federal Aviation Administration received 5,981 reports of ''unruly passengers.'' Those complaints led to 1,124 investigations, nearly the same number of investigations as the previous 10 years combined. From those investigations, the Federal Aviation Administration, FAA, has initiated 350 enforcement actions and proposed $5 million in fines. In February, it was widely reported that the FAA had referred 80 cases to the FBI for criminal investigation. Clearly, these are not minor infractions. Here some recent examples:

In December 2021, the FAA proposed a record $52,500 fine against a passenger who tried to open the cockpit door on a Delta flight from Honolulu to Seattle, struck a flight attendant twice, and threatened him.

The FAA also proposed a $45,000 fine against a passenger ''for throwing objects, including his carry-on luggage, at other passengers; refusing to stay seated; lying on the floor in the aisle, refusing to get up, and then grabbing a flight attendant by the ankles and putting his head up her skirt.''

It proposed a $30,000 fine against a passenger on a Jan. 3, 2021, flight from Atlanta for ''allegedly interfering with the flight attendants' deplaning procedures upon arrival. He attempted to gain entry to the flight deck by physically assaulting two flight attendants, threatening to kill one of them, and demanding them to open the door.''

Last December, a passenger on Southwest Airlines pleaded guilty to punching a flight attendant in the face multiple times in a May 2021 incident in Sacramento. According to prosecutors, the flight attendant was taken to a hospital with injuries that included a swollen eye, a bruised arm, and a cut under her eye that had to be stitched. She also had three chipped teeth, two of which: had to be replaced with crowns.

Such actions in any setting would be deplorable and reprehensible, but on an airplane, such behavior can also represent a real threat to all passengers. Clearly, the existing regime of civil and criminal penalties has not been enough to deter the upsurge in cases. We need to send a signal that such types of behavior will not be tolerated.

The Protection from Abusive Passengers Act would require the Transportation Security Administration, TSA, to create and manage a program which bars passengers who are fined or convicted of serious physical violence and abuse from flying. Transparency and notice will be provided to banned individuals, including guidelines for removal. The bill would also permanently ban abusive passengers from participating in the TSA PreCheck or Customs' Global Entry programs.

The bill provides appropriate fairness and due process by ensuring that only

individuals who have been assessed a civil or criminal penalty for abusive and violent behavior will be included on the list of banned fliers. The bill also requires the TSA to explain how it will maintain its list of banned fliers, provide an explanation of how long the individual may be barred from flying based on the severity of the offense, and provide how the individual can seek to be removed from the list of banned fliers.

I believe this bill strikes the appropriate balance to assure fairness and transparency while sending a strong signal that violent and abusive behavior will not be tolerated. I am pleased that the bill is supported by both labor and the airlines, including American Airlines, Delta Airlines, Southwest Airlines, the Association of Flight Attendants-CWA, the Association of Professional Flight Attendants, Transport Workers Union of America, and the Transportation Trades Department of the AFL–CIO. I hope that my colleagues will join me in supporting this important bill.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 577—DESIGNATING APRIL 2022 AS ''PARKINSON'S AWARENESS MONTH''

Ms. STABENOW (for herself and Mr. THUNE) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 577

Whereas Parkinson's disease—

(1) affects 1,000,000 individuals in the United States;

(2) is the second most common neurodegenerative disease in the world;

(3) is believed to be caused by a combination of genetic and environmental factors; and

(4) is the 14th leading cause of death in the United States, according to the Centers for Disease Control and Prevention;

Whereas it is estimated that, by the year 2037, the number of individuals with Parkinson's disease in the United States will nearly double, and the disease will cost the United States at least $79,000,000,000 annually;

Whereas the symptoms of Parkinson's disease can include dementia and cognitive impairment, tremors, slowness of movement, ''freezing'' in place, inability to walk and maintain balance, speech difficulties, depression, losing the ability to swallow, and a variety of other symptoms;

Whereas there are millions of family caregivers, friends, and loved ones whose lives are greatly affected by Parkinson's disease; and

Whereas more research, education, and community support services are needed to—

(1) find better treatments and a cure for Parkinson's disease; and

(2) maintain dignity for those living with the disease today: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 2022 as ''Parkinson's Awareness Month'';

(2) supports the goals and ideals of Parkinson's Awareness Month;

(3) continues to support research to find better treatments and a cure for Parkinson's disease;

(4) recognizes the individuals living with Parkinson's disease who participate in vital clinical trials to advance the knowledge of the disease; and

(5) commends the dedication of organizations, volunteers, researchers, and millions of individuals across the country working to improve the quality of life of people living with Parkinson's disease and their families.

SENATE RESOLUTION 578—COMMENDING AND CONGRATULATING THE UNIVERSITY OF KANSAS JAYHAWKS MEN'S BASKETBALL TEAM FOR WINNING THE 2022 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION BASKETBALL NATIONAL CHAMPIONSHIP

Mr. MORAN (for himself and Mr. MARSHALL) submitted the following resolution; which was considered and agreed to:

S. RES. 578

Whereas, on Monday, April 4, 2022, the University of Kansas Jayhawks men's basketball team (referred to in this preamble as the ''Jayhawks'') defeated the University of North Carolina Tar Heels by a score of 72 to 69 in the 2022 National Collegiate Athletic Association (referred to in this preamble as the ''NCAA'') Basketball National Championship game in New Orleans, Louisiana;

Whereas the inventor of the game of basketball, James Naismith, was the first coach of the University of Kansas men's basketball program;

Whereas the University of Kansas men's basketball program leads the NCAA in all-time wins;

Whereas the 2022 NCAA Basketball National Championship victory by the Jayhawks is the fourth in the history of the University of Kansas men's basketball program, in addition to 2 National Basketball Championship titles awarded to the University of Kansas by the Helms Foundation;

Whereas the Jayhawks were Big 12 Conference regular season champions and Big 12 Tournament champions;

Whereas the Jayhawks finished the 2022 season with a 34–6 record;

Whereas, in the 2022 NCAA Basketball National Championship game, the Jayhawks overcame a 15-point deficit at halftime, the largest deficit a winning team has ever overcome in the National Championship game in NCAA Basketball history;

Whereas Ochai Agbaji scored 12 points and was named Most Outstanding Player of the Final Four;

Whereas 4 other players scored in the double-digits in the NCAA Basketball National Championship—

(1) Christian Braun, a Kansas native, who scored 12 points and had 12 rebounds;

(2) David McCormack, who scored 15 points and had 10 rebounds;

(3) Jalen Wilson, who scored 15 points and had 4 rebounds; and

(4) Remy Martin, who scored 14 points to help the Jayhawks win the NCAA Basketball National Championship; and

Whereas Hall of Fame Head Coach Bill Self won his second NCAA Basketball National Championship with the Jayhawks: Now, therefore, be it

Resolved, That the Senate—

(1) commends the University of Kansas Jayhawks men's basketball team (referred to in this resolution as the ''Jayhawks'') for winning the 2022 National Collegiate Athletic Association Basketball National Championship;

(2) recognizes the players, coaches, and staff of the Jayhawks; and

(3) respectfully requests that the Secretary of the Senate transmit an enrolled copy of this resolution to—

(A) the Chancellor of the University of Kansas, Dr. Douglas Girod;

(B) the Athletic Director of the University of Kansas, Travis Goff; and

(C) the Head Coach of the Jayhawks, Bill Self.

SENATE RESOLUTION 579—RECOGNIZING THE 100TH ANNIVERSARY OF BIG BERTHA, ONE OF THE LARGEST BASS DRUMS IN USE BY A UNIVERSITY IN THE UNITED STATES AND LOCATED AT THE UNIVERSITY OF TEXAS AT AUSTIN

Mr. CRUZ submitted the following resolution; which was considered and agreed to:

S. RES. 579

Whereas Big Bertha, one of the largest bass drums in use by a university in the United States, is known as the ''Sweetheart of the Longhorn Band'' and an icon of The University of Texas at Austin;

Whereas Big Bertha is so large that, following her construction, part of the walls of the factory where she was assembled had to be removed so Big Bertha could leave the factory for shipping;

Whereas the year 2022 marks the 100th anniversary since Big Bertha was first put into service on October 28, 1922, in support of the football team for the University of Chicago, which was led by Coach Amos Alonzo Stagg and his assistant Fritz Crisler, both of whom would go on to be inducted into the College Football Hall of Fame;

Whereas, in 1938, Big Bertha made a special trip to Carnegie Hall in New York City to join an orchestra directed by famed Italian conductor Arturo Toscanini for a performance of Verdi's Requiem, where Big Bertha was the star of the show, used to play a single note;

Whereas Big Bertha was a witness to history, having been present at the dawn of the Atomic Age, when, at approximately 3:25 PM on December 2, 1942, Enrico Fermi and his colleagues at the Metallurgical Laboratory at the University of Chicago engineered the first controlled, self-sustaining nuclear chain reaction as part of their work in support of the Manhattan Project;

Whereas the nuclear chain reaction occurred on a squash court under the west stands of the former Stagg Field on the University of Chicago campus adjacent to where Big Bertha was in storage, resulting in Big Bertha becoming radioactive;

Whereas The University of Texas at Austin purchased Big Bertha from the University of Chicago in 1955, at which time Big Bertha moved to Texas, making her new home in Austin;

Whereas Big Bertha now resides in the north end zone concourse of Darrell K. Royal-Texas Memorial Stadium, where she has been admired by Longhorn football fans for generations;

Whereas, due to her important role supporting The University of Texas at Austin Longhorns football team (referred to in this preamble as the ''Texas Longhorns''), Big Bertha has an endowment to provide for her care;

Whereas, since moving to Austin, Big Bertha has been a witness to football history on multiple occasions, including witnessing the Texas Longhorns win national championships in 1963 and 2005, back-to-back national

championships in 1969 and 1970, 19 conference championships, 8 Cotton Bowl Championships, and many other prominent bowl games;

Whereas Big Bertha supported the Texas Longhorns during each of Hall of Fame Coach Darrell K. Royal's 20 years coaching the Texas Longhorns to a record that included 167 wins, 47 losses, and 5 ties;

Whereas Big Bertha boomed in support of the winning Heisman Trophy campaigns of Texas Longhorns greats Earl Campbell in 1977 and Ricky Williams in 1998;

Whereas Big Bertha's name was given to her on the 50th anniversary of her move to Austin;

Whereas Big Bertha is a television celebrity, having been the focus of a 2015 episode of the Arts and Entertainment Network television show ''Shipping Wars'' in which Big Bertha was shipped to London, England, to participate in a New Year's Day parade;

Whereas photogrammetry is the science and technology used to obtain reliable information about the size and dimensions of physical objects;

Whereas photogrammetry has been used to measure and compare the size of Big Bertha with other large university bass drums and has scientifically proven that Big Bertha is, in fact, larger than other drums that have been claimed to be the ''world's largest'';

Whereas Big Bertha and her handlers, the ''Bertha Crew'', are an essential part of United States history and The University of Texas Longhorn Band; and

Whereas Big Bertha has been part of many historic performances across Texas, the United States, and the world: Now, therefore, be it

Resolved, That the Senate recognizes—

(1) the 100th anniversary of the construction of Big Bertha, one of the largest bass drums in use by a university in the United States;

(2) The University of Texas Longhorn Band as an important cultural and historical icon of The University of Texas at Austin and the State of Texas;

(3) Big Bertha for her preeminence in band and musical performances, including on the national stage as the star of the show at an historic performance at Carnegie Hall in 1938 and the international stage as part of a New Year's Day parade in London, England, in 2015;

(4) the Bertha Crew and The University of Texas Longhorn Band for their continued legacy of excellence in musical performance and in support of school spirit; and

(5) that the ongoing debate between universities in the United States regarding which institution possesses the largest bass drum is reflective of the spirit of competition that has helped the United States reach new heights in academic and scientific achievement and ingenuity for more than a century.

SENATE RESOLUTION 580—RECOGNIZING THE 100TH ANNIVERSARY OF THE CREATION OF THE PURDUE ''ALL-AMERICAN'' MARCHING BAND'S WORLD'S LARGEST DRUM

Mr. BRAUN (for himself and Mr. YOUNG) submitted the following resolution; which was considered and agreed to:

S. RES. 580

Whereas the World's Largest Drum is a significant piece of the ''All-American'' Marching Band and an icon of Purdue University;

Whereas, in 1921, ''All-American'' Marching Band Director Paul Spotts Emrick commissioned the World's Largest Drum from the Leedy Corporation of Indianapolis;

Whereas, in 1921, the World's Largest Drum was the largest drum in existence and was displayed at the Indiana Statehouse and Indiana State Fair;

Whereas it is a Purdue ''All-American'' Marching Band tradition to honor national leaders and heroes with the privilege to beat the World's Largest Drum, with President Harry Truman, Gus Grissom, and Neil Armstrong being among those accepting the invitation; and

Whereas the World's Largest Drum is an essential element of the ''All-American'' Marching Band's performances across Indiana, the United States, and the world: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the Purdue ''All-American'' Marching Band, which is celebrating the 100th anniversary of the construction of the World's Largest Drum, continues to remain an important cultural and historical icon of Purdue University and the State of Indiana;

(2) the World's Largest Drum deserves recognition for the continued legacies of excellence and discipline exhibited by the World's Largest Drum crew and the Purdue ''All-American'' Marching Band; and

(3) continued admiration of the World's Largest Drum exemplifies the spirit of ingenuity of the people of the United States to push the bounds of engineering and create new products.

SENATE RESOLUTION 581—SUPPORTING THE DESIGNATION OF THE WEEK OF APRIL 24 THROUGH APRIL 30, 2022, AS ''NATIONAL CRIME VICTIMS' RIGHTS WEEK''

Mr. GRASSLEY submitted the following resolution; which was considered and agreed to:

S. RES. 581

Whereas crime and victimization in the United States have significant, and sometimes life-shattering, impacts on victims, survivors, and communities across the United States;

Whereas research suggests that there are several million violent victimizations each year in the United States, yet less than half of all violent crimes are ever reported to police;

Whereas crime victims and survivors need and deserve support and access to services to help them cope with the physical, psychological, financial, and other adverse effects of crime;

Whereas Congress has recognized the importance of supporting crime victims and survivors through the passage of legislation concerning this important issue, including—

(1) the Victims of Crime Act of 1984 (34 U.S.C. 20101 et seq.);

(2) the Violence Against Women Act of 1994 (34 U.S.C. 12291 et seq.);

(3) the Survivors' Bill of Rights Act of 2016 (Public Law 114–236; 130 Stat. 966);

(4) the Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.);

(5) the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.);

(6) the Elder Abuse Prevention and Prosecution Act (34 U.S.C. 21701 et seq.);

(7) the Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018 (Public Law 115–299; 132 Stat. 4383);

(8) the Scott Campbell, Stephanie Roper, Wendy Preston, Louarna Gillis, and Nila Lynn Crime Victims' Rights Act (Public Law 108–405; 118 Stat. 2261); and

(9) the Justice for All Act of 2004 (Public Law 108–405; 118 Stat. 2260);

Whereas crime can touch the life of any individual, regardless of the age, race, national origin, religion, or gender of that individual;

Whereas a just society acknowledges the impact of crime on individuals, families, schools, and communities by protecting the rights of crime victims and survivors;

Whereas crime victims and survivors in the United States, and the families of those victims and survivors, need and deserve support and assistance to help cope with the often devastating consequences of crime;

Whereas, since Congress adopted the first resolution designating Crime Victims Week in 1985, communities across the United States have joined Congress and the Department of Justice in commemorating National Crime Victims' Rights Week to celebrate a shared vision of a comprehensive and collaborative response that identifies and addresses the many needs of crime victims and survivors and the families of those victims and survivors;

Whereas the Senate applauds the work of crime victims advocates to ensure that all crime victims and survivors, and the families of those victims and survivors, are—

(1) treated with dignity, fairness, and respect;

(2) offered support and services, regardless of whether the victims and survivors report crimes committed against them; and

(3) recognized as key participants within the criminal, juvenile, Federal, and Tribal justice systems in the United States when the victims and survivors report crimes; and

Whereas the Senate recognizes and appreciate the continued importance of—

(1) promoting the rights of, and services for, crime victims and survivors; and

(2) honoring crime victims and survivors, and the individuals who provide services for those victims and survivors: Now, therefore, be it

Resolved, That the Senate—

(1) supports the designation of the week of April 24 through April 30, 2022, as ''National Crime Victims' Rights Week'';

(2) recognizes that crime victims and survivors, and the families of those victims and survivors, should be treated with dignity, fairness, and respect;

(3) applauds the work carried out by thousands of victim assistance organizations and agencies that serve crime survivors at the local, State, Federal, and Tribal levels;

(4) remains committed to funding programs authorized by the Victims of Crime Act of 1984 (34 U.S.C. 20101 et seq.) and the Violence Against Women Act of 1994 (34 U.S.C. 12291 et seq.), among other Federal programs, which help thousands of public, community-based, and Tribal victim and survivor assistance organizations and agencies that provide essential, and often life-saving, services to millions of crime victims throughout the United States; and

(5) encourages the observance of the 41st anniversary of National Crime Victims' Rights Week with appropriate public awareness, education, and outreach activities.

SENATE RESOLUTION 582—DESIGNATING THE WEEK OF APRIL 16 THROUGH APRIL 24, 2022, AS ''NATIONAL PARK WEEK''

Mr. KING (for himself, Mr. DAINES, Mr. REED, Mr. RUBIO, Ms. HIRONO, Mr. CASSIDY, Ms. KLOBUCHAR, Mr. WICKER, Mr. PADILLA, Mrs. BLACKBURN, Mr. LUJÁN, Ms. LUMMIS, Mrs. FEINSTEIN, Mr. CRAMER, Mr. WHITEHOUSE, Mr. BURR, Ms. CORTEZ MASTO, Mr. MARSHALL, Ms. ROSEN, Mr. SCOTT of South

Carolina, Mr. MANCHIN, Mr. BARRASSO, Mr. KAINE, Mr. HOEVEN, Mr. WARNER, Ms. COLLINS, Ms. CANTWELL, Mr. PORTMAN, Mr. DURBIN, Mr. BRAUN, Mr. WYDEN, Mr. TILLIS, Ms. BALDWIN, Mr. KENNEDY, Mr. MARKEY, Mr. HAGERTY, Mr. PETERS, Mr. BOOZMAN, Mr. CARDIN, Mr. YOUNG, Mr. KELLY, Mr. GRAHAM, Ms. HASSAN, Mrs. CAPITO, Ms. WARREN, Mr. ROUNDS, Ms. DUCKWORTH, Mr. BLUNT, Mr. VAN HOLLEN, Mr. SCOTT of Florida, Mr. MERKLEY, Mr. COTTON, Ms. SMITH, Mrs. SHAHEEN, Mrs. MURRAY, Mr. COONS, Mr. CARPER, Mr. HICKENLOOPER, Mr. MURPHY, Mr. HEINRICH, Ms. STABENOW, and Mr. TESTER) submitted the following resolution; which was considered and agreed to:

S. RES. 582

Whereas, on March 1, 1872, Congress established Yellowstone National Park as the first national park for the enjoyment of the people of the United States;

Whereas, on August 25, 1916, Congress established the National Park Service with the mission to preserve unimpaired the natural and cultural resources and values of the National Park System for the enjoyment, education, and inspiration of current and future generations;

Whereas, on March 1, 2022, Yellowstone National Park was the first national park within the National Park System to celebrate its sesquicentennial;

Whereas the National Park Service continues to protect and manage the majestic landscapes, hallowed battlefields, and iconic cultural and historical sites of the United States;

Whereas the units of the National Park System can be found in every State and many territories of the United States and many of those units embody the rich natural and cultural heritage of the United States, reflect a unique national story through people and places, and offer countless opportunities for recreation, volunteerism, cultural exchange, education, civic engagement, and exploration;

Whereas visits and visitors to the national parks of the United States are important economic drivers, responsible for contributing $28,600,000,000 in spending to the national economy in 2020;

Whereas the dedicated employees of the National Park Service carry out their mission to protect the units of the National Park System so that the vibrant culture, diverse wildlife, and priceless resources of these unique places will endure for perpetuity; and

Whereas the people of the United States have inherited the remarkable legacy of the National Park System and are entrusted with the preservation of the National Park System throughout its second century: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of April 16 through April 24, 2022, as ''National Park Week''; and

(2) encourages the people of the United States and the world to responsibly visit, experience, recreate in, and support the treasured national parks of the United States.

SENATE RESOLUTION 583—SUPPORTING THE GOALS AND IDEALS OF NATIONAL SAFE DIGGING MONTH

Mr. PETERS (for himself, Mrs. FISCHER, Mr. WICKER, and Ms. CANTWELL) submitted the following resolution; which was considered and agreed to:

S. RES. 583

Whereas, each year, the underground utility infrastructure of the United States, including pipelines, electric, gas, telecommunications, water, sewer, and cable television lines, is jeopardized by unintentional damage caused by those who fail to have underground utility lines located prior to digging;

Whereas some utility lines are buried only a few inches underground, making the lines easy to strike, even during shallow digging projects;

Whereas digging prior to having underground utility lines located often results in unintended consequences, such as service interruption, environmental damage, personal injury, and even death;

Whereas the month of April marks the beginning of the peak period during which excavation projects are carried out around the United States;

Whereas, in 2002, Congress required the Department of Transportation and the Federal Communications Commission to establish a 3-digit, nationwide, toll-free number to be used by State ''One Call'' systems to provide information on underground utility lines;

Whereas, in 2005, the Federal Communications Commission designated ''811'' as the nationwide ''One Call'' number for homeowners and excavators to use to obtain information on underground utility lines before conducting excavation activities;

Whereas the 1,800 members of the Common Ground Alliance, States, ''One Call'' centers, and other stakeholders who are dedicated to ensuring public safety, environmental protection, and the integrity of services, promote the national ''Call Before You Dig'' campaign to increase public awareness about the importance of homeowners and excavators calling 811 to find out the location of underground utility lines before digging;

Whereas the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 (Public Law 112–90; 125 Stat. 1904) affirmed and expanded the ''One Call'' program by eliminating exemptions given to local and State government agencies and their contractors regarding notifying ''One Call'' centers before digging;

Whereas, according to the Common Ground Alliance's 2020 Damage Information Reporting Tool (DIRT) Report published in October 2021, there were an estimated 468,000 instances of excavation-related damage to underground facilities in the United States during 2020, and failing to contact 811 in advance of a digging project caused over 30 percent of these damages;

Whereas, in 2021, the Common Ground Alliance conducted a survey of active diggers who have completed a project within the past 12 months and found that 74 percent of the more than 1,800 respondents were aware of 811;

Whereas the Common Ground Alliance estimated that the societal costs of excavation-related damage to buried utilities were $30,000,000,000 in 2019, including costs for facility repair, property damage, medical bills, and costs to the surrounding businesses affected by the resulting utility outages; and

Whereas the Common Ground Alliance has designated April as ''National Safe Digging Month'' to increase awareness of safe digging practices across the United States and to celebrate the anniversary of 811, the national ''Call Before You Dig'' number: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of National Safe Digging Month;

(2) encourages all homeowners and excavators throughout the United States to call 811 before digging; and

(3) encourages all damage prevention stakeholders to help educate homeowners and excavators throughout the United States about the importance of calling 811 before digging.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5018. Mr. SCHUMER (for Mr. COONS) proposed an amendment to the bill S. 270, to amend the Act entitled ''Act to provide for the establishment of the Brown v. Board of Education National Historic Site in the State of Kansas, and for other purposes'' to provide for inclusion of additional related sites in the National Park System, and for other purposes.

SA 5019. Mr. SCHUMER (for Mr. PETERS) proposed an amendment to the bill S. 2991, to establish a Department of Homeland Security Center for Countering Human Trafficking, and for other purposes.

SA 5020. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 7108, to suspend normal trade relations treatment for the Russian Federation and the Republic of Belarus, and for other purposes; which was ordered to lie on the table.

SA 5021. Mr. CRAPO (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 6968, to prohibit the importation of energy products of the Russian Federation, and for other purposes; which was ordered to lie on the table.

SA 5022. Mr. SCHUMER (for Mr. CORNYN) proposed an amendment to the bill S. 3522, to provide enhanced authority for the President to enter into agreements with the Government of Ukraine to lend or lease defense articles to that Government to protect civilian populations in Ukraine from Russian military invasion, and for other purposes.

TEXT OF AMENDMENTS

SA 5018. Mr. SCHUMER (for Mr. COONS) proposed an amendment to the bill S. 270, to amend the Act entitled ''Act to provide for the establishment of the Brown v. Board of Education National Historic Site in the State of Kansas, and for other purposes'' to provide for inclusion of additional related sites in the National Park System, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Brown v. Board of Education National Historical Park Expansion and Redesignation Act''.

SEC. 2. REDESIGNATION OF THE BROWN V. BOARD OF EDUCATION NATIONAL HISTORICAL PARK.

(a) IN GENERAL.—The Brown v. Board of Education National Historic Site established by section 103(a) of Public Law 102–525 (106 Stat. 3439) shall be known and designated as the ''Brown v. Board of Education National Historical Park''.

(b) REFERENCES.—Any reference in any law, regulation, document, record, map, or other paper of the United States to the Brown v. Board of Education National Historic Site shall be considered to be a reference to the ''Brown v. Board of Education National Historical Park''.

(c) CONFORMING AMENDMENTS.—Title I of Public Law 102–525 (106 Stat. 3438) is amended—

(1) in the title heading, by striking ''**HISTORIC SITE**'' and inserting ''**HISTORICAL PARK**'';

(2) in sections 101(2) and 103(a), by striking ''National Historic Site'' each place it appears and inserting ''National Historical Park'';

(3) in the section heading for each of sections 103 and 105, by striking ''**HISTORIC SITE**'' each place it appears and inserting ''**HISTORICAL PARK**''; and

(4) by striking ''historic site'' each place it appears and inserting ''historical park''.

SEC. 3. EXPANSION OF THE BROWN V. BOARD OF EDUCATION NATIONAL HISTORICAL PARK AND ESTABLISHMENT OF AFFILIATED AREAS.

(a) PURPOSE.—The purpose of this section is to honor the civil rights stories of struggle, perseverance, and activism in the pursuit of education equity.

(b) DEFINITIONS.—Section 101 of Public Law 102–525 (106 Stat. 3438) (as amended by section 2(c)) is amended—

(1) in the matter preceding paragraph (1), by striking ''As used in this title—'' and inserting ''In this title:'';

(2) in paragraph (1), by striking ''the term'' and inserting the ''The term'';

(3) in each of paragraphs (1) and (2), by inserting a paragraph heading, the text of which is comprised of the term defined in that paragraph;

(4) by redesignating paragraphs (1) and (2) as paragraphs (3) and (2), respectively, and moving the paragraphs so as to appear in numerical order; and

(5) by inserting before paragraph (2) (as so redesignated) the following:

''(1) AFFILIATED AREA.—The term 'affiliated area' means a site associated with a court case included in Brown v. Board of Education of Topeka described in paragraph (8), (9), or (10) of section 102(a) that is designated as an affiliated area of the National Park System by section 106(a).''.

(c) FINDINGS.—Section 102(a) of Public Law 102–525 (106 Stat. 3438) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (5) and (6), respectively;

(2) by inserting after paragraph (2), the following:

''(3) The Brown case was joined by 4 other cases relating to school segregation pending before the Supreme Court (Briggs v. Elliott, filed in South Carolina, Davis v. County School Board of Prince Edward County, filed in Virginia, Gebhart v. Belton, filed in Delaware, and Bolling v. Sharpe, filed in the District of Columbia) that were consolidated into the case of Brown v. Board of Education of Topeka.

''(4) A 1999 historic resources study examined the 5 cases included in Brown v. Board of Education of Topeka and found that each case—

''(A) is nationally significant; and

''(B) contributes unique stories to the case for educational equity.''; and

(3) by inserting after paragraph (6) (as so redesignated), the following:

''(7) With respect to the case of Briggs v. Elliott—

''(A) Summerton High School in Summerton, South Carolina, the all-White school that refused to admit the plaintiffs in the case—

''(i) has been listed on the National Register of Historic Places in recognition of the national significance of the school; and

''(ii) is used as administrative offices for Clarendon School District 1; and

''(B) the former Scott's Branch High School, an 'equalization school' in Summerton, South Carolina constructed for African-American students in 1951 to provide facilities comparable to those of White students, is now the Community Resource Center owned by Clarendon School District 1.

''(8) Robert Russa Moton High School, the all-Black school in Farmville, Virginia, which was the location of a student-led strike leading to Davis v. County School Board of Prince Edward County—

''(A) has been designated as a National Historic Landmark in recognition of the national significance of the school; and

''(B) is now the Robert Russa Moton Museum, which is administered by the Moton Museum, Inc., and affiliated with Longwood University.

''(9) With respect to the case of Belton v. Gebhart—

''(A) Howard High School in Wilmington, Delaware, an all-Black school to which the plaintiffs in the case were forced to travel—

''(i) has been designated as a National Historic Landmark in recognition of the national significance of the school; and

''(ii) is now the Howard High School of Technology, an active school administered by the New Castle County Vocational-Technical School District;

''(B) the all-White Claymont High School, which denied admission to the plaintiffs, is now the Claymont Community Center administered by the Brandywine Community Resource Council, Inc.; and

''(C) the Hockessin School #107C (Hockessin Colored School)—

''(i) is the all-Black school in Hockessin, Delaware, that 1 of the plaintiffs in the case was required to attend with no public transportation provided; and

''(ii) is now used as a community facility by Friends of Hockessin Colored School #107, Inc.

''(10) John Philip Sousa Junior High School in the District of Columbia, the all-White school that refused to admit plaintiffs in Bolling v. Sharpe—

''(A) has been designated as a National Historic Landmark in recognition of the national significance of the school;

''(B) is now known as the 'John Philip Sousa Middle School'; and

''(C) is owned by the District of Columbia Department of General Services and administered by the District of Columbia Public Schools.''.

(d) PURPOSES.—Section 102(b)(3) of Public Law 102–525 (106 Stat. 3438) is amended—

(1) by inserting '', protection,'' after ''preservation'';

(2) by striking ''the city of Topeka'' and inserting ''Topeka, Kansas, Summerton, South Carolina, Farmville, Virginia, Wilmington, Claymont, and Hockessin, Delaware, and the District of Columbia''; and

(3) by inserting ''and the context of Brown v. Board of Education'' after ''civil rights movement''.

(e) BOUNDARY ADJUSTMENT.—Section 103 of Public Law 102–525 (106 Stat. 3439) is amended by adding at the end the following:

''(c) BOUNDARY ADJUSTMENT.—

''(1) ADDITIONS.—In addition to the land described in subsection (b), the historical park shall include the land and interests in land, as generally depicted on the map entitled 'Brown v. Board of Education National Historical Park Boundary Additions and Affiliated Areas', numbered 462/178,449, and dated February 2022, and more particularly described as—

''(A) the Summerton High School site in Summerton, Clarendon County, South Carolina;

''(B) the former Scott's Branch High School site in Summerton, Clarendon County, South Carolina; and

''(C) approximately 1 acre of land adjacent to Monroe Elementary School in Topeka, Shawnee County, Kansas.

''(2) MAP.—The map described in paragraph (1) shall be on file and available for public inspection in the appropriate offices of the National Park Service.''.

(f) PROPERTY ACQUISITION.—Section 104 of Public Law 102–525 (106 Stat. 3439) is amended—

(1) in the first sentence, by striking ''section 103(b)'' and inserting ''subsections (b) and (c) of section 103'';

(2) in the second sentence, by striking ''States of Kansas'' and inserting ''State of Kansas or South Carolina''; and

(3) in the proviso—

(A) by striking '': *Provided, however*, That the'' and inserting ''. The''; and

(B) by inserting ''or by condemnation of any land or interest in land within the boundaries of the historical park'' after ''without the consent of the owner''.

(g) GENERAL MANAGEMENT PLAN.—Section 105 of Public Law 102–525 (106 Stat. 3439) is amended by striking subsection (c) and inserting the following:

''(c) AMENDMENT TO GENERAL MANAGEMENT PLAN.—The Secretary shall prepare and submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives an amendment to the management plan for the historical park to include the portions of the historical park in Summerton, Clarendon County, South Carolina.''.

(h) AFFILIATED AREAS.—Public Law 102–525 (106 Stat. 3438) is amended—

(1) by redesignating section 106 as section 107; and

(2) by inserting after section 105 the following:

''SEC. 106. ESTABLISHMENT OF THE BROWN V. BOARD OF EDUCATION AFFILIATED AREAS.

''(a) IN GENERAL.—On the date on which the Secretary determines that an appropriate management entity has been identified for the applicable affiliated area, as generally depicted on the map described in section 103(c)(1), the following shall be established as affiliated areas of the National Park System:

''(1) The Robert Russa Moton Museum in Farmville, Virginia.

''(2) The Delaware Brown v. Board of Education Civil Rights Sites, to include—

''(A) the former Howard High School in Wilmington, Delaware;

''(B) Claymont High School in Claymont, Delaware; and

''(C) Hockessin Colored School #107 in Hockessin, Delaware.

''(3) The John Philip Sousa Middle School in the District of Columbia.

''(b) ADMINISTRATION.—Each affiliated area shall be managed in a manner consistent with—

''(1) this title; and

''(2) the laws generally applicable to units of the National Park System.

''(c) MANAGEMENT PLANS.—

''(1) IN GENERAL.—The Secretary, in consultation with the management entity for the applicable affiliated area, shall develop a management plan for each affiliated area.

''(2) REQUIREMENTS.—A management plan under paragraph (1) shall—

''(A) be prepared in consultation and coordination with interested State, county, and local governments, management entities, organizations, and interested members of the public associated with the affiliated area;

''(B) identify, as appropriate, the roles and responsibilities of the National Park Service and the management entity in administering and interpreting the affiliated area in a manner that does not interfere with existing operations and continued use of existing facilities; and

''(C) require the Secretary to coordinate the preparation and implementation of the management plan and interpretation of the affiliated area with the historical park.

''(3) PUBLIC COMMENT.—The Secretary shall—

''(A) hold not less than 1 public meeting in the general proximity of each affiliated area on the proposed management plan, which shall include opportunities for public comment; and

''(B)(i) publish the draft management plan on the internet; and

''(ii) provide an opportunity for public comment on the draft management plan.

''(4) SUBMISSION.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives the management plan for each affiliated area developed under paragraph (1).

''(d) COOPERATIVE AGREEMENTS.—The Secretary may provide technical and financial assistance to, and enter into cooperative agreements with, the management entity for each affiliated area to provide financial assistance for the marketing, marking, interpretation, and preservation of the applicable affiliated area.

''(e) LAND USE.—Nothing in this section affects—

''(1) land use rights of private property owners within or adjacent to an affiliated area, including activities or uses on private land that can be seen or heard within an affiliated area; or

''(2) the authority of management entities to operate and administer the affiliated areas.

''(f) LIMITED ROLE OF THE SECRETARY.—

''(1) IN GENERAL.—Nothing in this section authorizes the Secretary—

''(A) to acquire land in an affiliated area; or

''(B) to assume financial responsibility for the operation, maintenance, or management of an affiliated area.

''(2) OWNERSHIP.—Each affiliated area shall continue to be owned, operated, and managed by the applicable public or private owner of the land in the affiliated area.''.

SA 5019. Mr. SCHUMER (for Mr. PETERS) proposed an amendment to the bill S. 2991, to establish a Department of Homeland Security Center for Countering Human Trafficking, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Countering Human Trafficking Act of 2021''.

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the victim-centered approach must become universally understood, adopted, and practiced;

(2) criminal justice efforts must increase the focus on, and adeptness at, investigating and prosecuting forced labor cases;

(3) corporations must eradicate forced labor from their supply chains;

(4) the Department of Homeland Security must lead by example—

(A) by ensuring that its government supply chain of contracts and procurement are not tainted by forced labor; and

(B) by leveraging all of its authorities against the importation of goods produced with forced labor; and

(5) human trafficking training, awareness, identification, and screening efforts—

(A) are a necessary first step for prevention, protection, and enforcement; and

(B) should be evidence-based to be most effective.

SEC. 3. DEPARTMENT OF HOMELAND SECURITY CENTER FOR COUNTERING HUMAN TRAFFICKING.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary of Homeland Security shall operate, within U.S. Immigration and Customs Enforcement's Homeland Security Investigations, the Center for Countering Human Trafficking (referred to in this Act as ''CCHT'').

(2) PURPOSE.—The purpose of CCHT shall be to serve at the forefront of the Department of Homeland Security's unified global efforts to counter human trafficking through law enforcement operations and victim protection, prevention, and awareness programs.

(3) ADMINISTRATION.—Homeland Security Investigations shall—

(A) maintain a concept of operations that identifies CCHT participants, funding, core functions, and personnel; and

(B) update such concept of operations, as needed, to accommodate its mission and the threats to such mission.

(4) PERSONNEL.—

(A) DIRECTOR.—The Secretary of Homeland Security shall appoint a CCHT Director, who shall—

(i) be a member of the Senior Executive Service; and

(ii) serve as the Department of Homeland Security's representative on human trafficking.

(B) MINIMUM CORE PERSONNEL REQUIREMENTS.—Subject to appropriations, the Secretary of Homeland Security shall ensure that CCHT is staffed with at least 45 employees in order to maintain continuity of effort, subject matter expertise, and necessary support to the Department of Homeland Security, including—

(i) employees who are responsible for the Continued Presence Program and other victim protection duties;

(ii) employees who are responsible for training, including curriculum development, and public awareness and education;

(iii) employees who are responsible for stakeholder engagement, Federal interagency coordination, multilateral partnerships, and policy;

(iv) employees who are responsible for public relations, human resources, evaluation, data analysis and reporting, and information technology;

(v) special agents and criminal analysts necessary to accomplish its mission of combating human trafficking and the importation of goods produced with forced labor; and

(vi) managers.

(b) OPERATIONS UNIT.—The CCHT Director shall operate, within CCHT, an Operations Unit, which shall, at a minimum—

(1) support criminal investigations of human trafficking (including sex trafficking and forced labor)—

(A) by developing, tracking, and coordinating leads; and

(B) by providing subject matter expertise;

(2) augment the enforcement of the prohibition on the importation of goods produced with forced labor through civil and criminal authorities;

(3) coordinate a Department-wide effort to conduct procurement audits and enforcement actions, including suspension and debarment, in order to mitigate the risk of human trafficking throughout Department acquisitions and contracts; and

(4) support all CCHT enforcement efforts with intelligence by conducting lead development, lead validation, case support, strategic analysis, and data analytics.

(c) PROTECTION AND AWARENESS PROGRAMS UNIT.—The CCHT Director shall operate, within CCHT, a Protection and Awareness Programs Unit, which shall—

(1) incorporate a victim-centered approach throughout Department of Homeland Security policies, training, and practices;

(2) operate a comprehensive Continued Presence program;

(3) conduct, review, and assist with Department of Homeland Security human trafficking training, screening, and identification tools and efforts;

(4) operate the Blue Campaign's nationwide public awareness effort and any other awareness efforts needed to encourage victim identification and reporting to law enforcement and to prevent human trafficking; and

(5) coordinate external engagement, including training and events, regarding human trafficking with critical partners, including survivors, nongovernmental organizations, corporations, multilateral entities, law enforcement agencies, and other interested parties.

SEC. 4. SPECIALIZED INITIATIVES.

(a) HUMAN TRAFFICKING INFORMATION MODERNIZATION INITIATIVE.—The CCHT Director, in conjunction with the Science and Technology Directorate Office of Science and Engineering, shall develop a strategy and proposal to modify systems and processes throughout the Department of Homeland Security that are related to CCHT's mission in order to—

(1) decrease the response time to access victim protections;

(2) accelerate lead development;

(3) advance the identification of human trafficking characteristics and trends;

(4) fortify the security and protection of sensitive information;

(5) apply analytics to automate manual processes; and

(6) provide artificial intelligence and machine learning to increase system capabilities and enhance data availability, reliability, comparability, and verifiability.

(b) SUBMISSION OF PLAN.—Upon the completion of the strategy and proposal under subsection (a), the Secretary of Homeland Security shall submit a summary of the strategy and plan for executing the strategy to—

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

(2) the Committee on Homeland Security of the House of Representatives.

SEC. 5. REPORTS.

(a) INFORMATION SHARING TO FACILITATE REPORTS AND ANALYSIS.—Each subagency of the Department of Homeland Security shall share with CCHT—

(1) any information needed by CCHT to develop the strategy and proposal required under section 4(a); and

(2) any additional data analysis to help CCHT better understand the issues surrounding human trafficking.

(b) REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, the CCHT Director shall submit a report to Congress that identifies any legislation that is needed to facilitate the Department of Homeland Security's mission to end human trafficking.

(c) ANNUAL REPORT ON POTENTIAL HUMAN TRAFFICKING VICTIMS.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary of Homeland Security shall submit a report to Congress that includes—

(1) the numbers of screened and identified potential victims of trafficking (as defined in section 103(17) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(17))) at or near the international border between the

United States and Mexico, including a summary of the age ranges of such victims and their countries of origin; and

(2) an update on the Department of Homeland Security's efforts to establish protocols and methods for personnel to report human trafficking, pursuant to the Department of Homeland Security Strategy to Combat Human Trafficking, the Importation of Goods Produced with Forced Labor, and Child Sexual Exploitation, published in January 2020.

SEC. 6. TRANSFER OF OTHER FUNCTIONS RELATED TO HUMAN TRAFFICKING.

(a) BLUE CAMPAIGN.—The functions and resources of the Blue Campaign located within the Office of Partnership and Engagement on the day before the date of the enactment of this Act are hereby transferred to CCHT.

(b) OTHER TRANSFER.—

(1) AUTHORIZATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security may transfer the functions and resources of any component, directorate, or other office of the Department of Homeland Security related to combating human trafficking to the CCHT.

(2) NOTIFICATION.—Not later than 30 days before executing any transfer authorized under paragraph (1), the Secretary of Homeland Security shall notify the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives of such planned transfer.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

In addition to amounts otherwise authorized to be appropriated, there is authorized to be appropriated to the Secretary of Homeland Security to carry out this Act $14,000,000, which shall remain available until expended.

SA 5020. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 7108, to suspend normal trade relations treatment for the Russian Federation and the Republic of Belarus, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Suspending Normal Trade Relations with Russia and Belarus Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The United States is a founding member of the World Trade Organization (WTO) and is committed to ensuring that the WTO remains an effective forum for peaceful economic engagement.

(2) Ukraine is a sovereign nation-state that is entitled to enter into agreements with other sovereign states and to full respect of its territorial integrity.

(3) The United States will be unwavering in its support for a secure, democratic, and sovereign Ukraine, free to choose its own leaders and future.

(4) Ukraine acceded to the Marrakesh Agreement Establishing the World Trade Organization (WTO Agreement) and has been a WTO member since 2008.

(5) Ukraine's participation in the WTO Agreement creates both rights and obligations vis-à-vis other WTO members.

(6) The Russian Federation acceded to the WTO on August 22, 2012, becoming the 156th WTO member, and the Republic of Belarus has applied to accede to the WTO.

(7) From the date of its accession, the Russian Federation committed to apply fully all provisions of the WTO.

(8) The United States Congress authorized permanent normal trade relations for the Russian Federation through the Russia and Moldova Jackson-Vanik Repeal and Sergei Magnitsky Rule of Law Accountability Act of 2012 (Public Law 112–208).

(9) Ukraine communicated to the WTO General Council on March 2, 2022, urging that all WTO members take action against the Russian Federation and ''consider further steps with the view to suspending the Russian Federation's participation in the WTO for its violation of the purpose and principles of this Organization''.

(10) Vladimir Putin, a ruthless dictator, has led the Russian Federation into a war of aggression against Ukraine, which—

(A) denies Ukraine and its people their collective rights to independence, sovereignty, and territorial integrity;

(B) constitutes an emergency in international relations, because it is a situation of armed conflict that threatens the peace and security of all countries, including the United States; and

(C) denies Ukraine its rightful ability to participate in international organizations, including the WTO.

(11) The Republic of Belarus, also led by a ruthless dictator, Aleksander Lukashenka, is providing important material support to the Russian Federation's aggression.

(12) The Russian Federation's exportation of goods in the energy sector is central to its ability to wage its war of aggression on Ukraine.

(13) The United States, along with its allies and partners, has responded to recent aggression by the Russian Federation in Ukraine by imposing sweeping financial sanctions and stringent export controls.

(14) The United States cannot allow the consequences of the Russian Federation's actions to go unaddressed, and must lead fellow countries, in all fora, including the WTO, to impose appropriate consequences for the Russian Federation's aggression.

SEC. 3. SUSPENSION OF NORMAL TRADE RELATIONS WITH THE RUSSIAN FEDERATION AND THE REPUBLIC OF BELARUS.

(a) NONDISCRIMINATORY TARIFF TREATMENT.—Notwithstanding any other provision of law, beginning on the day after the date of the enactment of this Act, the rates of duty set forth in column 2 of the Harmonized Tariff Schedule of the United States shall apply to all products of the Russian Federation and of the Republic of Belarus.

(b) AUTHORITY TO PROCLAIM INCREASED COLUMN 2 RATES.—

(1) IN GENERAL.—The President may proclaim increases in the rates of duty applicable to products of the Russian Federation or the Republic of Belarus, above the rates set forth in column 2 of the Harmonized Tariff Schedule of the United States.

(2) PRIOR CONSULTATION.—The President shall, not later than 5 calendar days before issuing any proclamation under paragraph (1), consult with the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate regarding the basis for and anticipated impact of the proposed increases to rates of duty described in paragraph (1).

(3) TERMINATION.—The authority to issue proclamations under this subsection shall terminate on January 1, 2024.

SEC. 4. RESUMPTION OF APPLICATION OF HTS COLUMN 1 RATES OF DUTY AND RESTORATION OF NORMAL TRADE RELATIONS TREATMENT FOR THE RUSSIAN FEDERATION AND THE REPUBLIC OF BELARUS.

(a) TEMPORARY APPLICATION OF HTS COLUMN 1 RATES OF DUTY.—

(1) IN GENERAL.—Notwithstanding any other provision of law (including the application of column 2 rates of duty under section 3), the President is authorized to temporarily resume, for one or more periods not to exceed 1 year each, the application of the rates of duty set forth in column 1 of the Harmonized Tariff Schedule of the United States to the products of the Russian Federation, the Republic of Belarus, or both, if the President submits to Congress with respect to either or both such countries a certification under subsection (c) for each such period. Such action shall take effect beginning on the date that is 90 calendar days after the date of submission of such certification for such period, unless there is enacted into law during such 90-day period a joint resolution of disapproval.

(2) CONSULTATION AND REPORT.—The President shall, not later than 45 calendar days before submitting a certification under paragraph (1)—

(A) consult with—

(i) the Committee on Ways and Means and the Committee on Foreign Affairs of the House of Representatives; and

(ii) the Committee on Finance and the Committee on Foreign Relations of the Senate; and

(B) submit to all such committees a report that explains the basis for the determination of the President contained in such certification.

(b) RESTORATION OF NORMAL TRADE RELATIONS TREATMENT.—

(1) IN GENERAL.—The President is authorized to resume the application of the rates of duty set forth in column 1 of the Harmonized Tariff Schedule of the United States to the products of the Russian Federation, the Republic of Belarus, or both, if the President submits to Congress with respect to either or both such countries a certification under subsection (c). Such action shall take effect beginning on the date that is 90 calendar days after the date of submission of such certification, unless there is enacted into law during such 90-day period a joint resolution of disapproval.

(2) CONSULTATION AND REPORT.—The President shall, not later than 45 calendar days before submitting a certification under paragraph (1)—

(A) consult with—

(i) the Committee on Ways and Means and the Committee on Foreign Affairs of the House of Representatives; and

(ii) the Committee on Finance and the Committee on Foreign Relations of the Senate; and

(B) submit to all such committees a report that explains the basis for the determination of the President contained in such certification.

(3) PRODUCTS OF THE RUSSIAN FEDERATION.—If the President submits pursuant to paragraph (1) a certification under subsection (c) with respect to the Russian Federation and a joint resolution of disapproval is not enacted during the 90-day period described in that paragraph, the President may grant permanent nondiscriminatory tariff treatment (normal trade relations) to the products of the Russian Federation.

(4) PRODUCTS OF THE REPUBLIC OF BELARUS.—If the President submits pursuant to paragraph (1) a certification under subsection (c) with respect to the Republic of Belarus and a joint resolution of disapproval is not enacted during the 90-day period described in that paragraph, the President may, subject to the provisions of chapter 1 of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), grant nondiscriminatory tariff treatment (normal trade relations) to the products of the Republic of Belarus.

(c) CERTIFICATION.—A certification under this subsection is a certification in writing that—

(1) specifies the action proposed to be taken pursuant to the certification and whether such action is pursuant to subsection (a)(1) or (b)(1) of this section; and

(2) contains a determination of the President that the Russian Federation or the Republic of Belarus (or both)—

(A) has reached an agreement relating to the respective withdrawal of Russian or Belarusian forces (or both, if applicable) and cessation of military hostilities that is accepted by the free and independent government of Ukraine;

(B) poses no immediate military threat of aggression to any North Atlantic Treaty Organization member; and

(C) recognizes the right of the people of Ukraine to independently and freely choose their own government.

(d) JOINT RESOLUTION OF DISAPPROVAL.—

(1) DEFINITION.—For purposes of this section, the term ''joint resolution of disapproval'' means only a joint resolution—

(A) which does not have a preamble;

(B) the title of which is as follows: ''Joint resolution disapproving the President's certification under section 4(c) of the Suspending Normal Trade Relations with Russia and Belarus Act.''; and

(C) the matter after the resolving clause of which is as follows: ''That Congress disapproves the certification of the President under section 4(c) of the Suspending Normal Trade Relations with Russia and Belarus Act, submitted to Congress on _____'', the blank space being filled in with the appropriate date.

(2) INTRODUCTION IN THE HOUSE OF REPRESENTATIVES.—During a period of 5 legislative days beginning on the date that a certification under subsection (c) is submitted to Congress, a joint resolution of disapproval may be introduced in the House of Representatives by the majority leader or the minority leader.

(3) INTRODUCTION IN THE SENATE.—During a period of 5 days on which the Senate is in session beginning on the date that a certification under subsection (c) is submitted to Congress, a joint resolution of disapproval may be introduced in the Senate by the majority leader (or the majority leader's designee) or the minority leader (or the minority leader's designee).

(4) FLOOR CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

(A) REPORTING AND DISCHARGE.—If a committee of the House to which a joint resolution of disapproval has been referred has not reported such joint resolution within 10 legislative days after the date of referral, that committee shall be discharged from further consideration thereof.

(B) PROCEEDING TO CONSIDERATION.—Beginning on the third legislative day after each committee to which a joint resolution of disapproval has been referred reports it to the House or has been discharged from further consideration thereof, it shall be in order to move to proceed to consider the joint resolution in the House. All points of order against the motion are waived. Such a motion shall not be in order after the House has disposed of a motion to proceed on a joint resolution with regard to the same certification. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. The motion shall not be debatable. A motion to reconsider the vote by which the motion is disposed of shall not be in order.

(C) CONSIDERATION.—The joint resolution shall be considered as read. All points of order against the joint resolution and against its consideration are waived. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except two hours of debate equally divided and controlled by the sponsor of the joint resolution (or a designee) and an opponent. A motion to reconsider the vote on passage of the joint resolution shall not be in order.

(5) CONSIDERATION IN THE SENATE.—

(A) COMMITTEE REFERRAL.—A joint resolution of disapproval introduced in the Senate shall be referred to the Committee on Finance.

(B) REPORTING AND DISCHARGE.—If the Committee on Finance has not reported such joint resolution of disapproval within 10 days on which the Senate is in session after the date of referral of such joint resolution, that committee shall be discharged from further consideration of such joint resolution and the joint resolution shall be placed on the appropriate calendar.

(C) MOTION TO PROCEED.—Notwithstanding Rule XXII of the Standing Rules of the Senate, it is in order at any time after the Committee on Finance reports the joint resolution of disapproval to the Senate or has been discharged from its consideration (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) shall be waived. The motion to proceed is not debatable. The motion is not subject to a motion to postpone. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution of disapproval is agreed to, the joint resolution shall remain the unfinished business until disposed of.

(D) DEBATE.—Debate on the joint resolution of disapproval, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between the majority and minority leaders or their designees. A motion to further limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution of disapproval is not in order.

(E) VOTE ON PASSAGE.—The vote on passage shall occur immediately following the conclusion of the debate on the joint resolution of disapproval and a single quorum call at the conclusion of the debate, if requested in accordance with the rules of the Senate.

(F) RULES OF THE CHAIR ON PROCEDURE.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate, as the case may be, to the procedure relating to the joint resolution of disapproval shall be decided without debate.

(G) CONSIDERATION OF VETO MESSAGES.—Debate in the Senate of any veto message with respect to the joint resolution of disapproval, including all debatable motions and appeals in connection with such joint resolution, shall be limited to 10 hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(6) PROCEDURES IN THE SENATE.—Except as otherwise provided in this subsection, the following procedures shall apply in the Senate to a joint resolution of disapproval to which this subsection applies:

(A) Except as provided in subparagraph (B), a joint resolution of disapproval that has passed the House of Representatives shall, when received in the Senate, be referred to the Committee on Finance for consideration in accordance with this subsection.

(B) If a joint resolution of disapproval to which this subsection applies was introduced in the Senate before receipt of a joint resolution of disapproval that has passed the House of Representatives, the joint resolution from the House of Representatives shall, when received in the Senate, be placed on the calendar. If this subparagraph applies, the procedures in the Senate with respect to a joint resolution of disapproval introduced in the Senate that contains the identical matter as the joint resolution of disapproval that passed the House of Representatives shall be the same as if no joint resolution of disapproval had been received from the House of Representatives, except that the vote on passage in the Senate shall be on the joint resolution of disapproval that passed the House of Representatives.

(7) RULES OF THE HOUSE OF REPRESENTATIVES AND SENATE.—This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of legislation described in those sections, and supersede other rules only to the extent that they are inconsistent with such rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 5. COOPERATION AND ACCOUNTABILITY AT THE WORLD TRADE ORGANIZATION.

The United States Trade Representative shall use the voice and influence of the United States at the WTO to—

(1) condemn the recent aggression in Ukraine;

(2) encourage other WTO members to suspend trade concessions to the Russian Federation and the Republic of Belarus;

(3) consider further steps with the view to suspend the Russian Federation's participation in the WTO; and

(4) seek to halt the accession process of the Republic of Belarus at the WTO and cease accession-related work.

SEC. 6. REAUTHORIZATION OF SANCTIONS UNDER THE GLOBAL MAGNITSKY HUMAN RIGHTS ACCOUNTABILITY ACT WITH RESPECT TO HUMAN RIGHTS VIOLATIONS AND CORRUPTION.

(a) IN GENERAL.—Section 1265 of the Global Magnitsky Human Rights Accountability Act (subtitle F of title XII of Public Law 114–328; 22 U.S.C. 2656 note) is repealed.

(b) CLERICAL AMENDMENT.—The table of contents in section 2(b) and in title XII of division A of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328) are each amended by striking the items relating to section 1265.

SA 5021. Mr. CRAPO (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 6968, to prohibit the importation of energy products of the Russian Federation, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be known as the ''Ending Importation of Russian Oil Act''.

SEC. 2. PROHIBITION ON IMPORTATION OF ENERGY PRODUCTS OF THE RUSSIAN FEDERATION.

All products of the Russian Federation classified under chapter 27 of the Harmonized Tariff Schedule of the United States shall be banned from importation into the United States, in a manner consistent with any implementation actions issued under Executive

Order 14066 (87 Fed. Reg. 13625; relating to prohibiting certain imports and new investments with respect to continued Russian Federation efforts to undermine the sovereignty and territorial integrity of Ukraine).

SEC. 3. TERMINATION OF PROHIBITION ON IMPORTATION OF ENERGY PRODUCTS OF THE RUSSIAN FEDERATION.

(a) IN GENERAL.—The President is authorized to terminate the prohibition on importation of energy products of the Russian Federation under section 2 if the President submits to Congress a certification under subsection (c). Such termination shall take effect beginning on the date that is 90 calendar days after the date of submission of such certification, unless there is enacted into law during such 90-day period a joint resolution of disapproval.

(b) CONSULTATION AND REPORT.—The President shall, not later than 45 calendar days before submitting a certification under subsection (a)—

(1) consult with—

(A) the Committee on Ways and Means and the Committee on Foreign Affairs of the House of Representatives; and

(B) the Committee on Finance and the Committee on Foreign Relations of the Senate; and

(2) submit to all such committees a report that explains the basis for the determination of the President contained in such certification.

(c) CERTIFICATION.—A certification under this subsection is a certification in writing that—

(1) indicates that the President proposes to terminate under subsection (a) the prohibition under section 2; and

(2) contains a determination of the President that the Russian Federation—

(A) has reached an agreement to withdraw Russian forces and for the cessation of military hostilities that is accepted by the free and independent government of Ukraine;

(B) poses no immediate military threat of aggression to any North Atlantic Treaty Organization member; and

(C) recognizes the right of the people of Ukraine to independently and freely choose their own government.

(d) JOINT RESOLUTION OF DISAPPROVAL.—

(1) DEFINITION.—For purposes of this section, the term ''joint resolution of disapproval'' means only a joint resolution—

(A) that does not have a preamble;

(B) the title of which is as follows: ''Joint resolution disapproving the President's certification under section 3(c) of the Ending Importation of Russian Oil Act.''; and

(C) the matter after the resolving clause of which is as follows: ''That Congress disapproves the certification of the President under section 3(c) of the Ending Importation of Russian Oil Act, submitted to Congress on _____'', the blank space being filled in with the appropriate date.

(2) INTRODUCTION IN THE HOUSE OF REPRESENTATIVES.—During a period of 5 legislative days beginning on the date that a certification under subsection (c) is submitted to Congress, a joint resolution of disapproval may be introduced in the House of Representatives by the majority leader or the minority leader.

(3) INTRODUCTION IN THE SENATE.—During a period of 5 days on which the Senate is in session beginning on the date that a certification under subsection (c) is submitted to Congress, a joint resolution of disapproval may be introduced in the Senate by the majority leader (or the majority leader's designee) or the minority leader (or the minority leader's designee).

(4) FLOOR CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

(A) REPORTING AND DISCHARGE.—If a committee of the House to which a joint resolution of disapproval has been referred has not reported such joint resolution within 10 legislative days after the date of referral, that committee shall be discharged from further consideration thereof.

(B) PROCEEDING TO CONSIDERATION.—Beginning on the third legislative day after each committee to which a joint resolution of disapproval has been referred reports it to the House or has been discharged from further consideration thereof, it shall be in order to move to proceed to consider the joint resolution in the House. All points of order against the motion are waived. Such a motion shall not be in order after the House has disposed of a motion to proceed on a joint resolution with regard to the same certification. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. The motion shall not be debatable. A motion to reconsider the vote by which the motion is disposed of shall not be in order.

(C) CONSIDERATION.—The joint resolution shall be considered as read. All points of order against the joint resolution and against its consideration are waived. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except two hours of debate equally divided and controlled by the sponsor of the joint resolution (or a designee) and an opponent. A motion to reconsider the vote on passage of the joint resolution shall not be in order.

(5) CONSIDERATION IN THE SENATE.—

(A) COMMITTEE REFERRAL.—A joint resolution of disapproval introduced in the Senate shall be referred to the Committee on Finance.

(B) REPORTING AND DISCHARGE.—If the Committee on Finance has not reported such joint resolution of disapproval within 10 days on which the Senate is in session after the date of referral of such joint resolution, that committee shall be discharged from further consideration of such joint resolution and the joint resolution shall be placed on the appropriate calendar.

(C) MOTION TO PROCEED.—Notwithstanding Rule XXII of the Standing Rules of the Senate, it is in order at any time after the Committee on Finance reports the joint resolution of disapproval to the Senate or has been discharged from its consideration (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) shall be waived. The motion to proceed is not debatable. The motion is not subject to a motion to postpone. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution of disapproval is agreed to, the joint resolution shall remain the unfinished business until disposed of.

(D) DEBATE.—Debate on the joint resolution of disapproval, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between the majority and minority leaders or their designees. A motion to further limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution of disapproval is not in order.

(E) VOTE ON PASSAGE.—The vote on passage shall occur immediately following the conclusion of the debate on the joint resolution of disapproval and a single quorum call at the conclusion of the debate, if requested in accordance with the rules of the Senate.

(F) RULES OF THE CHAIR ON PROCEDURE.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate, as the case may be, to the procedure relating to the joint resolution of disapproval shall be decided without debate.

(G) CONSIDERATION OF VETO MESSAGES.—Debate in the Senate of any veto message with respect to the joint resolution of disapproval, including all debatable motions and appeals in connection with such joint resolution, shall be limited to 10 hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(6) PROCEDURES IN THE SENATE.—Except as otherwise provided in this subsection, the following procedures shall apply in the Senate to a joint resolution of disapproval:

(A) Except as provided in subparagraph (B), a joint resolution of disapproval that has passed the House of Representatives shall, when received in the Senate, be referred to the Committee on Finance for consideration in accordance with this subsection.

(B) If a joint resolution of disapproval was introduced in the Senate before receipt of a joint resolution of disapproval that has passed the House of Representatives, the joint resolution from the House of Representatives shall, when received in the Senate, be placed on the calendar. If this subparagraph applies, the procedures in the Senate with respect to a joint resolution of disapproval introduced in the Senate that contains the identical matter as the joint resolution of disapproval that passed the House of Representatives shall be the same as if no joint resolution of disapproval had been received from the House of Representatives, except that the vote on passage in the Senate shall be on the joint resolution of disapproval that passed the House of Representatives.

(7) RULES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE.—This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution of disapproval, and supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SA 5022. Mr. SCHUMER (for Mr. CORNYN) proposed an amendment to the bill S. 3522, to provide enhanced authority for the President to enter into agreements with the Government of Ukraine to lend or lease defense articles to that Government to protect civilian populations in Ukraine from Russian military invasion, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Ukraine Democracy Defense Lend-Lease Act of 2022''.

SEC. 2. LOAN AND LEASE OF DEFENSE ARTICLES TO THE GOVERNMENTS OF UKRAINE AND EASTERN FLANK COUNTRIES.

(a) AUTHORITY TO LEND OR LEASE DEFENSE ARTICLES TO CERTAIN GOVERNMENTS.—

(1) IN GENERAL.—Subject to paragraph (2), for fiscal years 2022 and 2023, the President

may authorize the United States Government to lend or lease defense articles to the Government of Ukraine or to governments of Eastern European countries impacted by the Russian Federation's invasion of Ukraine to help bolster those countries' defense capabilities and protect their civilian populations from potential invasion or ongoing aggression by the armed forces of the Government of the Russian Federation.

(2) EXCLUSIONS.—For the purposes of the authority described in paragraph (1) as that authority relates to Ukraine, the following provisions of law shall not apply:

(A) Section 503(b)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2311(b)(3)).

(B) Section 61 of the Arms Export Control Act (22 U.S.C. 2796).

(3) CONDITION.—Any loan or lease of defense articles to the Government of Ukraine under paragraph (1) shall be subject to all applicable laws concerning the return of and reimbursement and repayment for defense articles loan or leased to foreign governments.

(4) DELEGATION OF AUTHORITY.—The President may delegate the enhanced authority under this subsection only to an official appointed by the President by and with the advice and consent of the Senate.

(b) PROCEDURES FOR DELIVERY OF DEFENSE ARTICLES.—Not later than 60 days after the date of the enactment of this Act, the President shall establish expedited procedures for the delivery of any defense article loaned or leased to the Government of Ukraine under an agreement entered into under subsection (a) to ensure timely delivery of the article to that Government.

(c) DEFINITION OF DEFENSE ARTICLE.—In this Act, the term ''defense article'' has the meaning given that term in section 47 of the Arms Export Control Act (22 U.S.C. 2794).

AUTHORITY FOR COMMITTEES TO MEET

Ms. STABENOW. Mr. President, I have 13 requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority Leaders.

Pursuant to rule XXVI, paragraph 5(a) of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

The Committee on Banking, Housing, and Urban Affairs is authorized to meet during the session of the Senate on Wednesday, April 6, 2022, at 10 a.m., to conduct a hearing on nominations.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

The Committee on Environment and Public Works is authorized to meet during the session of the Senate on Wednesday, April 6, 2022, at 10 a.m., to conduct a hearing.

COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Wednesday, April 6, 2022, at 2:30 p.m., to conduct a hearing.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Wednesday, April 6, 2022, at 11:15 a.m., to conduct a business meeting.

COMMITTEE ON INDIAN AFFAIRS

The Committee on Indian Affairs is authorized to meet during the session of the Senate on Wednesday, April 6, 2022, at 2:30 p.m., to conduct a business meeting.

COMMITTEE ON RULES AND ADMINISTRATION

The Committee on Rules and Administration is authorized to meet during the session of the Senate on Wednesday, April 6, 2022, at 3:15 p.m., to conduct a hearing on a nomination.

SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Wednesday, April 6, 2022, at 10 a.m., to conduct a hearing on a nomination.

SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Wednesday, April 6, 2022, at 12 p.m., to conduct a closed briefing.

SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Wednesday, April 6, 2022, at 2:30 p.m., to conduct a closed briefing.

SUBCOMMITTEE ON CLEAN AIR, CLIMATE, AND NUCLEAR SAFETY

The Subcommittee on Clean Air, Climate, and Nuclear Safety of the Committee on Environment and Public Works is authorized to meet during the session of the Senate on Wednesday, April 6, 2022, at 2:30 p.m., to conduct a hearing on nominations.

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

The Subcommittee on Emerging Threats and Capabilities of the Committee on Armed Services is authorized to meet during the session of the Senate on Wednesday, April 6, 2022, at 2:30 p.m., to conduct a hearing.

SUBCOMMITTEE ON HOUSING, TRANSPORTATION, AND COMMUNITY DEVELOPMENT

The Subcommittee on Housing, Transportation, and Community Development of the Committee on Banking, Housing, and Urban Affairs is authorized to meet during the session of the Senate on Wednesday, April 6, 2022, at 2:30 p.m., to conduct a hearing.

SUBCOMMITTEE ON PERSONNEL

The Subcommittee on Personnel of the Committee on Armed Services is authorized to meet during the session of the Senate on Wednesday, April 6, 2022, at 10 a.m., to conduct a hearing.

BUSINESS BEFORE THE SENATE

Mr. SCHUMER. Now, Mr. President, in a few moments, I will lock in an agreement on a number of important votes tomorrow.

First and foremost, we have reached an agreement for the Senate to conclude the confirmation process of Judge Ketanji Brown Jackson tomorrow. We will hold a cloture vote tomorrow morning at approximately 11 a.m., and the final vote for her confirmation is on track to take place at around 1:45 tomorrow afternoon, depending on how many Members wish to speak.

It will be a joyous day—joyous for the Senate, joyous for the Supreme Court, joyous for America—but we still have a long way to go. America, tomorrow, will take a giant step to becoming a more perfect nation.

I will have more to say on this historic occasion tomorrow, but, for now, I wish to thank my Senate colleagues for working together to advance and finalize this historic nomination to the Supreme Court.

Second, I will also lock in an agreement to hold a series of votes on PNTR and the oil ban tomorrow.

After many rounds of negotiations with Republicans, we have reached an important and crucial breakthrough. This agreement clears the path to finally approve legislation that will strip Russia of permanent normal trade relations with the United States. It will also allow the Senate to take separate action on an oil ban proposal as we originally sought. These proposals both have the support of the White House, and it is a big, big deal that we are finally getting them done. I wish this could have happened sooner, but after weeks of talks with the other side, it is important that we have found a path forward to getting PNTR done on a bipartisan basis.

I want to sincerely thank Senator CRAPO, who worked in good faith with us, together, and we wouldn't have reached an outcome—this outcome—without his diligence and good faith.

SUSPENDING NORMAL TRADE RELATIONS WITH RUSSIA AND BELARUS ACT

Mr. SCHUMER. Mr. President, Putin absolutely must be held accountable for the detestable, detestable, despicable war crimes he is committing against Ukraine. The images we have seen coming out of that country, especially out of the town of Bucha, are just pure evil—it reminds us of the worst moments in human history—caused by the evil man, Putin: hundreds of civilians murdered in cold blood—men, women, children, the elderly, the defenseless; people with hands tied behind their backs and left dead on the streets; civilians shot in the back of the head—all for one reason: They are Ukrainians. It is one despicable reason.

This is genocide when you murder, wantonly, innocent civilians because of who they are. Whether it be their religion, their race, or their nationality, that is genocide, and Mr. Putin is guilty of it.

Formally revoking normal trade relations with Russia is precisely the right thing for the Senate to do because it will land another huge blow to Putin's economy. It is a key part of

any strategy for holding Putin accountable for his savage attacks on innocent civilians.

Again, I thank all of my colleagues for their good work and look forward to passing PNTR in the Senate tomorrow morning.

ORDER OF PROCEDURE

Mr. SCHUMER. Mr. President, I ask unanimous consent that notwithstanding rule XXII, at 10 a.m. tomorrow, April 7, the Senate resume legislative session and proceed to the en bloc consideration of H.R. 6968, the Russian oil ban, and H.R. 7108, the Russia PNTR, both of which are at the desk; that amendment No. 5021 to H.R. 6968 be considered and agreed to; that amendment No. 5020 to H.R. 7108 be considered and agreed to; and that those be the only amendments in order to either bill; that the bills, as amended, be considered read a third time en bloc; that the Senate vote on the passage of H.R. 7108, as amended, and H.R. 6968, as amended; and that with respect to both bills, the motions to reconsider be considered made and laid upon the table without further intervening action or debate; further, that upon the disposition of H.R. 6968, the Senate resume executive session and vote on the motion to invoke cloture on Executive Calendar No. 860, the nomination of Ketanji Brown Jackson. Finally, I ask unanimous consent that the mandatory quorum call for the cloture motion with respect to the Jackson nomination be waived; that if any nominations are confirmed during Thursday's session of the Senate, the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Is there objection?

The Senator from Idaho.

Mr. CRAPO. Mr. President, I rise in strong support for Senator SCHUMER's request for unanimous consent for the Senate to proceed to the en bloc consideration of H.R. 6968, the Russian oil ban, and H.R. 7108, the Russian permanent normal trade relations legislation.

I want to thank Senators SCHUMER, WYDEN, WICKER, PAUL, CARDIN, MURKOWSKI, MANCHIN, LANKFORD, RISCH, MENENDEZ, CORNYN, and SULLIVAN. It is a long list of Senators who worked hard on this legislation to get us to this point. They exemplify how you can be both principled and reasonable.

I want to especially again thank Senator SCHUMER. We did work carefully and long together. We spent tireless days working to try to make sure that this worked out. We, I think, both acknowledge that we respect the good faith that each of us has shown in moving this forward and getting it to this point.

Thanks to the efforts of all of these Senators, the Senate is in a position to pass these important bills. Importantly, their efforts in this Chamber reflect the best of what Ukraine desperately seeks to preserve and that which Vladimir Putin is determined to destroy: freedom and representative government.

That is why the legislation at issue is so important. It strikes directly at Putin and cuts off the lifeblood for his war machine and his autocracy by banning U.S. imports of Russian energy products, including petroleum, natural gas, and coal. It places Russia and Belarus in the same pariah status as North Korea and Cuba for trade.

The congressional action, including the certification criteria in the bills, is critical because it signifies a standing commitment to the Ukrainian people and to our NATO allies that is more durable than Putin's machinations in Ukraine. This legislation will inspire our allies to take similar actions against Russia.

As President Zelenskyy told us when he asked for the ban, ''[It] can be called an embargo [or it can be] just morality.''

Because this legislation is so critical to the support of Ukraine, we must act in unison on these bills and call on Speaker PELOSI to promptly vote on this legislation in the House, where it will also receive a resounding vote in favor.

Therefore, I strongly second Senator SCHUMER's request and also ask that the Senate agree to it.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SCHUMER. I thank my friend, the Senator from Idaho.

UKRAINE DEMOCRACY DEFENSE LEND-LEASE ACT OF 2022

Mr. SCHUMER. Mr. President, as we move on, I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration of S. 3522 and that the Senate proceed to its immediate consideration.

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

The senior assistant legislative clerk read as follows:

A bill (S. 3522) to provide enhanced authority for the President to enter into agreements with the Government of Ukraine to lend or lease defense articles to that Government to protect civilian populations in Ukraine from Russian military invasion, and for other purposes.

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

Mr. SCHUMER. I ask unanimous consent that the Cornyn substitute amendment at the desk be considered and agreed to and that the bill, as amended, be considered read a third time.

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

The amendment (No. 5022) in the nature of a substitute was agreed to, as follows:

(Purpose: In the nature of substitue)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Ukraine Democracy Defense Lend-Lease Act of 2022''.

SEC. 2. LOAN AND LEASE OF DEFENSE ARTICLES TO THE GOVERNMENTS OF UKRAINE AND EASTERN FLANK COUNTRIES.

(a) AUTHORITY TO LEND OR LEASE DEFENSE ARTICLES TO CERTAIN GOVERNMENTS.—

(1) IN GENERAL.—Subject to paragraph (2), for fiscal years 2022 and 2023, the President may authorize the United States Government to lend or lease defense articles to the Government of Ukraine or to governments of Eastern European countries impacted by the Russian Federation's invasion of Ukraine to help bolster those countries' defense capabilities and protect their civilian populations from potential invasion or ongoing aggression by the armed forces of the Government of the Russian Federation.

(2) EXCLUSIONS.—For the purposes of the authority described in paragraph (1) as that authority relates to Ukraine, the following provisions of law shall not apply:

(A) Section 503(b)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2311(b)(3)).

(B) Section 61 of the Arms Export Control Act (22 U.S.C. 2796).

(3) CONDITION.—Any loan or lease of defense articles to the Government of Ukraine under paragraph (1) shall be subject to all applicable laws concerning the return of and reimbursement and repayment for defense articles loan or leased to foreign governments.

(4) DELEGATION OF AUTHORITY.—The President may delegate the enhanced authority under this subsection only to an official appointed by the President by and with the advice and consent of the Senate.

(b) PROCEDURES FOR DELIVERY OF DEFENSE ARTICLES.—Not later than 60 days after the date of the enactment of this Act, the President shall establish expedited procedures for the delivery of any defense article loaned or leased to the Government of Ukraine under an agreement entered into under subsection (a) to ensure timely delivery of the article to that Government.

(c) DEFINITION OF DEFENSE ARTICLE.—In this Act, the term ''defense article'' has the meaning given that term in section 47 of the Arms Export Control Act (22 U.S.C. 2794).

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. SCHUMER. I know of no further debate on the bill.

The PRESIDING OFFICER. If there is no further debate and the bill having been read the third time, the question is, Shall the bill pass?

The bill (S. 3522), as amended, was passed.

Mr. SCHUMER. I ask unanimous consent that the motion to reconsider be considered made and laid upon the table.

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

MEASURE PLACED ON THE CALENDAR—S. 4008

Mr. SCHUMER. Mr. President, I understand there is a bill at the desk that is due for a second reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the second time.

The senior assistant legislative clerk read as follows:

A bill (S. 4008) to provide COVID relief for restaurants, gyms, minor league sports teams, border businesses, live venue service providers, exclave businesses, and providers of transportation services.

Mr. SCHUMER. In order to place the bill on the calendar under the provisions of rule XIV, I would object to further proceeding.

The PRESIDING OFFICER. Objection having been heard, the bill will be placed on the calendar.

MEASURE READ THE FIRST TIME—S. 4022

Mr. SCHUMER. Mr. President, I understand there is a bill at the desk and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The senior assistant legislative clerk read as follows:

A bill (S. 4022) to codify in statute the CDC title 42 expulsion order, which suspends the right for certain aliens to enter the United States land borders, until February 1, 2025.

Mr. SCHUMER. I now ask for a second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will receive its second reading on the next legislative day.

BROWN V. BOARD OF EDUCATION NATIONAL HISTORIC SITE EXPANSION ACT

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 295, S. 270.

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

The senior assistant legislative clerk read as follows:

A bill (S. 270) to amend the Act entitled ''Act to provide for the establishment of the Brown v. Board of Education National Historic Site in the State of Kansas, and for other purposes'' to provide for inclusion of additional related sites in the National Park System, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Energy and Natural Resources, with an amendment, as follows:

(The part of the bill intended to be inserted is printed in italic.)

S. 270

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Brown v. Board of Education National Historic Site Expansion Act''.

SEC. 2. EXPANSION OF THE BROWN V. BOARD OF EDUCATION NATIONAL HISTORIC SITE.

In order to honor the civil rights stories of struggle, perseverance, and activism in the pursuit of education equity, the Act entitled ''Act to provide for the establishment of the Brown v. Board of Education National Historic Site in the State of Kansas, and for other purposes'' approved October 26, 1992 (Public Law 102–525; 106 Stat. 3438 et seq.), is amended as follows:

(1) In section 101, by adding at the end the following new paragraph:

''(3) The terms 'affiliated area' and 'affiliated areas' mean one or more of the locations associated with the four court cases included in Brown v. Board of Education of Topeka described in section 102(a)(8), (9), and (10).''.

(2) In section 102(a)—

(A) by redesignating paragraphs (3) and (4) as paragraphs (5) and (6), respectively;

(B) by inserting after paragraph (2), the following:

''(3) The Brown case was joined by four other cases related to school segregation pending before the Supreme Court (Briggs v. Elliott, filed in South Carolina; Davis v. County School Board of Prince Edward County, Spottswood Thomas Bolling, et al., Petitioners, v. C. Melvin Sharpe, President of the District of Columbia Board of Education, et al., filed in Virginia; Gebhart v. Belton, filed in Delaware; and Bolling v. Sharpe, filed in the District of Columbia) and consolidated into one case named Brown v. Board of Education of Topeka.

''(4) A 1999 historic resources study examined the five cases included in Brown v. Board of Education of Topeka and found each to be nationally significant and to contribute unique stories to the case for educational equity.''; and

(C) by inserting after paragraph (6) (as so redesignated by this section), the following:

''(7) Summerton High School in South Carolina, the all-White school that refused to admit the plaintiffs in Briggs v. Elliott, has been listed on the National Register of Historic Places in recognition of its national significance and is used as administrative offices for Clarendon School District 1. Other sites include former Scott's Branch High School, an 'equalization school' constructed for African-American students in 1951 to provide facilities comparable to those of White students and that is now the Community Resource Center owned by Clarendon School District 1.

''(8) Robert Russa Moton School, the all-Black school in Farmville, Virginia, which was the location of a student-led strike leading to Davis v. County School Board of Prince Edward County, Spottswood Thomas Bolling, et al., Petitioners, v. C. Melvin Sharpe, President of the District of Columbia Board of Education, et al., has been designated a National Historic Landmark in recognition of its national significance. The school, now the Robert Russa Moton Museum, is governed by the Moton Museum, Inc., and affiliated with Longwood University.

''(9) Howard High School in Wilmington, Delaware, an all-Black school to which plaintiffs in Belton v. Gebhart were forced to travel, has been designated a National Historic Landmark in recognition of its national significance. Now the Howard High School of Technology, it is an active school administered by the New Castle County Vocational-Technical School District. The all-White Claymont High School, which denied plaintiffs admission, is now the Claymont Community Center administered by the Brandywine Community Resource Council, Inc. The Hockessin School #107C (Hockessin Colored School) is the all-Black school in Hockessin, Delaware that one of the plaintiffs in Belton v. Gebhart was required to attend with no public transportation provided. The former Hockessin School building is utilized by Friends of Hockessin Colored School #107, Inc. as a community facility.

''(10) John Philip Sousa Junior High School in the District of Columbia, the all-White school that refused to admit plaintiffs in Bolling v. Sharpe, has been designated a National Historic Landmark in recognition of its national significance. John Philip Sousa Junior High School, now John Philip Sousa Middle School, is owned by the District of Columbia Department of General Services and administered by the District of Columbia Public Schools.''.

(3) In section 102(b)(3)—

(A) by inserting '', protection,'' after ''preservation'';

(B) by inserting '', Kansas; Summerton, South Carolina; Farmville, Virginia; Wilmington and Hockessin, Delaware; and the District of Columbia'' after ''Topeka''; and

(C) by inserting ''and the context of Brown v. Board of Education'' after ''civil rights movement''.

(4) In section 103, by inserting after subsection (b) the following:

''(c) BOUNDARY ADJUSTMENT.—

''(1) IN GENERAL.—In addition to land described in subsection (b), the historic site shall consist of land and interests in land identified as Summerton High School and Scott's Branch High School located in Clarendon County, South Carolina, after such land, or interests in land, is acquired by the Secretary and the determination is made under paragraph (2).

''(2) DETERMINATION BY SECRETARY.—The historic site shall not be expanded until the date on which the Secretary determines that a sufficient quantity of land, or interests in land, has been acquired to constitute a manageable park unit.

''(3) NOTICE.—Not later than 30 days after the date on which the Secretary makes a determination under paragraph (2), the Secretary shall publish in the Federal Register notice of the expansion of the historic site.

''(4) MAP.—After the determination in subsection (2), the Secretary shall publish a new map of the historic site to include land or interests in land acquired under this subsection.''.

(5) In section 104—

(A) by striking ''section 103(b)'' and inserting ''subsections (b) and (c) of section 103'';

(B) by striking '': *Provided, however,* That the'' and inserting ''. The''; and

(C) by adding before the final period the following: ''nor by condemnation of any land or interest in land within the boundaries of the historic site''.

(6) In section 105(c), by inserting before the final period the following: ''in Topeka, Kansas. After the boundary adjustment under section 103(c), the Secretary shall prepare and submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a general management plan for the historic site locations in Clarendon County, South Carolina''.

(7) By inserting after section 105, the following:

''SEC. 106. ESTABLISHMENT OF THE BROWN V. BOARD OF EDUCATION AFFILIATED AREAS.

''(a) IN GENERAL.—The locations associated with the three court cases included in Brown v. Board of Education of Topeka described in sections 102(a)(8), (9), and (10) are established as affiliated areas of the National Park System.

''(b) ADMINISTRATION.—The affiliated areas shall be managed in accordance with—

''(1) this section; and

''(2) any law generally applicable to units of the National Park System.

''(c) GENERAL MANAGEMENT PLAN.—

''(1) IN GENERAL.—Not later than two years after the date of the enactment of this Act,

the Secretary, in consultation with the management entity of each affiliated area, shall develop a general management plan for each of the affiliated areas in accordance with section 100502 of title 54, United States Code. The general management plan shall—

''(A) be prepared in consultation and coordination with the interested State, county, and local governments, management entities, organizations, and interested members of the public associated with the affiliated area;

''(B) identify, as appropriate, the roles and responsibilities of the National Park Service and management entity in administering and interpreting the affiliated area in such a manner that it does not interfere with existing operations and continued use of existing facilities; and

''(C) require the Secretary to coordinate the preparation and implementation of the management plan and interpretation of the affiliated area with the Brown v. Board of Education National Historic Site.

''(2) PUBLIC COMMENT.—The Secretary shall—

''(A) hold not less than one public meeting in the general proximity of each affiliated area on the proposed general management plan, including opportunities for public comment; and

''(B) publish the draft general management plan on the internet and provide an opportunity for public comment.

''(3) TRANSMITTAL.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall transmit the general management plan for each affiliated area developed under subparagraph (1) to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

''(d) MANAGEMENT ENTITY.—The organizations described in paragraphs (8), (9), and (10) of section 102(a) shall be the management entity for its respective affiliated area.

''(e) COOPERATIVE AGREEMENTS.—The Secretary may provide technical assistance and grants and enter into cooperative agreements with the management entity for each affiliated area to provide financial assistance for the marketing, marking, interpretation, and preservation of the respective affiliated area.

''(f) LAND USE.—Nothing in this section affects land use rights of private property owners within or adjacent to the affiliated areas, including activities or uses on private land that can be seen or heard within the affiliated areas and the authorities for management entities to operate and administer the affiliated areas.

''(g) LIMITED ROLE OF THE SECRETARY.—Nothing in this section authorizes the Secretary to acquire property in an affiliated area or to assume overall financial responsibility for the operation, maintenance, or management of an affiliated area. Each affiliated area shall continue to be owned, operated, and managed by its respective public and private owners.''.

(8) By redesignating section 106 as section 107.

(9) In section 107 (as so redesignated by this subsection), by inserting before the period the following: ''at the historic site, and there is authorized to be appropriated such sums as are necessary to carry out sections 103(c) and 106''.

SEC. 3. REDESIGNATION OF THE BROWN V. BOARD OF EDUCATION NATIONAL HISTORICAL PARK.

(a) IN GENERAL.—The Brown v. Board of Education National Historic Site established by section 103(a) of Public Law 102–525 (54 U.S.C. 320101 note; 106 Stat. 3439) shall be known and designated as the ''Brown v. Board of Education National Historical Park''.

(b) REFERENCES.—Any reference in any law, regulation, document, record, map, or other paper of the United States to the Brown v. Board of Education National Historic Site shall be considered to be a reference to the ''Brown v. Board of Education National Historical Park''.

Mr. SCHUMER. I ask unanimous consent that the committee-reported amendment be withdrawn; the Coons amendment at the desk be considered and agreed to; and the bill, as amended, be considered read a third time.

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

The committee-reported amendment was withdrawn.

The amendment (No. 5018) in the nature of a substitute was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The bill, as amended, was ordered to be engrossed for a third reading and was read the third time.

Mr. SCHUMER. I know of no further debate on the bill.

The PRESIDING OFFICER. If there is no further debate, the bill having been read the third time, the question is, Shall the bill pass?

The bill (S. 270), as amended, was passed.

Mr. SCHUMER. I ask unanimous consent that the motion to reconsider be considered made and laid upon the table.

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

MODERNIZING ACCESS TO OUR PUBLIC LAND ACT

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3113, which was received from the House.

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

The assistant legislative clerk read as follows:

A bill (H.R. 3113) to require the Secretary of the Interior, the Secretary of Agriculture, and the Assistant Secretary of the Army for Civil Works to digitize and make publicly available geographic information system mapping data relating to public access to Federal land and waters for outdoor recreation, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

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

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

The bill (H.R. 3113) was ordered to a third reading, was read the third time, and passed.

WILLIAM T. COLEMAN, JR., DEPARTMENT OF TRANSPORTATION HEADQUARTERS ACT

Mr. SCHUMER. Mr. President, I ask that the Chair lay before the Senate the message to accompany S. 400.

The PRESIDING OFFICER. The Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 400) entitled ''An Act to designate the headquarters building of the Department of Transportation located at 1200 New Jersey Avenue, SE, in Washington, DC, as the 'William T. Coleman, Jr., Federal Building'''', do pass with an amendment.

MOTION TO CONCUR

Mr. SCHUMER. Mr. President, I move to concur in the House amendment, and I ask unanimous consent that the motion be agreed to and the motion to reconsider be considered made and laid upon the table.

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

COUNTERING HUMAN TRAFFICKING ACT OF 2021

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 272, S. 2991.

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

The senior assistant legislative clerk read as follows:

A bill (S. 2991) to establish a Department of Homeland Security Center for Countering Human Trafficking, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Countering Human Trafficking Act of 2021''.

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the victim-centered approach must become universally understood, adopted, and practiced;

(2) criminal justice efforts must increase the focus on, and adeptness at, investigating and prosecuting forced labor cases;

(3) corporations must eradicate forced labor from their supply chains;

(4) the Department of Homeland Security must lead by example—

(A) by ensuring that its government supply chain of contracts and procurement are not tainted by forced labor; and

(B) by leveraging all of its authorities against the importation of goods produced with forced labor; and

(5) human trafficking training, awareness, identification, and screening efforts—

(A) are a necessary first step for prevention, protection, and enforcement; and

(B) should be evidence-based to be most effective.

SEC. 3. DEPARTMENT OF HOMELAND SECURITY CENTER FOR COUNTERING HUMAN TRAFFICKING.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary of Homeland Security shall operate, within U.S. Immigration and Customs Enforcement's Homeland Security Investigations, the Center for Countering Human Trafficking (referred to in this Act as ''CCHT'').

(2) PURPOSE.—The purpose of CCHT shall be to serve at the forefront of the Department of Homeland Security's unified global efforts to counter human trafficking through law enforcement operations and victim protection, prevention, and awareness programs.

(3) ADMINISTRATION.—Homeland Security Investigations shall—

(A) maintain a concept of operations that identifies CCHT participants, funding, core functions, and personnel; and

(B) update such concept of operations, as needed, to accommodate its mission and the threats to such mission.

(4) PERSONNEL.—

(A) DIRECTOR.—The Secretary of Homeland Security shall appoint a CCHT Director, who shall—

(i) be a member of the Senior Executive Service; and

(ii) serve as the Department of Homeland Security's representative on human trafficking.

(B) MINIMUM CORE PERSONNEL REQUIREMENTS.—Subject to appropriations, the Secretary of Homeland Security shall ensure that CCHT is staffed with at least 45 employees in order to maintain continuity of effort, subject matter expertise, and necessary support to the Department of Homeland Security, including—

(i) employees who are responsible for the Continued Presence Program and other victim protection duties;

(ii) employees who are responsible for training, including curriculum development, and public awareness and education;

(iii) employees who are responsible for stakeholder engagement, Federal interagency coordination, multilateral partnerships, and policy;

(iv) employees who are responsible for public relations, human resources, evaluation, data analysis and reporting, and information technology;

(v) special agents and criminal analysts necessary to accomplish its mission of combating human trafficking and the importation of goods produced with forced labor; and

(vi) managers.

(b) OPERATIONS UNIT.—The CCHT Director shall operate, within CCHT, an Operations Unit, which shall, at a minimum—

(1) support criminal investigations of human trafficking (including sex trafficking and forced labor)—

(A) by developing, tracking, and coordinating leads; and

(B) by providing subject matter expertise;

(2) augment the enforcement of the prohibition on the importation of goods produced with forced labor through civil and criminal authorities;

(3) coordinate a Department-wide effort to conduct procurement audits and enforcement actions, including suspension and debarment, in order to mitigate the risk of human trafficking throughout Department acquisitions and contracts; and

(4) support all CCHT enforcement efforts with intelligence by conducting lead development, lead validation, case support, strategic analysis, and data analytics.

(c) PROTECTION AND AWARENESS PROGRAMS UNIT.—The CCHT Director shall operate, within CCHT, a Protection and Awareness Programs Unit, which shall—

(1) incorporate a victim-centered approach throughout Department of Homeland Security policies, training, and practices;

(2) operate a comprehensive Continued Presence program;

(3) conduct, review, and assist with Department of Homeland Security human trafficking training, screening, and identification tools and efforts;

(4) operate the Blue Campaign's nationwide public awareness effort and any other awareness efforts needed to encourage victim identification and reporting to law enforcement and to prevent human trafficking; and

(5) coordinate external engagement, including training and events, regarding human trafficking with critical partners, including survivors, nongovernmental organizations, corporations, multilateral entities, law enforcement agencies, and other interested parties.

SEC. 4. SPECIALIZED INITIATIVES.

(a) HUMAN TRAFFICKING INFORMATION MODERNIZATION INITIATIVE.—The CCHT Director, in conjunction with the Science and Technology Directorate Office of Science and Engineering, shall develop a strategy and proposal to modify systems and processes throughout the Department of Homeland Security that are related to CCHT's mission in order to—

(1) decrease the response time to access victim protections;

(2) accelerate lead development;

(3) advance the identification of human trafficking characteristics and trends;

(4) fortify the security and protection of sensitive information;

(5) apply analytics to automate manual processes; and

(6) provide artificial intelligence and machine learning to increase system capabilities and enhance data availability, reliability, comparability, and verifiability.

(b) SUBMISSION OF PLAN.—Upon the completion of the strategy and proposal under subsection (a), the Secretary of Homeland Security shall submit a summary of the strategy and plan for executing the strategy to—

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

(2) the Committee on Homeland Security of the House of Representatives.

SEC. 5. REPORTS.

(a) INFORMATION SHARING TO FACILITATE REPORTS AND ANALYSIS.—Each subagency of the Department of Homeland Security shall share with CCHT—

(1) any information needed by CCHT to develop the strategy and proposal required under section 4(a); and

(2) any additional data analysis to help CCHT better understand the issues surrounding human trafficking.

(b) REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, the CCHT Director shall submit a report to Congress that identifies any legislation that is needed to facilitate the Department of Homeland Security's mission to end human trafficking.

SEC. 6. TRANSFER OF OTHER FUNCTIONS RELATED TO HUMAN TRAFFICKING.

(a) BLUE CAMPAIGN.—The functions and resources of the Blue Campaign located within the Office of Partnership and Engagement on the day before the date of the enactment of this Act are hereby transferred to CCHT.

(b) OTHER TRANSFER.—

(1) AUTHORIZATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security may transfer the functions and resources of any component, directorate, or other office of the Department of Homeland Security related to combating human trafficking to the CCHT.

(2) NOTIFICATION.—Not later than 30 days before executing any transfer authorized under paragraph (1), the Secretary of Homeland Security shall notify the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives of such planned transfer.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

In addition to amounts otherwise authorized to be appropriated, there is authorized to be appropriated to the Secretary of Homeland Security to carry out this Act $14,000,000, which shall remain available until expended.

Mr. SCHUMER. I ask unanimous consent that the committee-reported substitute amendment be withdrawn; that the Peters substitute amendment, which is at the desk, be agreed to; that the bill, as amended, be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table.

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

The committee-reported amendment in the nature of a substitute was withdrawn.

The amendment (No. 5019) in the nature of a substitute was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Countering Human Trafficking Act of 2021''.

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the victim-centered approach must become universally understood, adopted, and practiced;

(2) criminal justice efforts must increase the focus on, and adeptness at, investigating and prosecuting forced labor cases;

(3) corporations must eradicate forced labor from their supply chains;

(4) the Department of Homeland Security must lead by example—

(A) by ensuring that its government supply chain of contracts and procurement are not tainted by forced labor; and

(B) by leveraging all of its authorities against the importation of goods produced with forced labor; and

(5) human trafficking training, awareness, identification, and screening efforts—

(A) are a necessary first step for prevention, protection, and enforcement; and

(B) should be evidence-based to be most effective.

SEC. 3. DEPARTMENT OF HOMELAND SECURITY CENTER FOR COUNTERING HUMAN TRAFFICKING.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary of Homeland Security shall operate, within U.S. Immigration and Customs Enforcement's Homeland Security Investigations, the Center for Countering Human Trafficking (referred to in this Act as ''CCHT'').

(2) PURPOSE.—The purpose of CCHT shall be to serve at the forefront of the Department of Homeland Security's unified global efforts to counter human trafficking through law enforcement operations and victim protection, prevention, and awareness programs.

(3) ADMINISTRATION.—Homeland Security Investigations shall—

(A) maintain a concept of operations that identifies CCHT participants, funding, core functions, and personnel; and

(B) update such concept of operations, as needed, to accommodate its mission and the threats to such mission.

(4) PERSONNEL.—

(A) DIRECTOR.—The Secretary of Homeland Security shall appoint a CCHT Director, who shall—

(i) be a member of the Senior Executive Service; and

(ii) serve as the Department of Homeland Security's representative on human trafficking.

(B) MINIMUM CORE PERSONNEL REQUIREMENTS.—Subject to appropriations, the Secretary of Homeland Security shall ensure that CCHT is staffed with at least 45 employees in order to maintain continuity of effort, subject matter expertise, and necessary support to the Department of Homeland Security, including—

(i) employees who are responsible for the Continued Presence Program and other victim protection duties;

(ii) employees who are responsible for training, including curriculum development, and public awareness and education;

(iii) employees who are responsible for stakeholder engagement, Federal interagency coordination, multilateral partnerships, and policy;

(iv) employees who are responsible for public relations, human resources, evaluation, data analysis and reporting, and information technology;

(v) special agents and criminal analysts necessary to accomplish its mission of combating human trafficking and the importation of goods produced with forced labor; and

(vi) managers.

(b) OPERATIONS UNIT.—The CCHT Director shall operate, within CCHT, an Operations Unit, which shall, at a minimum—

(1) support criminal investigations of human trafficking (including sex trafficking and forced labor)—

(A) by developing, tracking, and coordinating leads; and

(B) by providing subject matter expertise;

(2) augment the enforcement of the prohibition on the importation of goods produced with forced labor through civil and criminal authorities;

(3) coordinate a Department-wide effort to conduct procurement audits and enforcement actions, including suspension and debarment, in order to mitigate the risk of human trafficking throughout Department acquisitions and contracts; and

(4) support all CCHT enforcement efforts with intelligence by conducting lead development, lead validation, case support, strategic analysis, and data analytics.

(c) PROTECTION AND AWARENESS PROGRAMS UNIT.—The CCHT Director shall operate, within CCHT, a Protection and Awareness Programs Unit, which shall—

(1) incorporate a victim-centered approach throughout Department of Homeland Security policies, training, and practices;

(2) operate a comprehensive Continued Presence program;

(3) conduct, review, and assist with Department of Homeland Security human trafficking training, screening, and identification tools and efforts;

(4) operate the Blue Campaign's nationwide public awareness effort and any other awareness efforts needed to encourage victim identification and reporting to law enforcement and to prevent human trafficking; and

(5) coordinate external engagement, including training and events, regarding human trafficking with critical partners, including survivors, nongovernmental organizations, corporations, multilateral entities, law enforcement agencies, and other interested parties.

SEC. 4. SPECIALIZED INITIATIVES.

(a) HUMAN TRAFFICKING INFORMATION MODERNIZATION INITIATIVE.—The CCHT Director, in conjunction with the Science and Technology Directorate Office of Science and Engineering, shall develop a strategy and proposal to modify systems and processes throughout the Department of Homeland Security that are related to CCHT's mission in order to—

(1) decrease the response time to access victim protections;

(2) accelerate lead development;

(3) advance the identification of human trafficking characteristics and trends;

(4) fortify the security and protection of sensitive information;

(5) apply analytics to automate manual processes; and

(6) provide artificial intelligence and machine learning to increase system capabilities and enhance data availability, reliability, comparability, and verifiability.

(b) SUBMISSION OF PLAN.—Upon the completion of the strategy and proposal under subsection (a), the Secretary of Homeland Security shall submit a summary of the strategy and plan for executing the strategy to—

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

(2) the Committee on Homeland Security of the House of Representatives.

SEC. 5. REPORTS.

(a) INFORMATION SHARING TO FACILITATE REPORTS AND ANALYSIS.—Each subagency of the Department of Homeland Security shall share with CCHT—

(1) any information needed by CCHT to develop the strategy and proposal required under section 4(a); and

(2) any additional data analysis to help CCHT better understand the issues surrounding human trafficking.

(b) REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, the CCHT Director shall submit a report to Congress that identifies any legislation that is needed to facilitate the Department of Homeland Security's mission to end human trafficking.

(c) ANNUAL REPORT ON POTENTIAL HUMAN TRAFFICKING VICTIMS.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary of Homeland Security shall submit a report to Congress that includes—

(1) the numbers of screened and identified potential victims of trafficking (as defined in section 103(17) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(17))) at or near the international border between the United States and Mexico, including a summary of the age ranges of such victims and their countries of origin; and

(2) an update on the Department of Homeland Security's efforts to establish protocols and methods for personnel to report human trafficking, pursuant to the Department of Homeland Security Strategy to Combat Human Trafficking, the Importation of Goods Produced with Forced Labor, and Child Sexual Exploitation, published in January 2020.

SEC. 6. TRANSFER OF OTHER FUNCTIONS RELATED TO HUMAN TRAFFICKING.

(a) BLUE CAMPAIGN.—The functions and resources of the Blue Campaign located within the Office of Partnership and Engagement on the day before the date of the enactment of this Act are hereby transferred to CCHT.

(b) OTHER TRANSFER.—

(1) AUTHORIZATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security may transfer the functions and resources of any component, directorate, or other office of the Department of Homeland Security related to combating human trafficking to the CCHT.

(2) NOTIFICATION.—Not later than 30 days before executing any transfer authorized under paragraph (1), the Secretary of Homeland Security shall notify the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives of such planned transfer.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

In addition to amounts otherwise authorized to be appropriated, there is authorized to be appropriated to the Secretary of Homeland Security to carry out this Act $14,000,000, which shall remain available until expended.

The bill (S. 2991), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

RESOLUTIONS SUBMITTED TODAY

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate now proceed to the en bloc consideration of the following Senate resolutions introduced earlier today: S. Res. 579, S. Res. 580, S. Res. 581, S. Res. 582, and S. Res. 583.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. SCHUMER. I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, and that the motions to reconsider be considered made and laid upon the table, all en bloc.

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

The resolutions were agreed to.

The preambles were agreed to.

(The resolutions, with their preambles, are printed in today's RECORD under ''Submitted Resolutions.'')

ORDERS FOR THURSDAY, APRIL 7, 2022

Mr. SCHUMER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Thursday, April 7; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; that upon conclusion of morning business, the Senate proceed to executive session to consider the nomination of Ketanji Brown Jackson to be Associate Justice of the Supreme Court.

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

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. SCHUMER. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 9:35 p.m., adjourned until Thursday, April 7, 2022, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 6, 2022:

DEPARTMENT OF STATE

JAMES C. O'BRIEN, OF NEBRASKA, TO BE HEAD OF THE OFFICE OF SANCTIONS COORDINATION, WITH THE RANK OF AMBASSADOR.

SECURITIES INVESTOR PROTECTION CORPORATION

GLEN S. FUKUSHIMA, OF CALIFORNIA, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 2024.

OFFICE OF PERSONNEL MANAGEMENT

KRISTA ANNE BOYD, OF FLORIDA, TO BE INSPECTOR GENERAL, OFFICE OF PERSONNEL MANAGEMENT.

DEPARTMENT OF ENERGY

MARVIN L. ADAMS, OF TEXAS, TO BE DEPUTY ADMINISTRATOR FOR DEFENSE PROGRAMS, NATIONAL NUCLEAR SECURITY ADMINISTRATION.