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Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. LEAHY).

PRAYER

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

Let us pray.

Eternal God, listen to our words and hear our sighs. You are our rock of safety. We continue to trust You to protect our Nation and world.

Lord, continue to be our refuge and strength, always ready to hear and answer our prayers. Surround our lawmakers with the blessings of Your grace and mercy. Lead them like a shepherd in their efforts to do Your will on Earth, even as it is done in Heaven. Enable them to permit justice to roll down like waters and righteousness like a mighty stream.

And, Lord, save the Ukrainian people.

We pray in Your powerful Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore 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.

RESERVATION OF LEADER TIME

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

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Morning business is closed.

EXECUTIVE SESSION

MOTION TO DISCHARGE

The PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to resume consideration of the motion to discharge the Gordon nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Julia Ruth Gordon, of Maryland, to be an Assistant Secretary of Housing and Urban Development.

The PRESIDENT pro tempore. The Senator from Georgia.

Mr. WARNOCK. I suggest the absence of a quorum.

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

The senior assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WARNOCK). Without objection, it is so ordered.

RECOGNITION OF THE MAJORITY LEADER

The majority leader is recognized.

CORONAVIRUS

Mr. SCHUMER. Mr. President, now on COVID, yesterday afternoon I announced that Senator ROMNEY and I had reached an agreement for a $10 billion COVID supplemental appropriations package. It took many rounds of bipartisan talks, many days and nights and weekends of negotiations, but we have shaken hands on a compromise that the Senate can and should move forward very soon.

I thank the Senators on both sides of the aisle who participated in this, and Senators BURR, BLUNT, and GRAHAM were involved with Senator ROMNEY. Senator COONS gets a special shout-out because of his fierce determination to work on international, on getting an international thing done. Senator MURRAY, as well, was very helpful in our negotiations.

The deal we announced yesterday has the support of Speaker PELOSI and President Biden, who urged Congress to work quickly to get a bill to his desk. We are going to work hard to get that done, and I hope my Republican colleagues will join us to move forward on this legislation.

There is no reason why we shouldn't be able to get this funding passed. The administration needs it right now, and we all know that our country is in great need of replenishing our COVID health response funding. Putting in the work, today, to keep our Nation prepared against new variants will make it less likely that we get caught off guard by a new variant down the line.

So this is really essential to America's well-being. It is essential to getting back to normal. All those who decried that we didn't get to normal quickly enough should be supportive of this legislation, because the longer we wait, the more difficult it will be when the next variant hits.

This $10 billion COVID package will give the Federal Government and our citizens the tools we need—we depend on—to continue our economic recovery, to keep our schools open, to keep American families safe. The package we agreed to will provide billions more for vaccines, more testing capacity, and—essential—$5 billion for more lifesaving therapeutics, arguably the greatest need right now for the country.

These therapeutics are great drugs, but if we don't have them at the ready when the new variant hits, it will let the variant get its tentacles deeper into our society. But this money will go a long way at keeping our schools, our businesses, our churches, our communities running as normally as possible, should a future variant rear its nasty head.

Approving this package is simply the sensible, responsible, and necessary thing to do. Republicans and Democrats alike should now work together

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

to make sure we can move this package through the Chamber.

Now, while this funding is absolutely necessary, it is far from perfect. I am deeply disappointed that some of our Republican friends could not agree to include $5 billion for global response efforts. I pushed them hard to include this international funding, as, of course, did Senator COONS and Senators GRAHAM and ROMNEY because fighting COVID abroad is intrinsically connected to keeping Americans healthy at home.

It is not just the right thing to do to help struggling nations, though we certainly have an obligation to help. It is also good for our country. So it is putting money overseas to prevent COVID from spreading here, because, remember, every variant—all three variants—that hit us started overseas and then came here. So that is not only humanitarian and the moral and right thing to do, but it is in our own self-interest. I know it sometimes sounds anomalous—sending money overseas is in our interest—but with COVID, where it germinates and starts the new variants, inevitably overseas, and then comes to hurt us is the right thing to do in our own self-interest, even if you had no humanitarian interest in doing it, which, of course, many of us do have a great deal of humanitarian interest.

If we don't help the developing nations of the world with vaccines and treatment, we leave ourselves seriously at risk for potential new variants. Omicron, after all, started, in all likelihood, in South Africa, where today less than a third of the population is vaccinated—fully vaccinated.

It is thus my intention for the Senate to consider a bipartisan international appropriations package that will include funding to address COVID–19, as well as other urgent priorities, like aid for Ukraine and funding for global food insecurity.

I know that many on both sides—I mentioned the names earlier—are serious about reaching an agreement on this issue. Nevertheless, this week's agreement is carefully negotiated. We bent over backward when our Republican colleagues did not want to accept certain kinds of pay-fors which we thought were appropriate and have always been used, but we thought it was so important to get this done that we did that. It is a very important step to keeping the country healthy and keeping life as close to normal in the future as we can.

I want to thank, again, Senator ROMNEY for leading the negotiations for the Senate Republicans and working in good faith to reach agreement. I also want to thank, as I mentioned, COONS, MURRAY, BURR, BLUNT, and GRAHAM for their help and support to reach this bipartisan agreement, and Chairman LEAHY and his staff for their assistance in putting the legislation together.

Finally, I want to thank the staff of the CBO, the Congressional Budget Office. They worked around the clock with us to score this legislation.

So we have taken a massive step closer to getting this important funding done, and I thank everyone for their good work to reach this point.

NOMINATION OF KETANJI BROWN JACKSON

Now, on another happy note, the Judge Jackson confirmation, last night we took our first steps here on the Senate floor toward confirming the historic nomination of Judge Ketanji Brown Jackson to the U.S. Supreme Court. By virtue of a motion to discharge, Judge Jackson's nomination was reported out of the Judiciary Committee—it really wasn't reported out of Judiciary.

By virtue of a motion to discharge, Judge Jackson's nomination was put on the floor by a bipartisan vote of 53–47. She now comes to the floor for consideration by the whole Chamber. Every day we move closer to Judge Jackson's confirmation, the case and likelihood of her confirmation grows stronger and stronger and stronger. And I thank my colleagues on both sides of the aisle who have approached this process with good faith. At the end of the day, it will be our courts and the American people who rely on our courts who will benefit most from having an amazing jurist like Judge Jackson elevated to the pinnacle of the Federal judiciary.

Here is what happens next. Later today, I am going to take the next step for moving forward with Judge Jackson's nomination by filing cloture on her. My colleagues should be advised that we may have to take some procedural votes to do so, but this will not affect the ultimate result of this confirmation process.

Once I file cloture, the stage will be set for the Senate to close debate on Judge Jackson's nomination by Thursday morning. A vote on final confirmation will then follow. The Senate could then vote to confirm Judge Jackson as Justice Ketanji Brown Jackson as soon as Thursday—as soon as this Thursday. I hope we can work together and make that happen.

What better way to wrap up this work period—this productive, largely bipartisan work period—than by confirming this most worthy, most qualified, most historic nominee to the Supreme Court?

Yesterday, I said something that I think is worth emphasizing all week long: Judge Jackson's nomination is a joyous and momentous occasion for the Senate. She is truly one of the most qualified and accomplished individuals ever considered by this Chamber to the Supreme Court. She will bring a new and much needed perspective to the Court's work, while also affirming the rule of law and respect for precedent.

As I said yesterday, the confirmation of the Nation's first Black woman to the highest Court in the land will resonate for the rest of our Nation's history. Untold millions of kids will open textbooks and see pictures of Justice Jackson and understand in a new way what it means to move toward a more perfect Union. It means that all our Nation's struggles, for all the steps forward and steps backward, the long march of our democracy is toward greater opportunity and representation for all.

So when the Senate finishes its work this week, Justice Jackson will be the first of many—the first of many. Her brilliance, her lifetime of hard work, her remarkable story will light a flame of inspiration for the next generation to hopefully chart their own path for serving our democracy and unleash so much talent that has thus far not been utilized. This gives me great hope. That should give all of us great hope.

COMMERCE HEARING

Mr. President, finally, I want to close by thanking my friend and colleague Chairwoman CANTWELL for holding a hearing in the Commerce Committee that is of great importance to the American people: ensuring transparency in petroleum markets. That hearing will occur today.

The American people right now find themselves on the losing side of a truly disturbing trend. On the one hand, the American people are paying more and more at the pump, and some of the Nation's biggest oil companies are reporting soaring profits but then using those profits to reward shareholders with stock buybacks.

This is infuriating. Prices go way up; oil companies make more profit; and what do they use it for? Stock buybacks, which do nothing to improve the economy, improve workers, or help the consumer. It is outrageous, and it is one of the reasons there is such mistrust of the big oil companies.

So I am glad that the Commerce Committee is looking into this important issue, and I urge the FTC to likewise take note.

I thank Chair CANTWELL for her work. I expect that we will see additional announcements on this matter very soon. This caucus—this Democratic caucus—is going to keep its eye out and do whatever we can to help with bringing down the outrageously high price of oil and the outrageous actions of corporate executives in the oil industry.

I yield the floor.

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

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

RECOGNITION OF THE MINORITY LEADER

The Republican leader is recognized.

INFLATION

Mr. MCCONNELL. Mr. President, the American people are seriously worried about the direction our economy is headed. Just between January and March, the share of people reporting high living costs as the most important

problem facing our country actually doubled and so did the share of those most worried about the price of gas.

Consumer price hikes have now set new 40-year records multiple months in a row. More and more American families are feeling the pinch. And 7 in 10 say they do not like how President Biden is handling it.

It was clear from the start that the Biden administration's war on affordable energy would punish American consumers, and even liberal economists warned that flooding our economy with partisan spending could trigger broad inflation.

Sure enough, American families have now endured 9 straight months of inflation above a 5-percent annual pace, and the worst effects are being felt in the most vulnerable pockets of our society.

One analysis of spending on household staples found that cost cutting ''is most pronounced among lower-income Americans.''

As the Washington Post reported, ''lower-income workers like [Jacqueline] Rodriguez have seen some of the fastest wage growth of the pandemic era. But those gains are being eroded by the highest inflation in 40 years. . . . 'It's outrageous how much everything has gone up,' Rodriguez said. 'I go to the supermarket to buy chicken, and I have to make a decision on what meal I'm going to cook based on the prices. . . . Everything is more expensive.' ''

Another group who especially remain vulnerable are seniors on fixed incomes. One retired teacher in North Carolina recently said it like this:

> Just surviving day to day has become a big concern of mine—because, how in the world? . . . I'm starting to panic. I'm starting to think, ''How am I going to keep paying for everything?''

Many retirees already face health challenges or other hardships so there is simply no wiggle room in their budgets.

One California man explained that cancer was the reason he had to retire in the first place. Now he is ''scraping the bottom of the barrel. . . . I do most of my food shopping in markdown bins and don't buy much else.''

One White House official has seemed to endorse the sentiment that inflation is ''a high-class problem.'' A whole lot of low-income Americans and retired Americans could very readily set them straight on that.

Last autumn, the administration's top spokeswoman scoffed at what she called ''the tragedy of the treadmill that's delayed.''

Well, that may be the extent of the pain that inflation and supply chain problems are causing certain affluent people—people like those inside the beltway having to wait a little extra on luxury purchases—but I can assure the President's team that many Americans are hurting a lot worse than they are.

The very least the administration must do is stop digging; no more reckless spending, no gigantic tax increases that would damage the economy even further.

Yet Senate Democrats won't give up on yet another reckless spending spree, and just last week, the Biden administration proposed to smack the country with the largest tax hike in American history.

The last thing American families can afford is more of the same recklessness that got us where we are.

NOMINATION OF KETANJI BROWN JACKSON

Mr. President, now on a different matter, the Constitution makes the President and the Senate partners in selecting Supreme Court Justices. And as a practical matter, each Senator gets to define what ''advice and consent'' means to them.

For much of the 20th century, Senates typically took a different approach. Senators tended to give Presidents a lot of leeway as long as nominees checked basic professional and ethical boxes.

But then the political left and Senate Democrats initiated a series of major changes. In the late 1980s, Democrats thrust the Senate into a more aggressive posture toward nominations with an unprecedented, scorched-earth smear campaign that took aim at a nominee's judicial philosophy.

The Washington Post editorial board said back at the time that the formerly ''conventional view'' that Presidents would get great deference had now ''fallen into . . . disrepute.'' They worried that a ''highly politicized future'' for ''confirmation proceedings'' might lie ahead following Democrats' actions.

Well, just a few years later, personal attacks on then-Judge Thomas made the previous hysteria over Judge Bork seem like lofty debate by comparison.

And 1 year after that, in 1992, then-Senator Biden proclaimed that if another vacancy occurred toward the end of President Bush 41's term, the Judiciary Committee should not hold any hearings before the Presidential election.

Well, that situation didn't arise that year, and once President Clinton took office, Republicans did not try to match Democrats' behavior simply out of spite. We tried actually to deescalate. Justices Ginsburg and Breyer both won lopsided votes with opposition in single digits. That was during a time when Republicans were in the majority.

But the very next time that Democrats lost the White House, the precedent-breaking tactics came roaring back.

During the Bush 43 administration, Senate Democrats, and especially the current Democratic leader, took the incredibly rare tactic of filibustering judicial nominations and made it routine.

The press at the time described the sea change:

> They said it was important for the Senate to change the ground rules and there was no obligation to confirm someone just because they are scholarly or erudite.

Democrats decided that pure legal qualifications were no longer enough. They wanted judicial philosophy on the table.

So, 20 years ago, several of the same Senate Democrats who are now trumpeting the historic nature of Judge Jackson's nomination used these tactics to delay or block nominees, including an African-American woman and a Hispanic man—both, of course, nominated by a Republican President.

In one case, Democrats suggested their opposition was specifically—listen to this—specifically because the nominee's Hispanic heritage would actually make him a rising star.

Half—half—of Senate Democrats voted against Chief Justice Roberts, the best appellate advocate of his generation. All but four Democrats voted against Justice Alito, who had the most judicial experience of any nominee in almost a century.

There was no question about the basic legal qualifications of either, but Democrats opposed both. And in mid-2007, more than a year before the next Presidential election, Senator SCHUMER expanded upon the Biden standard from 15 years prior. He said that if another Supreme Court vacancy arose, Democrats should not let President Bush fill it.

Our colleague from New York proposed to keep a hypothetical vacancy open until an election that was more than a year away. During President Obama's terms, Republicans took up the same hardball tactics that Democrats had just pioneered.

But our colleagues recoiled at the taste of their own medicine and broke the rules to escape it. They preferred to detonate the ''nuclear option'' for the first time ever rather than let President Obama's nominees face the same treatment they had just invented—invented—for President Bush's.

Democrats did not then change the rule for the Supreme Court because there was no vacancy. But the late Democratic leader Harry Reid said publicly he would do the same thing for the Supreme Court with no hesitation.

By 2016, Democrats had spent 30 years radically changing the confirmation process, and now they had nuked the Senate's rules. Obviously, this pushed Republicans into a more assertive posture ourselves.

So when an election-year vacancy did arise, we applied the Biden-Schumer standard and did not fill it. And then, when Democrats filibustered a stellar nominee for the next year, we extended the Reid standard to the Supreme Court.

In 2016 and 2017, Republicans only took steps that Democrats had publicly declared they would take themselves. Yet our colleagues spent the next 4 years—4 years—trying to escalate even further.

Justice Gorsuch, impeccably qualified, received the first successful partisan filibuster of a Supreme Court

nominee in American history; Justice Kavanaugh got an astonishing and disgraceful spectacle; and Justice Barrett received baseless, delegitimizing attacks on her integrity.

Now, this history is not the reason why I oppose Judge Jackson. This is not about finger-pointing or partisan spite. I voted for a number of President Biden's nominees when I could support them, and just yesterday, moments after the Judiciary Committee deadlocked on Judge Jackson, they approved another judicial nominee by a unanimous vote.

My point is simply this: Senate Democrats could not have less standing to pretend—pretend—that a vigorous examination of a nominee's judicial philosophy is somehow off limits.

My Democratic friends across the aisle have no standing whatsoever to argue that Senators should simply glance—just glance—at Judge Jackson's resume and wave her on through.

Our colleagues intentionally brought the Senate to a more assertive place. They intentionally began a vigorous debate about what sort of jurisprudence actually honors the rule of law. This is the debate Democrats wanted. Now it is the debate Democrats have. And that is what I will discuss tomorrow—why Judge Jackson's apparent judicial philosophy is not well suited to our highest Court.

VOTE ON MOTION

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the motion to discharge.

The yeas and nays have been previously ordered.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

The result was announced—yeas 50, nays 50, as follows:

[Rollcall Vote No. 127 Ex.]

YEAS—50

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

NAYS—50

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

(Mr. PADILLA assumed the Chair.)

The VICE PRESIDENT. On this vote, the yeas are 50, the nays are 50.

The Senate being equally divided, the Vice President votes in the affirmative, and the motion is agreed to.

The nomination is discharged and will be placed on the calendar.

LEGISLATIVE SESSION

The PRESIDING OFFICER (Mr. PADILLA). Under the previous order, the Senate will resume legislative session.

The majority leader.

EXECUTIVE SESSION

EXECUTIVE CALENDAR—Motion to Proceed

Mr. SCHUMER. Mr. President, I move to proceed to executive session to consider Calendar No. 860.

The PRESIDING OFFICER. The question is on agreeing to the motion.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 53, nays 47, as follows:

[Rollcall Vote No. 128 Leg.]

YEAS—53

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

NAYS—47

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

The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER (Mr. LUJÁN). The clerk will report the nomination.

The bill 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.

CLOTURE MOTION

Mr. SCHUMER. Mr. President, I proudly and happily send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 860, Ketanji Brown Jackson, of the District of Columbia, to be an Associate Justice of the Supreme Court of the United States.

Charles E. Schumer, Richard J. Durbin, Patrick J. Leahy, Dianne Feinstein, Sheldon Whitehouse, Amy Klobuchar, Christopher A. Coons, Richard Blumenthal, Mazie K. Hirono, Cory A. Booker, Alex Padilla, Jon Ossoff, Patty Murray, Raphael G. Warnock, Sherrod Brown, Elizabeth Warren, Margaret Wood Hassan, Tina Smith, Ben Ray Luján, Jacky Rosen.

The PRESIDING OFFICER. The Senator from Texas.

NOMINATION OF KETANJI BROWN JACKSON

Mr. CORNYN. Mr. President, later this week, perhaps in a day or two, the Senate will vote on the nomination of Judge Ketanji Brown Jackson to serve as a member of the U.S. Supreme Court.

Last week, I laid out my reasons for my opposition to this nomination, and yesterday, I voted against her nomination in the Judiciary Committee. But I want to make clear that my vote against Judge Jackson is not a rebuke of her legal knowledge, her experience, or her character. Judge Jackson is obviously very smart. She has vast practical experience, which I think is very useful. She is likeable. And she is very clearly passionate about her work.

The Senate's constitutional duty to provide advice and consent, though, requires us to look beyond Judge Jackson's resume and personality to understand her judicial philosophy and the lens through which she views her role as a judge.

Certainly, the Senate must evaluate whether Judge Jackson will act fairly and impartially. We have also got to make a judgment whether she will leave her personal beliefs and her policy preferences at the door and whether she will respect the bounds of her role as a judge or attempt to establish new judge-made law.

This last point is absolutely critical, in my view. The Founders wisely established a system of checks and balances to ensure that no person or institution wields absolute power. The legislative branch, of course, makes law; the executive branch enforces the law; and the judicial branch interprets the law. We have each got our responsibilities under the Constitution.

And while that is certainly a simplification of the duties of each of the three branches, it does illustrate that there are separate lanes or roles for each branch in our constitutional Republic. And we talked about that during Judge Jackson's confirmation hearing.

The judge said she understands the importance of staying in her lane. She used that phrase many times during the confirmation hearing. She said she would not try to do Congress's job making laws.

But over the years—and I think this is a blind spot for Judge Jackson and, frankly, many on the bench, particularly at the highest levels. Over the years, we have come to see a pattern of judges who embrace the concept of judge-made law.

In other words, it is not derived from a statute passed by the Congress, it is not derived from the text of the Constitution itself, but rather, it is made as a policy judgment without any explicit reference in the Constitution itself. Now, that, I believe, is judicial policymaking or legislating from the bench.

The Supreme Court over the years has developed various legal doctrines like substantive due process. That is a little more opaque, I would think, to most people than judge-made law, but basically, it is the same thing. It is a doctrine under which judges create new rights that are not laid out in the Constitution.

It shouldn't matter if a person ultimately agrees or disagrees with this new right. If you like the result, well, you are liable to overlook the process by which the judges reached a decision. But if you disagree with it, then, clearly, it is a problem to have judges—unelected, unaccountable to the voters—making policy from the bench, no matter what it is called.

It is deeply concerning, I think—and it should be—to all Americans, to have nine unelected and ultimately unaccountable judges make policies that affect 330-or-so million people and they can have no say-so about it at all. They can't vote for them; they can't vote them out of office; they can't hold them accountable. In fact, the whole purpose of judicial independence is so judges can make hard decisions, but they have to be tethered to the Constitution and the law, not made up out of whole cloth.

No judge is authorized under our form of government to rewrite the Constitution to their liking or impose a policy for the entire country simply because it aligns with their personal belief or their policy preferences.

As our Founders wrote in the Declaration of Independence:

> Governments are instituted among Men, deriving their just powers from the consent of the governed.

When judges find unenumerated and invisible rights in the Constitution and issue a judgment holding that, in essence, all State and Federal laws that contradict with their new judge-made law is invalid and unconstitutional, there is no opportunity for anybody to consent to that outcome like you would if you were a Member of the Senate or a Member of the House. People could lobby us. They could call us on the phone. They could send us emails, use social media to try to influence our decision. They could recruit somebody to run against us in the next election. They could vote us out of office if they didn't like the outcome.

But none of that would apply to lifetenured, unaccountable Federal judges making judge-made law at the highest levels—no consent of the governed, no legitimacy which comes from consent.

Abraham Lincoln made clear that it is the concept of consent that is the foundation for our form of government. He said famously: No man is good enough to govern another man without that man's consent.

Of course, he used that in the context of slavery, and he was right; but it has broader application as well.

As I said, when it comes to the executive and legislative branches, it is easy to see how consent and the legitimacy that flows from that comes into play. Voters cast their ballot for Senators, for Members of the House, for the President.

Once a person is in office, voters conduct what you could describe as a performance evaluation. The next time that person is on the ballot, voters determine whether that person should remain in office or be replaced by someone new.

But, again, that is not true of the judicial branch, which highlights and demonstrates why the judicial branch is different, why it shouldn't be a policy maker, why judges shouldn't be pronouncing judge-made law that is not contained in the Constitution itself.

It is important that our courts remain independent and be able to make those hard calls, but even people like Justice Breyer, who Judge Jackson will succeed on the Supreme Court, has written books worried about the politicization of the judiciary, and I think that is one reason why our judicial confirmation hearings can get so contentious—witness Brett Kavanaugh's confirmation hearing, which was a low point, I believe, for the Senate Judiciary Committee and for the Senate as a whole.

But people wouldn't get so exercised over these nominations if people were simply calling balls and strikes like the umpire at a baseball game. Judges should be umpires; judges should not be players.

So Justices on the Supreme Court are not held accountable at the ballot box, and they aren't evaluated every few years for their job performance. They are nominated by the President and confirmed for a lifetime appointment.

When Justices engage in blatant policymaking, it takes away the power of ''we the people'' to decide for ourselves and hold our government accountable. It speaks to that statement in the Declaration of Independence that says government derives its just powers from the consent of the governed. But that is totally missing when it comes to judge-made law and identifying new rights that are nowhere mentioned in the Constitution.

Again, I understand, when you like the outcome as a policy matter, you are not liable to complain too much. But we should recognize this over the course of our history as a source of abuse by judges at different times in our history, and we have seen the horrible outcomes of things like Plessy vs. Ferguson, where the Supreme Court, without reference to the Constitution itself, using this doctrine of substantive due process, said that ''separate but equal'' was the answer for the conflict between the rights of African-American schoolchildren and the rest of the population. They said it is OK. You can satisfy the Constitution if you give them separate but equal educations.

Well, of course, that is a shameful outcome, and we would all join together in repudiating that kind of outcome. And, thankfully, years later—too many years later—Brown v. Board of Education established that the ''separate but equal'' doctrine was overruled, and that is as it should be.

But the point I am trying to make here is whether it is the Court's decisions on abortion or the right to marry a same-sex partner or separate but equal, or even things like the Dred Scott decision, which held that African-American fugitive slaves were chattel property, or in the famous Lochner case, where the New Deal Justices struck down an attempt by the government to regulate the working hours of bakers in New York.

All of these involved the use of this substantive due process doctrine as a way to cover up and hide the fact that it was judges making the law and not the policymakers who run for office.

I am also afraid that Judge Jackson did not always adhere to her own admonition that judges should stay in their lane. In the case Make the Road New York v. McAleenan, the American Civil Liberties Union challenged a regulation involving expedited removal of individuals who illegally cross our borders and enter into the country.

The Immigration and Nationality Act gives the Department of Homeland Security Secretary ''sole and unreviewable discretion'' to apply expedited removal proceedings. Judge Jackson, who presided over the case challenging that rule, ignored the law. She went beyond the unambiguous text to deliver a political win to the people who brought the lawsuit.

She barred the Department of Homeland Security from using expedited removal proceedings to deter illegal immigration. She stopped the administration from enacting immigration policies it had clear authority to implement according to the black-letter law. Unsurprisingly, that decision was appealed and ultimately overturned by the DC Court of Appeals. But this is an example of not staying in your lane and not deferring to Congress the authority to make the laws of the land when the Congress has been unambiguously clear.

So, ultimately, I believe that demonstrates a willingness to engage in judicial activism and achieve a result, notwithstanding the facts and the black-letter law in the case, and to disregard the law in favor of a political win for one of the parties.

But this is just exactly what I started off talking about. This is the opposite of consent of the governed, when judges ignore the laws passed by Congress, even when congressional intent is clear.

Unfortunately, that wasn't the only example of activism in Judge Jackson's decisions. We have heard a lot about this, and I think it was an entirely appropriate subject for questions and answers. Judge Jackson is an accomplished and seasoned lawyer and judge, and she knows how to answer hard questions.

During sentencing hearings, Judge Jackson has said she disagreed with certain sentencing enhancements for policy reasons. That is the word she used—for policy reasons—and she chose to disregard its application. That is not staying in your lane.

She also used a compassionate release motion to retroactively slash a dangerous drug dealer's criminal sentence because she didn't like that the government brought a mandatory minimum drug charge, even though the government had every right to do so under the applicable law.

The promise of equal justice under the law requires judges to follow the law regardless of their own personal feelings about the policy. Justice Scalia famously said that if a judge hasn't at one time or another in his or her career rendered a judgment that conflicts with their own personal preferences, then they are probably not doing their job right.

It is absolutely critical for our Supreme Court Justice to not only acknowledge but to respect the limited but important role that our judges play in our constitutional Republic. They shouldn't allow politics or policy preferences to impact their decisions from the Bench, and they can't use their power to invalidate the will of the American people based on invisible rights that aren't actually included in the Constitution itself.

In 1953, Judge Robert Jackson observed that the Supreme Court is ''not final because [it is] infallible, but [it is] infallible only because [it is] final.''

In other words, the recourse that we the people have when judges overstep their bounds when it comes to constitutional interpretation is to amend the Constitution itself—something that has only happened 27 times in our Nation's history—and it is a steep hill to climb, to be sure.

But it is important for the legitimacy of the Supreme Court itself for the judges to be seen as staying in their lane and interpreting the law, not making it up as they go along. I am reminded of another quote about the scope of the Judiciary's duties and powers. In 1820, Thomas Jefferson wrote, ''To consider the judges as the ultimate arbiters of all constitutional questions [is] a very dangerous doctrine indeed, and one which would place us under the despotism of an oligarchy.''

Once again, our Founders, our Founding Fathers, had the wisdom to establish three branches of government to share power to avoid any single person or institution from wielding absolute power, and to ensure that we maintain the proper balance of power, Justices need to stay in their lane and interpret the law, not make the law, particularly when the voters have denied consent from them for doing so.

So to summarize, to ensure that we maintain the proper balance of power under our Constitution, judges must only interpret the law and they can't allow activism to bleed into their decisions and they can't ignore black-letter law and they can't use doctrines like substantive due process to hide the fact that they are making up new rights that aren't contained anywhere in the written Constitution itself.

As I said before, I fear that, if confirmed, Judge Jackson will attempt to use her vast legal skills to deliver specific results and get outside of her lane by making judge-made laws that are not supported by the text of the Constitution itself. As I said in the Judiciary Committee, and I will say again, when the time comes to vote on Judge Jackson's nomination here on the Senate floor, I will once again vote no for the reasons I just stated.

The PRESIDING OFFICER. The Senator from Missouri.

UNANIMOUS CONSENT REQUEST—S. 3951

Mr. HAWLEY. Mr. President, I rise today to urge the Senate to take action to crack down on child pornography offenders and to protect our children. This is a growing crisis, and it is one that is near to the heart of every parent in America. I can attest to that as a father of three small children myself. I have got a 9-year-old, a 7-year-old, and a 16-month-old baby at home.

But I can also attest to it as a former prosecutor. As the attorney general for the State of Missouri, one of the first things I did was establish a statewide anti-human trafficking initiative and task force because what I saw as attorney general of my State was that human trafficking, including, unfortunately, child sex trafficking, is an exploding epidemic.

In my State and around our country, children are exploited, children are trafficked. And those who work in this area and those who prosecute in this area—law enforcement who work day in and day out—will tell you that the explosion of child pornography is helping to drive this exploding epidemic of child sexual exploitation and child sex trafficking.

The problem is that child porn itself is exploding. A New York Times investigative reporter found that in 2018, there were 45 million images of children being sexually exploited available on the internet—45 million. Just a few years before, it had been 3 million and in 2018, 45. Then, last year, the National Center for Missing and Exploited Children found that that number had grown to 85 million—85 million images on the internet of children being brutally sexually exploited.

And as every prosecutor and every law enforcement advocate and every law enforcement agent who works in this area will tell you, that explosion of this material—which, by the way, is harmful in and of itself, is exploitative in and of itself—is driving a crisis of child exploitation and child sex trafficking in this country.

Now the nomination of Judge Ketanji Brown Jackson to the Supreme Court has helped bring this issue front and center. Her record of leniency to child sex offenders has been much at the center of her hearings, and it has startled the public. A recent Rasmussen survey found that following her hearings, 56 percent of all respondents said that they were troubled by her record on child sex offenders. That included 64 percent of Independents.

And they are right to be troubled. Her record is indeed startling. In every case involving child pornography where she had discretion, she sentenced below the Federal sentencing guidelines, below the prosecutor's recommendations, and below the national averages.

We now know that the national average for possession of child pornography—the national sentence imposed, on average, is 68 months. Judge Jackson's average is 29.3 months. The national average sentence for distribution of child pornography: 135 months; Judge Jackson's average, 71.9 months.

In fact, it is true for criminal sentencing across the board. The national average of all criminal sentences imposed in the United States, 45 months; Judge Jackson's average, 29.9 months.

This is a record of leniency. In the words of the Republican leader, leniency to the ''extreme'' to child sex offenders and on criminal matters in general.

But—but, but, but—we are told, and have been told for weeks on end now, it is not really her fault. We were told by the White House and Senate Democrats that it is not her fault because those Federal sentencing guidelines that she, in every case where she could went below—those guidelines aren't binding. Thanks to the decision by the Supreme

Court, by Justice Breyer and Justice Stevens, those guidelines are only advisory. And so we were told, repeatedly, that if we really want to get tougher sentences for child porn offenders, then we are going to have to change the law.

In fact, I see my friend Senator DURBIN here today, the chairman of the Judiciary Committee. He said this to me multiple times during the committee.

On March 22, he said to me:

I hope we all agree that we want to do everything in our power . . . to lessen the incidence of pornography and exploitation of children. . . . I . . . want to tell you, Congress doesn't have clean hands. . . . We haven't touched this for 15, 16 or 17 years.

Senator DURBIN went on:

We have created a situation because of our inattention and unwillingness to tackle an extremely controversial area in Congress and left it to the judges. And I think we have to accept some responsibility.

And he went on:

I don't know if you—

Meaning me—

have sponsored a bill to change this. I will be looking for it. . . . If we're going to tackle it, we should.

Well, I agree with that 100 percent. I agree we should tackle it. This is the time to tackle it, and I am here to do that today. I am proud to sponsor and introduce legislation along with my fellow Senators MIKE LEE and THOM TILLIS and RICK SCOTT and TED CRUZ to get tough on child porn offenders.

Now, let's be clear. When Congress wrote the child pornography Federal sentencing guidelines, and it is Congress that wrote them substantially, way back in 2003—when Congress wrote them, they wanted them to be binding. Congress meant for these guidelines to bind Federal judges. The Supreme Court struck those guidelines down.

Now it is time to put it back into place. My bill would put a new mandatory—mandatory—sentence of 5 years for every child porn offender who possesses pornography, 5 years. If you do this crime, you ought to go to jail. It would make the guidelines binding for any and all facts found by a jury or found by a judge in a trial, restore the law to what Congress intended back in 2003, take away discretion from judges to be soft on crime, and get tough on child sex offenders. That is what this bill would do.

Now, I called this bill the Protect Act of 2022 because it is modeled on the PROTECT Act of 2003, when Congress wrote these guidelines. And I would just note for the record that I believe every Senator voted for it back in 2003, including the chairman of the Judiciary Committee, Senator DURBIN, and every member of the Judiciary Committee, Republican and Democratic, who was serving at the time.

That act back in 2003 toughened penalties for child porn offenders, made the guidelines mandatory, and explicitly took away discretion from judges to sentence below the guidelines.

I think it was a pretty good law, and I think now is the time to act. Our children are at risk. The epidemic of sexual assault, sexual exploitation, and victimization is real.

And let's be clear what child pornography is. It is an industry—an industry that feeds on the exploitation of the most vulnerable members of our society, that feeds on the spectator sport of child abuse and child victimization.

If you have a lot of images of child pornography, you ought to go to jail for a long time. If you possess child pornography, you ought to go to jail for at least 5 years. And, yes, it is time for every judge in America to get tough on child porn. That is what this bill would do, and I urge the Senate now to take this opportunity to act.

So as if in legislative session, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of S. 3951, 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 majority whip.

Mr. DURBIN. Mr. President, reserving the right to object. I have to ask myself, why now? Why does the junior Senator from Missouri bring this bill to the floor of the U.S. Senate today?

When you think back, this matter has been considered. Originally, the guidelines were considered in 1984. The question of child pornography came back to us in 2003.

In 2005, there was a Supreme Court case about applying the guidelines on sentencing to these types of cases—a case known as Booker. We know that in 2005, that decision was handed down.

We know that in 2012, the Sentencing Commission said to Congress and to the world that you need to do something here. These guidelines that you promulgated don't reflect the reality of today.

We know, as well, that the guidelines were written—some were written in an era when the materials we are talking about were physical materials. And we now live in the world of internet and access to not just tens and hundreds but thousands of images, if that is your decision.

And all these things have happened, and we come here today—today. I don't know exactly how many years the Senator from Missouri has been in the Senate, but to my knowledge, this is his first bill on this subject that he has presented in the last few weeks. And I wonder why—why now?

Are there valid questions about sentencing guidelines? Certainly, there is no question about it. I said as much, and he quoted me.

The Sentencing Commission told us over a decade ago, in 2012: You have got a problem here. The world has changed, and the law doesn't reflect it.

But this is the first time, to my knowledge, that the Senator from Missouri or any Republican Senator has tried to enact legislation on the subject. Why now? Well, I know why. He said as much. It is because we are now considering the nomination of Judge Ketanji Brown Jackson to the Supreme Court.

This Senator has suggested over the course of the last 2 weeks in hearings before the Senate Judiciary Committee that somehow this judge—this judge who is aspiring to the Supreme Court—is out of the mainstream when it comes to sentencing in child pornography cases.

It is no coincidence that the Senator from Missouri comes to the floor today while Judge Jackson's nomination is pending on the Senate calendar. It was discharged from our committee by a bipartisan vote in the Senate last night. It is no coincidence that he is raising this issue within hours or days before her confirmation vote. It is one more, very transparent attempt to link Judge Ketanji Brown Jackson's confirmation with this highly emotional issue of Federal sentencing when it comes to child pornography or child exploitation.

There are some political groups—at least one well-known political group—that manufacture theories about child pornography, pedophilia, and the like and that even inspire deadly reactions to them, and they are cheering this on. I have seen their reactions already, this morning, in the newspaper. They are watching this and hoping that someone can keep this issue alive on the floor of the U.S. Senate—for them.

The Senator from Missouri has even gone so far as to make the outrageous claim that this woman, Judge Jackson—the mother of two wonderful girls, whom I had a chance to meet, a mother who comes to this issue not only as a judge but as the sister and niece of law enforcement officials who have been part of her family—in the words of the Senator from Missouri, that this woman ''endangers children''—''endangers children.''

Mr. HAWLEY. Will the Senator yield for a question?

Mr. DURBIN. I will yield when I am finished.

One conservative former prosecutor called Senator HAWLEY's charges ''meritless to the point of demagoguery.''

I have read so many reviews of the Senator's charges against this judicial nominee, and not one of them gives him any credence. They basically say: What you are dealing with here is a complicated area of the law, a controversial area of the law, and to try to ascribe to this one nominee these motives, these outcomes, is baseless and meritless.

Consider this: How can this judicial nominee possibly have the endorsement of the largest law enforcement organization in America—the Fraternal Order of Police—the endorsement of the International Association of Chiefs of Police, and many other law

enforcement groups—how could she possibly have all of that and be as wrong on a critical issue as the Senator from Missouri has asserted?

How is it possible that the American Bar Association took a look at all of her contacts as a judge, as a lawyer, as a law student and came up with 250 individuals who knew her personally, appeared in court with and against her, judged her in her individual capacity as a lawyer—how can the American Bar Association interview those 250 and find no evidence of the charges that have been made by the Senator from Missouri? How is it possible that they would review all of this and miss such a glaring fact? They didn't.

They told us, under oath, that they were asked point blank: Is her sentencing standard soft on crime? different than other judges?

The answer was no, no.

The net result of it was that the American Bar Association found this nominee, whom the Senator from Missouri charges with these outrage claims—they found her to be unanimously ''well qualified''—unanimously ''well qualified.'' Yet the Senator from Missouri believes that he has discovered something that the whole world has missed. Unfortunately, he is wrong, and he doesn't admit it.

When Judge Jackson is confirmed to the Supreme Court—and I pray that she will be later this week—it will be in part because she is a thoughtful, dedicated person who has worked as a judge for over 10 years. She has published almost 600 written opinions. She has had 100 cases wherein she has imposed criminal sentences and a dozen-plus cases involving children.

What the Senator from Missouri has done is to cherry-pick arguments from one small part of her service on the bench that has been debunked across the board. But let me say it again: Judge Jackson's sentences were appropriate exercises of discretion as a judge in applying the law to the facts in difficult cases.

It is interesting to me how the Senator from Missouri has carefully drawn lines to exclude Trump appointees to the bench who have done exactly what this judge has done as well—so-called deviate from the guidelines when it has come to sentencing. In fact, one judge from his State, from the Eastern District of Missouri, whom he has personally endorsed as a good judge—and he may well be—has followed the same practice as this judge. Did he raise that at all in the Senate Judiciary Committee about the Missouri judge who was doing the same thing as Judge Jackson? No, nothing.

There is nothing about these judges that is deviating from other-than-accepted practices. When 70 to 80 percent of sentences handed out by judges across America are using the same standard, Judge Jackson is in that mainstream, along with judges whom this Senator from Missouri has endorsed.

If this issue needs to be addressed—and I believe it does—we can do so if we do it carefully, and we should do it carefully. Make no mistake, I don't back off from my words. As a father, as a grandfather, as a caring parent, I sincerely consider this to be one of the most serious crimes—the exploitation of children. I can't think of anything worse.

The pornography issue certainly is out of control because of the internet and because of those who are making a dollar on it. We should take it very seriously—very seriously. It changes and destroys lives. But let's make sure we do this in the right way.

What have we done in the Senate Judiciary Committee?

It is great for the chairman to stand on the Senate floor and talk about the issue.

Well, what have you done, Senator?

Let me tell you what I have done, and I think the Senator from Missouri knows it.

We have done what we can to address this issue from many different angles. The committee held a hearing on the FBI's failure to properly investigate allegations against Larry Nassar for assaulting young athletes, Olympic gymnasts included, which enabled the abuse of dozens of additional victims. We called them on the carpet. We put them under oath. We brought the testimony forward. We didn't back away from the issue of child abuse.

Following that hearing, I introduced the Eliminating Limits to Justice for Child Sex Abuse Victims Act, with Senator MARSHA BLACKBURN, a Republican from Tennessee. The Senate has now passed this bipartisan legislation, which would enable those survivors of child sex abuse to seek civil damages in Federal court no matter how long it takes the survivor to disclose the facts of the case.

The committee has also unanimously reported a bill which the Senator from Missouri knows well, the EARN IT Act, which is legislation he has cosponsored with Democratic Senator BLUMENTHAL that will remove blanket immunity for the tech industry for violations of laws related to online child sexual abuse material.

I make no apologies for our approach on this, and there is more work to be done.

I want to tell you that I am tempted to leave it just at that but for one part, one thing I am concerned about.

Our Federal sentencing guidelines have been advisory, not mandatory, since the Supreme Court's 2005 ruling in the Booker case. This bill now being offered on the floor in a very quick fashion by the Senator from Missouri attempts to create mandatory sentencing guidelines for a single category of offense. It is not clear whether it passes the constitutional test of Booker. It could be a waste of time. We don't need to waste time in a critical area of the law that has been so controversial and has been considered and reviewed over decades.

Even so, it is a dangerous slope to go down. Imagine a world wherein every time it was politically advantageous—whether it was a Supreme Court nominee or a headline in the paper—that some Senator could come forward, disagree with a Federal judge in a particular case, and say: Let's pass a mandatory minimum sentencing guideline to take care of the matter.

That is no way to approach the law in a fashion that is used for deterrence and punishment. We need to be thoughtful about it. A subject of this seriousness, of this gravity, deserves more than a driveby on the floor of the U.S. Senate.

I invite my colleague to do his work on this issue as we all should—the work that is required, the work that is required by the seriousness of this matter.

I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Missouri.

Mr. HAWLEY. Mr. President, the Senator asks: ''Why now?'' Why act now?

It is because it is a crisis now, because there are 85 million images of children being exploited on the internet now, because child exploitation is exploding in this country now.

Today, the Senator lays bare on this floor the bait and switch that he and his colleagues have employed.

They say: Oh, Judge Jackson—it is not her fault. You should act on the law to change the law.

But when we come to change the law and do what this Congress did in 2003, to do it now in 2022—a measure that Senator DURBIN supported in 2003—he says: Oh, no, no, we don't need to act now. Why do it now? It is rushed. It is too hurried. Let's do it later. Let's think about it longer.

Then we hear recited again the bizarre claims that somehow child pornography is a conspiracy theory. This is something that Senate Democrats, including the chairman, have repeated over and over and over, led by the White House—the idea that child exploitation is a conspiracy theory.

I would just invite you to look any parent in America in the eye and tell them that the exploitation of children is a conspiracy theory—or any law enforcement agent or any prosecutor or anyone who is working on the exploitation, to combat the exploitation of children in this country. No. It is a crisis, and it is real. The fact that the Senate hasn't acted until now is, I think, shameful for the Senate. But why wait another day?

Now, I look forward, if the Senator is serious. He does hold the gavel in the Judiciary Committee. We could mark this bill up. We could hold hearings. We could take action. I would invite him to cosponsor this bill. He voted for it in 2003. Let's have hearings, then, if we can't vote on it today, if we can't debate it today. Let's have hearings. Let's mark it up. Let's take it seriously. I will wait. I suspect I will be waiting for an awfully long time.

Here is the bottom line: I am not willing to tell the parents of my State that I sat by and did nothing. I am not willing to dismiss child exploitation as just some conspiracy theory. I am not willing to abandon the victims of this crime to their own devices and say: Good luck to you.

No, I am not willing to do that—nor am I willing to excuse Judge Jackson's record of leniency that does need to be corrected. She should not have had the discretion to sentence leniently in the extreme, as she did, nor should any judge in America, in my view. What is sauce for the goose is sauce for the gander. We should fix it for everybody across the board, and we can begin by acting as we did in 2003.

So I am disappointed, but I can't say that I am surprised that this measure has been objected to today. All I can say is that I pledge to my constituents—I pledge to the parents of my State and, yes, to the victims of my State—that I will continue to come to this floor and that I will continue to seek passage of this act until we get action from this Senate to protect children and to punish child pornographers.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, after 27 minutes of debate on the floor of the Senate, the Senator now believes we are prepared to change the law that has been debated for decades. He has put in a bill introduced 7 days ago. It has been 7 days he has had passion for this issue—enough to introduce legislation.

If you want to take on a serious issue, take it on seriously, and that means doing the homework on it. Yes, have a hearing. Of course, have a hearing. We want to make sure the people from the Sentencing Commission and others are part of this conversation. It isn't just a matter of throwing charges out against a nominee.

If you want to be serious about it, then admit the obvious: In 70 to 80 percent of cases involving child sexual abuse material, Federal judges struggle with the same sentencing that we have set down. In light of Supreme Court decisions, we understand—I ask for order, Mr. President.

The PRESIDING OFFICER. There was no response to begin with to the Senator, so let's move forward.

Mr. DURBIN. Mr. President, I will say, as far as I am concerned, this is a serious matter that should be taken seriously. You don't become an expert by, 7 days ago, introducing a bill and saying: I have got it. Don't change a word of it. Make it the law of the land. Make it apply to every court in the land.

No. We are going to do this seriously. We are going to do it the right way, and we are going to tackle an issue that has been avoided for more than two decades, when you look at the history of it.

I find this reprehensible—the pornography, this exploitation of children—and there are no excuses whatsoever, but I am not going to do this in a slipshod, make-a-headline manner. We are going to do it in a manner that is serious, one in which we work with prosecutors, defenders, judges, and the Sentencing Commission, and get it right. It is time to get it right.

We wrote this law some 19 years ago, before the internet was as prevalent in society as it is today. Let us be mindful of that as we attack this problem and address it in a fashion that is befitting the Senate and the Senate Judiciary Committee.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. HAWLEY. Mr. President, the Senator from Illinois says that Congress hasn't acted in two decades; that is true. I haven't been here for two decades; he has.

There is no excuse to not take action now. There is no excuse to not act on this problem when we know what the solution is.

So, listen, if the Senator is saying today, if he is committing today, to holding hearings and marking up a bill to toughen the child pornography laws, to make mandatory the sentencing guidelines, that is fantastic. I will take him at his word. I look forward to seeing those hearings noticed and to seeing that markup noticed, and I hope it will be forthcoming.

I am here to make a prediction. I think we will be waiting a very long time, because let's not forget what his party and the Sentencing Commission, stacked with members of his party, have been recommending. It has not been to make child sentences tougher—child pornography sentences tougher. They have wanted to make them weaker.

What the Sentencing Commission has recommended, with its liberal members for years now, is to make them weaker. That is what Judge Jackson has advocated. She also wants to change the guidelines—to make them weaker.

I think that is exactly the wrong move, and that is why the Senator was here to block this effort today. He doesn't want there to be tougher sentences. He doesn't want to talk about this issue. He wants to sweep it under the rug. I am here to say I won't let that happen. I will be here as long as it takes. I will be advocating for this in the Senate Judiciary Committee as long as it takes, until we get justice for the victims of child pornography and child exploitation.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:47 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Ms. SINEMA).

EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. The Senator from Arkansas.

NOMINATION OF KETANJI BROWN JACKSON

Mr. COTTON. Madam President, the Senate will soon vote on the nomination of Judge Ketanji Brown Jackson to be Associate Justice of the Supreme Court. I will vote against her nomination.

Judge Jackson may be a fine woman, but she is a dangerous judge. She built her career as a far-left activist, and it didn't change when she put on a robe 10 years ago. She personifies activism from the bench. She has crusaded to undermine criminal sentences, and she cannot be trusted to interpret the law or the Constitution as written.

Judge Jackson's record makes clear that her brief stint as a criminal defense attorney wasn't motivated merely by a devotion to equal representation of all. It was part of a deep commitment to leniency for criminals. Indeed, she has continued to act as a de facto lawyer for criminals from behind the bench as she did from in front of it.

Judge Jackson's average sentences for criminals are 34 percent lighter than the national average for criminal cases and 25 percent lighter than her own court's average, the DC District Court.

Disturbingly, some of the most sensational examples of her soft-on-crime attitudes are cases involving child pornographers. She has given more lenient sentences than recommended by the sentencing guidelines in every single child pornography case where the law allowed it—every single one, every time. Individuals sentenced by Judge Jackson for child pornography possession receive, on average, 57 percent lighter sentences compared to the national average. For child pornography distribution, the sentence is 47 percent lighter than the national average.

These aren't just numbers. These are predators, and they go on to commit more of the most heinous crimes imaginable because Judge Jackson lets them off so easy. In one case, Judge Jackson gave child pornographer Wesley Hawkins just 3 months—3 months—in prison when the sentencing guidelines recommended 8 to 10 years—3 months versus a recommended 8 to 10 years. Judge Jackson even gave him a sentence that was one-sixth as long as what her own probation office recommended. And a few years later, when Hawkins should have still been in prison for his original offense, he did something else that got him 6 more months in custody. That is twice as long as his original sentence.

When all 11 Republicans on the Judiciary Committee sent a letter asking for details of what happened to justify this new sentence, Judge Jackson refused to provide any further information—so much, I guess, for looking at her record, as she urged us to do.

Her leniency isn't limited to child pornographers, either. In 2017, Judge

Jackson apologized—she apologized—to a fentanyl kingpin—his own words: kingpin—because she couldn't find a way to sidestep the law to give him less than the mandatory minimum sentence. She was very sorry that she had to give him such a long sentence.

But I guess, where there is a will, there is a way. A few years ago, she found a way to resentence this self-described kingpin below the mandatory minimum sentence. Through a completely made-up reinterpretation, Judge Jackson made the First Step Act retroactive for this fentanyl kingpin, something Congress had explicitly tried to avoid when it passed the law. This was judicial activism, plain and simple.

In her testimony, Judge Jackson claimed that there were no victims in that case. She is wrong. Fentanyl trafficking is not a victimless crime, and anyone who doesn't understand that doesn't belong on the Supreme Court.

In another case, Judge Jackson granted compassionate release—compassionate release—to a man who brutally murdered a deputy U.S. marshal on the steps of a church at a funeral. While in prison, this cop killer threatened prison staff and was caught in possession of a dangerous weapon—not exactly a model inmate. He was repeatedly denied parole. Yet Judge Jackson granted him compassionate release because he had high blood pressure.

In yet another case, a career criminal assaulted a deputy U.S. marshal with a deadly weapon while resisting arrest. This was the third time that this criminal had assaulted law enforcement officers—the very officers who risk their lives to keep judges like Judge Jackson safe.

Judge Jackson didn't just sentence him below the government's request or the sentencing guideline range. She gave the criminal less time than even the criminal himself had advocated. You can't make this stuff up.

In 2013, a sex offender who had repeatedly raped his 13-year-old niece was arrested for falsifying sex offender registration records to avoid telling the government where he was living and that he was working at a daycare. The government sought a 2-year prison sentence, but Judge Jackson gave him just 1 year instead. And during that second year, when he would have been in prison, he tried to rape again and then bribed the victim with $2,500 to recant her testimony. This dangerous sex offender was convicted of obstructing justice, yet when presented with a do-over, Judge Jackson sentenced him to just 24 months in prison for those violations. I wish I could say this was to her credit because, to be fair, 24 months was the sentence recommended by the government. But she ensured in her order that this sentence would run concurrently with his sentence in local DC jail so he only ended up serving 1 year instead of 2.

Judge Jackson habitually sympathizes with criminals over victims. These are just a few of the many outrageous cases in Judge Jackson's record. The takeaway is crystal clear: If you are a criminal, you would be lucky to have your case assigned to Judge Jackson. If you are a victim or anyone else seeking justice, you should hope that your case is assigned to literally any other judge. As a trial judge, though, Judge Jackson could only help one criminal at a time. As a Supreme Court Justice, she would be able to benefit criminals nationwide, in all cases.

Judge Jackson's far-left activism extends beyond crime, as well. Not only did she engage in what the Sixth Circuit called an ''end run around Congress'' to retroactively reduce the sentence of the fentanyl kingpin I mentioned earlier, she also worked hard to strike down a Trump administration order expediting the removal of illegal aliens on equally specious legal grounds.

The law passed by Congress granted the Department of Homeland Security ''sole and unreviewable'' discretion—''sole and unreviewable'' discretion—to decide which illegal aliens should be subject to expedited removal. Nonetheless, Judge Jackson inserted herself to strike down what she called ''a terrible policy'' by the Department of Homeland Security. Well, I regret to inform Judge Jackson that it is not her role in our system to decide whether immigration policy is good, bad, terrible, or any other adjective she wants to use, only whether it is lawful and authorized by law.

And, of course, the DC Circuit Court, which is not exactly a hotbed of conservative jurists, agreed and reversed Judge Jackson's decision noting that there ''could hardly be a more definitive expression of congressional intent'' than the language in that law that she disregarded. But Judge Jackson didn't care. She had an anti-Trump op-ed she wanted to write in the form of a judicial opinion.

Judge Jackson has also shown real interest in helping terrorists. It is true you shouldn't judge a lawyer for being willing to take on an unpopular case, but you can certainly learn something about a lawyer whose cases they seek out. And for Judge Jackson and her friends in the liberal legal profession, these cases were not unpopular at all. Judge Jackson represented four terrorists as a public defender, one of whom she continued to represent in private practice voluntarily, and she voluntarily filed multiple friend-of-the-court briefs on behalf of terrorists while in private practice.

To make matters worse, she apparently didn't even bother—when she was representing these terrorists, she didn't bother to establish a reasonable belief that what she filed with the court was factually true. Three of her four case filings were identical—word for word, comma for comma. She alleged identical facts and legal arguments in each case. The only differences between the briefs were the names and the case numbers. And in every one of those cases, she claimed the terrorists had never had any affiliation with the Taliban or al-Qaida. And in every one of those cases, she accused the Bush administration and American soldiers of war crimes.

And who are these supposed innocent victims of American war crimes who, according to Judge Jackson, had nothing at all to do with terrorism, no siree, nothing at all? One of her clients designed the prototype shoe bomb that was used in an unsuccessful attempt to blow up a passenger airplane. Another planned and executed a rocket attack on U.S. forces in Afghanistan. And a third was arrested in a raid on an al-Qaida explosives training camp. Yet in every case, she claimed that none of them had anything to do with terrorism—not a thing, totally innocent, just goatherders who were picked up by marauding American troops.

You know, the last Judge Jackson left the Supreme Court to go to Nuremburg and prosecute the case against the Nazis. This Judge Jackson might have gone there to defend them.

Judge Jackson also refused to answer one commonsense question after another. For example, when Senator BLACKBURN asked her what a ''woman'' is, she pretended not to know. I asked her who has more of a right to be in the United States, new citizens who follow the rules or illegal aliens whose very first act in the United States was to break our laws. Judge Jackson refused to answer.

When I asked the simple question of Judge Jackson whether releasing Guantanamo Bay terrorists would make us more safe or less safe, she again pretended not to know the answer, even though it is published by the Biden administration.

I also asked Judge Jackson if criminals were more or less likely to commit a crime if they knew they would be caught, convicted, and sentenced. I asked this pretty basic question at least three times. It was not a hard question; yet, again, she refused to answer.

Judge Jackson also refused to say whether packing the Supreme Court was a bad idea, even though the judge for whom she clerked and seeks to replace, Justice Breyer, and the late, sainted Justice Ruth Bader Ginsburg—neither of whom are known for their conservative views—were both willing to publicly denounce such court-packing schemes by the Democrats.

Judge Jackson may feign ignorance, not because she doesn't know these answers, but because liberal judicial philosophy is all too often based on denying reality. As a judge, Judge Jackson has denied that reality again and again. Judge Jackson will coddle criminals and terrorists, and she will twist or ignore the law to reach the result that she wants. That is not what we need in a Supreme Court Justice, and that is why I will be voting against her nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

BUDGET PROPOSAL

Mr. THUNE. Madam President, if a budget is a set of priorities, here are the President's: an expanded Federal Government, a diminished national defense, higher gas prices, and an open border. Those are the priorities reflected in the budget the President released last week, which contained pretty much what you would expect—more taxes, more spending, more borrowing, and, in all likelihood, more inflation as a result.

Big taxes and big spending have been the agenda for President Biden since he took office. After signing a $1.9 trillion spending spree in March of 2021 that helped create the worst inflation in 40 years, President Biden spent much of last year pushing for still more spending to fund his vision of an expanded Federal Government.

In his 2023 budget, it is just more of the same. The President's budget would increase average yearly spending by 66 percent as compared to the average of the last 10 years. Sixty-six percent—that is a staggering spending increase. Yearly Federal spending under the Biden budget would average $7.3 trillion. To put that in perspective, the total average spending in 2019 was $4.4 trillion.

How is the President going to pay for this, if he even can? Taxes, a lot of taxes—''the biggest tax increase in history in dollar terms,'' according to Bloomberg.

The President, of course, attempts to sell the tax hikes he is proposing as something that won't affect ordinary Americans. That couldn't be more wrong.

That corporate tax hike that he keeps pushing—one study estimates that 31 percent of the corporate tax is borne by consumers. Another big portion of it is borne by labor, otherwise known as ordinary, hard-working Americans.

Higher prices, fewer jobs, lower salaries—we can expect to see all that and more if the President hikes taxes on companies. And I haven't even mentioned the fact that a corporate tax hike may end up hurting private pensions in the value of American's 401(k)s.

Then there are the tax hikes on conventional energy companies, the companies that produce the oil and gas that Americans use to heat their homes and to drive their cars. Increasing taxes on fossil fuel companies to the tune of tens of billions of dollars is pretty much guaranteed to discourage the additional energy production we need to drive down gas prices. Ironically, the proposals to go after traditional American energy production come from the same administration that is releasing oil from the Strategic Petroleum Reserve to deal with high gas prices. You can't make this up.

Then there is inflation. Democrats helped create our current inflation crisis by sending a lot of unnecessary government money into the economy via the so-called American Rescue Plan. The President's budget would essentially do the same thing, which means our already serious inflation crisis could get even worse.

I mentioned the big spending increases in the President's budget. But what I actually meant are the big nondefense spending increases because, while on paper it may look like the President is hiking defense spending, his supposed funding increase would be effectively canceled out by inflation.

When you take into account Democrats' historic inflation, it turns out President Biden's supposed defense spending increase could actually turn out to be a spending cut. Even in the best-case scenario, his budget would leave defense spending essentially flat, which would leave our military dangerously underfunded. That is a big problem.

In a rapidly evolving threat environment, the last thing we can afford is a self-inflicted defeat from underfunding our military. Given Russia's war of aggression in Ukraine and threats to NATO, an increasingly aggressive China, Iran's nuclear ambitions, North Korea's uptick in missile tests, and the Taliban taking over in Afghanistan, among other things, President Biden should be taking national defense spending at least as seriously as domestic spending, but he is not.

The Biden budget proposal would leave the Army, Navy, Marine Corps, Air Force, and Space Force underequipped and undermanned and put our defense planning on a dangerously insufficient trajectory.

The President's budget also fails to adequately address border security and immigration enforcement.

Almost since the day the President took office, we have been experiencing an unprecedented flood of illegal immigration across our southern border. In fiscal year 2021, the Border Patrol encountered more than 1.7 million individuals attempting to cross our southern border, the highest number ever recorded. We have had 12 straight months of border encounters in excess of 150,000, and the surge is likely to even get worse now that the President has rescinded the title 42 border policy to immediately deport individuals illegally attempting to cross the border.

What is the President's answer?

Well, $150-million cut to the U.S. Immigration and Customs Enforcement next year. That is right. We are experiencing an unprecedented surge of illegal immigration, and the President's budget would cut funding to Immigration and Customs Enforcement.

Perhaps the most outrageous thing about the President's budget is the way he misrepresents it. He is now trying to portray himself as somewhat fiscally responsible, as if a 66 percent higher yearly average spending than the last 10 years could be considered fiscally responsible. The President is talking a lot about deficit reduction—both the deficit reduction he has supposedly created and the deficit reduction his budget will supposedly produce.

But the actual numbers will, again, tell a very different story. The deficit reduction the President would like to take credit for is partly the result of the end of temporary COVID spending measures, which were scheduled to end whether the President lifted a finger or not. Our current deficit would have been a lot lower if the President hadn't decided that we needed a partisan $1.9 trillion spending spree last year, a spending spree entirely—entirely—made up of deficit spending.

When it comes to the President's 2023 budget, the administration claims ''deficits under the budget policies would fall to less than one-third of the 2020 level the President inherited.''

The key phrase there is ''the 2020 level the President inherited.'' And 2020 saw a huge but temporary surge in government spending to deal with the onset of the COVID crisis.

As a result, it is grossly deceptive to take the 2020 deficit as a baseline. A more honest assessment of the prospects for deficit reduction under the President's budget would look at pre-COVID deficits as a baseline and compare the President's future deficits to those, but that wouldn't suit the President's purposes.

Now that it has become apparent that the American people are not, in fact, thrilled by far-left Democratic governance, the President is eager to portray himself as a moderate—hence his inflated claims of deficit reduction.

It is the same reason the President is touting his supposed spending hike on national defense while conveniently omitting the fact that when you figure in real inflation, the spending hike may actually be a spending cut.

No matter how the President tries to dress it up, his fiscal year 2023 budget is more of the same far-left priorities—more taxes, more unnecessary spending, and more economic pain for the American people.

And I hope, I hope my Democratic colleagues will think twice before foisting this budget onto hard-working Americans.

I yield the floor.

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. MARKEY. 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. MARKEY. Madam President, I rise to speak in support of the nomination of Judge Ketanji Brown Jackson to serve as an Associate Justice of the U.S. Supreme Court. When confirmed, Judge Jackson, who currently serves on the U.S. Court of Appeals for the

District of Columbia Circuit, will take the seat on the Supreme Court that Justice Stephen Breyer has held for almost three decades, so I would like to first offer a few words about Justice Breyer as he prepares to step down from the Bench.

Justice Breyer has served the Court and the Nation with grace, expertise, humility, brilliance, and an unwavering dedication to justice. He has worked tirelessly to build consensus among his colleagues, and he has always kept in mind the real-world impacts of the Court's decisions on the American people.

Justice Breyer knew that ''justice for some'' was a failure of the Court. From his opinions on voting rights to reproductive rights, to the Affordable Care Act, he has been a key voice in many historic decisions that have affected so many Americans. We owe him a great debt of gratitude. And I am honored and privileged to call Justice Breyer a dear friend, and I wish him the best in his retirement.

Now, in looking for Justice Breyer's successor, President Biden said that he wanted to nominate a ''persuasive'' Justice, someone in the mold of Justice Breyer, and with Judge Ketanji Brown Jackson, President Biden has found that person.

I am confident that Judge Jackson—who clerked for Justice Breyer on the Supreme Court—will follow in his footsteps as a Justice who will make a lasting contribution on the Court through her pragmatism, evenhandedness, and deep understanding of the Constitution and the impact that the Court's decisions have on all Americans.

And as the first African-American woman Justice on the Bench, Judge Jackson's historic nomination is an important and long overdue step toward making the Supreme Court better reflect the Nation whose people the Court serves.

Fifty-four years ago yesterday, our Nation, our world, lost the guiding light of Dr. Martin Luther King, Jr., to assassination. That loss was incalculable. We can only imagine the society we would live in if Dr. King were still with us, preaching, marching, teaching, and I have no doubt that Dr. King would be on the steps of the Capitol as the loudest and proudest voice in support of Judge Ketanji Brown Jackson to be our next Supreme Court Justice and the first Black woman to serve on our highest Court.

He would know that with the appointment and confirmation of Judge Jackson, we would take the long overdue step to make the Nation's top Court look more like and better represent all of the American people.

The legacy of the more just, more equal society that Dr. King pushed us to create is alive and it is well in this confirmation and on the floor and hearing rooms of the U.S. Senate this week.

The Judiciary Committee held 4 days of hearings on Judge Jackson's nomination, including 2 days of testimony from the judge herself. As we all saw, some of the questioning of Judge Jackson from some of my Republican colleagues was nothing short of offensive, distorting her record, and tinged with racism and sexism. But Judge Jackson responded with poise. She responded with brilliance. She calmly addressed and corrected her questioners' false and misleading premises.

And she did so while demonstrating deep knowledge of the law and the Constitution, respect for precedents, and displaying precisely the kind of temperament we expect of someone sitting on the Nation's highest Court.

The hearings showed the Nation that Judge Jackson possesses all of the essential qualities of a jurist committed to the words engraved above the entrance to the Supreme Court itself ''Equal Justice Under Law.''

Of course, to anyone who knew Judge Jackson before her introduction to the Nation as a Supreme Court nominee, none of this was surprising. Judge Jackson's qualifications to serve on the Supreme Court are second to none. She holds broad experience across the legal profession—as a Supreme Court clerk, as a Federal public defender, as an attorney in private practice, and as a member of the U.S. Sentencing Commission, as a Federal district court judge, and as a Federal appellate judge.

It was, therefore, surprising to no one that she earned a unanimous ''well qualified'' rating from the American Bar Association. Let me speak for a moment about one aspect of Judge Jackson's background that stands out, and that is her experience as a public defender.

When confirmed, Judge Jackson will become the first-ever Justice with background as a public defender and the first Justice with significant criminal defense experience since the service of Justice Thurgood Marshall, who retired in 1991. That work as a Federal public defender has unjustly come under attack from my colleagues across the aisle who suggest that being a public defender means that she is soft on crime.

But my Republican colleagues—who far too often focus singularly on the constitutional right to bear arms—would do well to remember that among the Constitution's other enshrined rights is the Sixth Amendment's right to counsel in criminal cases. Without that right, criminal defendants who cannot afford an attorney would find it difficult or impossible to navigate the Court system with their rights protected, including the fundamental right to a speedy and fair trial.

My Republican friends may also want to consider that Judge Jackson comes from a law enforcement family, with a brother and uncle serving as police officers, and that she has won the endorsement of the Fraternal Order of Police, the Nation's largest police union.

Now, let me remind my colleagues that public defenders do not select their client. They take on every assigned case because they are committed to preserving and defending constitutional rights for everyone. As a Federal public defender, Judge Jackson represented the most vulnerable among us. She represented the clients other lawyers avoided, and in doing so, she followed a long and honorable tradition in the American legal profession that began with John Adams stepping forward in 1770 to represent the British soldiers who committed the Boston Massacre because he feared that they would not receive a fair trial without adequate representation.

By confirming Judge Jackson, we will affirm that the rights of those who cannot afford a lawyer are just as important as the rights of those who can pay lawyers charging $1,000 an hour; that the rights of the indigent and powerless are just as important as those of the rich and the powerful.

Public defenders also experience firsthand and, therefore, understand better than other lawyers just how our justice system treats the accused, how it treats people of color, how it treats low-income people. Every day, public defenders see the systemic biases and prejudices that permeate our criminal justice system.

At a time when the United States holds more people behind bars than any other Nation on Earth—including authoritarian regimes like North Korea and China—the highest Court in the land would greatly benefit from a Justice with a public defender background. Public defenders serve as a unique bulwark of liberty and racial justice. So we should welcome a public defender on the Supreme Court, especially one as well qualified as Judge Jackson. Her singular perspective and voice are sorely needed.

Judge Jackson's service as a trial judge on the U.S. District Court for the District of Columbia is also of particular note in this nomination. Only one of the current Supreme Court Justices—Justice Sotomayor—has ever served on a trial court. And as a trial court judge, Judge Jackson worked to ensure the parties before her understood her approach to deciding cases.

Judge Jackson has explained that, as a trial judge, she emphasized speaking directly to the individuals who appeared before her, not just to their lawyers. She used the parties' names and treated them with respect. She sought to ensure that those whom her rulings would directly impact clearly understood the proceedings in which they were involved, what was happening, and why it was happening.

This approach speaks to a judge who understands the importance of accessibility to the law, to a judicial process that isn't shrouded in mystery, and to a system that fulfills its promise of equal justice under the law to everyone. We will be fortunate to have such a Justice on the Supreme Court of the United States.

I have had the opportunity to meet with Judge Jackson one-on-one. I came

away deeply impressed and convinced that President Biden has made a great choice. The Senate has already confirmed Judge Jackson three times on a bipartisan basis—most recently in June of 2021, when she was confirmed to the D.C. Circuit. The Senate should again confirm her with bipartisan support.

And when Judge Jackson is confirmed and becomes Justice Jackson, the first African-American woman ever to take a seat on the High Court, she will be an inspiration to so many across our country and around the globe. She will especially be a role model for young Black girls everywhere, showing them that in the United States of America, nothing is beyond their reach.

Supreme Court Justice Thurgood Marshall once said:

Sometimes history takes things into its own hands.

History says it is time for Judge Ketanji Brown Jackson, and I am honored to help her and the Court and our country make history with her confirmation.

I urge all of my colleagues to vote to confirm Judge Ketanji Brown Jackson to the Supreme Court of the United States of America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

WOMEN VETERANS' HEALTHCARE

Mr. BOOZMAN. Madam President, I rise today to recognize the significant legislative victories the Senate recently delivered for women veterans with the passage of two pieces of legislation to modernize breast cancer screening polices and the delivery of lifesaving care for women veterans.

Breast cancer is the second most common cancer for women. For women veterans and servicemembers, the incidence of breast cancer is estimated to be up to 40 percent higher than the general population.

Given the dangerous environments in which military members serve and additional risk factors associated with these locations, it is long overdue for the Department of Veterans Affairs to update its policies for administering mammograms.

We know early detection is crucial to preventing and treating breast cancer, so making sure those who are more vulnerable receive screenings at a younger age is not only reasonable but critical.

This would have helped Dr. Kate Hendricks Thomas, a Marine veteran, who was unaware of her increased risk for breast cancer. She shared her memories of deployment to Fallujah in 2005 with the Senate Veterans' Affairs Committee last year.

She understood the risk associated with IEDs, and she remembers the burn pits—so commonplace, they were largely ignored—but she wasn't concerned with the impact of what she called ''the flaming poison'' surrounding her would have on her own health.

In a routine medical appointment with her VHA health provider in 2018, Kate thought it was odd she was recommended to undergo a mammogram. That exam subsequently led to her diagnosis of stage IV breast cancer. She was 38 years old.

That is devastating news for anyone to face, and I know the entire Senate joins me in praying for Kate as she continues her fight against cancer.

Nobody would blame her for focusing on her own health battle, but she knows her story wouldn't be the last if something didn't change.

That is why Kate is being an advocate for modernizing VA policies so other veterans don't experience the same struggles she is living with.

We honored her activism by crafting and passing the Dr. Kate Hendricks Thomas Supporting Expanded Review for Veterans in Combat Environments Act. It will broaden veteran access to mammograms and also require the VA to compile data regarding the rates of breast cancer among members of the veteran and civilian population so we can continue improving procedures to better treat breast cancer patients.

The Senate also unanimously passed the MAMMO for Veterans Act to expand access to high-quality breast cancer screenings, improving imaging services in rural areas, and clinical trials through partnerships with the National Cancer Institute.

The VA is uniquely positioned to be a leader in the prevention and treatment of breast cancer. Taking full advantage of the Department's unique capabilities, resources, and outreach will help deliver the lifesaving care that veterans deserve.

Passage of the Dr. Kate Hendricks Thomas SERVICE Act and the MAMMO for Veterans Act reflects the bipartisan support for improving veteran services and benefits. I appreciate Senator WYDEN's support and the leadership in the Senate Veterans' Affairs Committee and the leadership of Senate Veterans' Affairs Committee Chairman TESTER, who has been my reliable partner in advancing policies to improve the VA's care and services for women.

The VA estimates women make up 10 percent of our Nation's veteran population and continues to be the fastest growing population.

Last Congress, we made significant progress to expand VA's care and services for women with the passage of the landmark Deborah Sampson Act.

This was an important first step, and the legislation we passed last month continues to build on this foundation so we can fulfill the promise made to women who served in our Nation's uniform.

I am pleased the Senate has approved these policies, and I urge my colleagues in the House of Representatives to follow our example and quickly approve the Dr. Kate Hendricks Thomas SERVICE Act and the MAMMO for Veterans Act so that they can be signed into law.

The women who have served our country in uniform need to know we are taking every step available to protect their health. These bills are an important downpayment in that mission.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

REMEMBERING THOMAS HORACE PORTER

Ms. DUCKWORTH. Madam President, I come to the floor today to mourn the passing and celebrate the life of Thomas Horace Porter, my good friend and a man who could put a smile on my face even in the toughest times, on one of the most painful days of my life, while I was recovering at Walter Reed.

Among the peer visitors at Walter Reed Hospital, two of the most beloved were Tom and his wife Eleanor.

Tom was a gentle giant—a tall, smiling, then-74-year-old veteran who showed up at my bedside while I was still sedated to talk with my husband and mother and who came to visit again soon after I regained consciousness.

As a young Army lieutenant in the Korean war, Tom had lost both his legs in a landmine explosion. His heroic actions saving his men on that day earned Tom both the Silver Star in addition to the Purple Heart for his combat injuries.

During his months of recuperation back in the States, Eleanor—or El, as we all know her—an Army second lieutenant herself, had been one of his physical therapists.

The couple ended up married for more than 50 years. Tom continued to serve our Nation—this time as a civil servant, achieving the rank of Senior Executive Service in the Department of Agriculture. When Operations Iraqi Freedom and Enduring Freedom began and the wounded began flooding the wards at Walter Reed, Tom and El decided that they needed to help. They became peer visitors, and for the next 7 years, during twice weekly visits, they changed the lives of countless veterans who passed through that hospital, my own included.

When I was at Walter Reed, Tom made it his mission to talk with injured troops about the full lives they will lead after their devastating injuries.

A lot of the wounded warriors around me were really young, just 19 to 24 years old, lying in their hospital beds with limbs missing, burns to their faces and bodies, skulls crushed and encased in protective metal cages or helmets. They were all facing a future none of them had planned for. Like them, I had always assumed I would either die in combat or come home. The third option of coming home severely injured was never something that occurred to the majority of us.

Tom would walk in with that big smile of his and say: Hey, I was like you. Lost my legs at 22. But I recovered and I have had a full and regular life. I courted El after I lost my legs, and she and I have been married for 50 years and have wonderful kids and grandkids.

He reassured them that they could still have the lives they dreamed of, and his words had weight because he was living proof that that was possible.

He would wink and joke: Listen, having an amputation is better than having a puppy. Trust me, you won't have any trouble getting the ladies.

And then he would answer any questions they had because he knew they needed to hear from someone who had already journeyed on the road they were about to travel.

For years, Tom and El came into Walter Reed every Tuesday and Thursday without fail. El was known as the Cookie Lady because she would bring in dozens of homemade cookies that she collected from folks at her church.

For those of us who were in the hospital a long time, El knew our favorites. Mine were oatmeal raisin. If I was at physical therapy or in surgery or getting my wounds debrided when El made her rounds, she would make sure to leave a little bag of cookies by my bedside table. It was a real treat in the midst of the painful, early stages of recovery—something to look forward to every week.

Tom and El. El and Tom. The two of them became family for all of us. They would bring me and my husband to their lakeside home, feed us home-cooked meals, and let me fall asleep in their hammock overlooking the water, knowing the good that getting out of that fluorescent-lit hospital room would do me.

As someone who loved and was desperately missing the ocean, I can't begin to describe how restorative those days by the lake were.

There are no words for how right it felt to be drifting off to sleep to the sound of waves hitting the shore rather than to the beeps and the buzz of the hospital machines that had been my nightly soundtrack for too long.

And there is no possible way to express just how grateful I am to Tom and El for making that a possibility; for giving me a taste of home, right when I felt most like a stranger to myself; for enveloping me in something good and whole right when I felt untethered from what I felt was my life's mission; and for simply being who they were—kind and fierce, as compassionate for the people they loved as they were passionate about the causes that they believed in.

They were our advocates, our heroes, our Tom and our El.

I am so sorry for your loss, El. We miss Tom every single day. Thank you both for all you did for me and what you did for all of us. We miss you desperately.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

NOMINATION OF KETANJI BROWN JACKSON

Mr. REED. Madam President, we are debating the President's nominee to succeed Justice Stephen Breyer, who has served this country admirably and with great distinction.

As a law student, I was fortunate to have Justice Breyer as an adviser, and I remain grateful for his guidance, encouragement, and counsel as I began my legal career. I have immense respect and admiration for him as a Justice, but even more so as a person.

When Justice Breyer announced his retirement, I stated my belief that the next Justice on the Supreme Court should be someone with Justice Breyer's integrity, independence, and keen intellect—someone with real-world experience who reflects the depth and breadth of the American people. You could not find someone who better fits that description than Judge Ketanji Brown Jackson, and I rise today in wholehearted support of her nomination to the Supreme Court.

The Supreme Court is a powerful arbiter of justice in our Nation, with few checks on the decisions of the Justices once they are on the Court. Therefore, a vote on a Supreme Court nominee is one of the most consequential that any Senator can cast. The Constitution makes the Senate an active participant, along with the President, in the confirmation of a Supreme Court Justice.

Article II, section 2, clause 2 of the Constitution states that nominees to the Supreme Court shall only be confirmed ''by and with the Advice and Consent of the Senate.'' The Senate's role in the confirmation process places an important democratic check on America's judiciary. As a result, this body's consent is both a constitutional requirement and a democratic obligation. It is in upholding our constitutional duties as Senators to give the President advice and consent on his nominations that I believe we have one of our greatest opportunities and responsibilities to support and defend the Constitution of the United States.

As I have stated before, my test for a nominee is simple and is drawn from the text, the history, and the principles of the Constitution. A nominee's intellectual gifts, experience, judgment, maturity, and temperament are all important, but these alone are not enough. I need to be convinced that a nominee for the U.S. Supreme Court will live up to both the letter and spirit of the Constitution. The nominee needs to be committed not only to enforcing laws but also to doing justice.

The nominee needs to be able to make the principles of the Constitution come alive—equality before the law, due process, full and equal participation in the civic and social life of America for all Americans, freedom of conscience, individual responsibility, and the expansion of opportunity. The nominee also needs to see the unique role the Court plays in helping balance the often conflicting forces in a democracy between individual autonomy and the obligations of community, between the will of the majority and the rights of the minority. A nominee for the Supreme Court needs to be able to look forward to the future, not just backwards. The nominee needs to make the Constitution resonate in a world that is changing with great rapidity.

Judge Jackson passes these tests with flying colors. Beyond her unquestioned intellectual gifts, her legal career over the past two decades demonstrates that she has the deep fidelity to equality, justice, and the Constitution required to be our next Supreme Court Justice.

We want Justices to be familiar with the Federal court system. Judge Jackson is. Indeed, soon after law school, Judge Jackson chose to clerk at three levels of the Federal courts, gaining valuable insights into the courtroom and learning directly from incredible jurists, including Judge Bruce Selya of Rhode Island, who was President Reagan's nominee to the U.S. Court of Appeals for the First Circuit, as well as Justice Breyer himself.

We want Justices to understand that a guilty verdict involves the hard task of deciding the appropriate punishment. So while many of her law school classmates likely plotted paths to law firm partnerships, she chose instead to serve as Assistant Special Counsel and, later, Commissioner and Vice Chair at the U.S. Sentencing Commission, working to prevent unjust disparities in sentencing.

We want Justices to embody the fundamental notion of fairness at the heart of our justice system, that defendants have a right to counsel and must be proven guilty beyond a reasonable doubt. So Judge Jackson chose to serve as a Federal public defender. If confirmed, she will bring this valuable, real-life perspective to our highest Court, where it is very much needed.

Over the past 10 years, first as a district judge and then as a circuit judge, Judge Jackson has been evenhanded and impartial in her decisions from the bench, without regard to partisanship, personal views, or ideology. Her opinions showcase an admirable commitment not only to fairness but to transparency. She takes the time to ensure that the parties fully understand her rulings and that the record clearly captures her thought process in deciding a case. She does not hide the ball—there are facts, there are arguments, and everyone is invited to read and understand them.

Beyond her career choices and accolades, she demonstrated her judgment, maturity, and equanimity during her recent confirmation hearings. In the face of hours of questioning, some of it quite pointed, political, and discomfiting, she showed incredible patience, resilience, and grace. Her independence, integrity, and deep understanding of the Constitution shined through in her answers. Her cool in that crucible was not only admirable, it was inspiring.

Judge Jackson is a trailblazer, not in the least because she is the first Black woman and first Federal public defender nominated to the Supreme

Court. While her individual accomplishments are personal, Judge Jackson's elevation to the U.S. Supreme Court will bring America closer to the ideal our country aspires to. Her service on the Supreme Court in the years to come will ensure that the Justices better reflect the diversity of our great nation and may help restore the people's faith in the fairness of the Court and in our justice system.

It is with great pleasure that I support her nomination to the highest Court in the land and urge my colleagues to do the same.

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. BARRASSO. 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. BARRASSO. Madam President, I come to the floor today to talk about the need for more American energy.

On Thursday, President Biden announced that he is going to release even more oil from the Strategic Petroleum Reserve. To me, this is another desperate Hail Mary pass. It is a short-term effort to deal with their midterm election crisis. It is a crisis that has been created by the policies of this administration.

The real crisis is the cost-of-living crisis, and it is a crisis that is punishing American families. Inflation is at a 40-year high. Gas prices recently hit the highest price ever. Why is it happening? It is economics 101. The supply of energy is not keeping up with the demand for energy.

We are now producing about 1.3 million barrels of oil per day fewer—less—than we were in 2019. Yet, for the last 14 months that Joe Biden has been in the White House, he has done absolutely nothing to increase the supply of American energy. He has not sold one lease to produce energy on public lands—not one. President Obama, at this time into his first term, had already held 47 Federal lease sales—in his first 14 months in office. For Joe Biden, the number is still zero.

This just shows that when it comes to energy, Joe Biden is to the far, far left of any previous American President. Joe Biden is already the most anti-American energy President we have ever had. He refuses to do any of the things that would actually help our country in terms of our energy needs. He won't increase oil production by a single drop. No. He wants to release some from the strategic reserve but not actually produce any more American energy.

What he is essentially doing is burning through our savings account. This is now the third time that President Biden has released energy from the strategic reserve. He is on pace to burn through a third of our oil savings in less than 2 years in office. Soon, we are going to have the smallest amount in our reserve, the smallest amount in our savings account, since 1984.

In November, Joe Biden conducted the largest release in history from the strategic reserve. He released 50 million barrels. So what was the result? He made a big announcement of it. The Secretary of Energy did as well. The price of gas went down by 2 cents—2 cents. The White House was so proud of itself that they actually sent out a press release congratulating themselves. Prices went back up almost immediately. The result was an utter failure. So now Joe Biden said he is going to release 180 million barrels over the next 6 months, which is a million barrels a day for the next 180 days—in other words, between now and right before the elections.

The strategic reserve is meant for emergencies. It is not meant for the cynical, political coverup of what the President has done to our American energy policy. Some people call it an election-year gimmick. I call it dangerous—dangerous because we are going to be less prepared for emergencies and be less secure as a nation. We will be less safe.

Now, 180 million barrels sounds like a lot. It is about the amount we use on an average of 9 or 10 days. We use about 20 million barrels a day in the United States. We are currently importing a lot more than that.

Even the President admits that it won't have a big impact, but he doesn't know what else to do. On Thursday, he said this would reduce prices by as little as 10 cents a gallon. We are still over $4 a gallon nationwide in terms of the national average. I expect it is going to remain that high, over $4 a gallon, through the summer.

So who do the American people blame for this? Well, in poll after poll, they blame Joe Biden because he is the one who proudly stood there and beat his chest and said: I have killed the Keystone XL Pipeline.

The day Joe Biden took office, gasoline was $2.38 a gallon. America was energy independent for the first time in 70 years. We were energy dominant. We were exporting energy. We were selling it to our friends instead of having to buy it from our enemies. Joe Biden took office and started attacking American energy, and things have deteriorated ever since.

That is why it is no surprise that energy and gas prices were up 13 out of the last 14 months. By the time Vladimir Putin invaded Ukraine, the average price of a gallon of gas had gone up from $2.38 gallon to $3.53 a gallon. So it was already up over $1.15 a gallon in just over that first year in office for President Biden. Today, the average price of a gallon of gas is about $4.18.

Prices may actually go higher if Joe Biden gets his way in terms of energy policy. That is because, when the President put out his budget, we found he wants to raise taxes on American energy. The budget that the President has proposed for the next year contains 36 new taxes, and 11 of them are directly on American energy. It would cost about $45 billion, which, of course, would be carried on to the people who buy American energy. It would be paid by working families in the form of higher gas prices, higher oil bills. It would cost more to heat your home.

Even NANCY PELOSI, when she looked at the budget, said:

Consumers pay for that.

On Thursday, Joe Biden asked Congress to charge fees on oil and gas leases that aren't even being used. Now, this is another gimmick. People want to use those leases, but the administration is blocking the permission to drill to use the leases. This is just a continuation of the Biden blame game.

If you want to explore for energy in America, the lease is just the first step, the first of many. You need to apply for a permit to drill. In Wyoming, people know all about this. They call it an APD, an application for the permission to drill. You have to pay to apply after you have paid the rent on the lease.

So you apply, and somebody has to make a decision. Those decisions used to be made at the local level. Not anymore. Now the Biden administration has said: We know better than any of you people out around the country. We will make all of the decisions out of Washington.

The decision they have made is they are not going to give any of these permits to drill. That is why the President could say: They are not drilling.

Well, you are not letting people drill.

Now, we are not talking about a couple of leases; we are talking about thousands and thousands—over 4,000 leases—that are tied up that way.

We have another group of leases that is tied up by environmental activists who love to sue to stop energy exploration. They want to keep it in the ground.

So companies are paying their rental fees. They want to explore for energy, but they are being blocked by the administration. Then they are being blamed by that same administration for not exploring for energy.

The President says: Use it or lose it.

Well, that is the law of the land right now. If it doesn't produce oil or gas within 10 years, you actually lose the permit. He doesn't want to explain that to folks.

If the lease does produce energy, if it does produce oil, then the government actually reaps the benefits from that. They get tax money from that. That helps to pay for many of the things that we do as a government. In Wyoming, in our State areas, we use it to help with paying for education, with paying for healthcare. These are vital services in the community that are paid for by the successful exploration and recovery of energy that is currently underground and that Joe Biden wants to keep underground.

In the President's budget, he wants to charge an additional fee on top of all of this. So he refuses to let them drill, and he wants to charge them for not drilling. This is something out of ''Alice in Wonderland.'' More fees will mean producing less. We need to produce more. That is the way to get down the price at the pump—to produce more American energy.

Democrats refuse to admit that the percentage of leases that are actually being used today has never been higher. These are old leases. The Democrats' excuses on this issue are what I would put in the category of the Big Lie—the Big Lie to support an anti-American energy agenda. It is an agenda of less American energy, more taxes, and higher prices. It is the reason millions of American families today are struggling to get by. They are feeling the pain.

According to one estimate from economists at Bloomberg, American families will spend an extra $5,200 this year—that is $100 a week—compared to last year, just to stay even. It is all due to inflation in the cost of groceries, the cost of gas, the cost of goods. All of those things are squeezing American families. People are getting crushed. Their dreams are being crushed. Potential savings to send kids to college—that is going away. The savings for a vacation—that is going away. You have to empty your wallet to fill your tank under Joe Biden's energy policies, and the extra $100 a week is on top of last year's inflation whereby people across the country said they were paying more and more to get less and less and that even if they got a raise, they couldn't keep up. They have kept falling further and further behind.

People across the country are already living paycheck to paycheck. They can't afford more price increases. They need real solutions, and they are not getting them from this White House. The answer seems pretty simple: Stop the reckless spending here in Washington. Unleash American energy.

President Biden needs to do a couple of things right away to unleash American energy.

The first is to have a long-term commitment to produce more American energy. Energy companies aren't going to invest if they think Joe Biden is going to shut them down tomorrow, and in a recent speech, he said that is what his goal is. He wants them to produce more today so he can shut them down tomorrow.

He does need to open up our Federal lands. We should auction off leases right away, and Joe Biden should approve those 4,600 drilling permits, which, today, are still stuck in limbo. He put them there and locked them in.

It takes months to get production up and running. You have to get the right permits. You have to tap the pipelines. You have to speed up the process for pipelines as well. Although we did see the Federal Energy Regulatory Commission—all of the Commissioners—come to the Energy Committee, they don't seem to be very interested—at least the ones in the majority don't seem to be very interested—in speeding up the pipeline process or in allowing pipelines at all.

Finally, Joe Biden needs to stop attacking the hard-working men and women of this country who continue to produce energy, who go to work every day to keep the lights on and to keep us warm in winter. We need these workers out there, and Joe Biden needs to stop attacking them on a daily basis. They are the ones who can get us out of the crisis. They are the ones we need for the economic recovery.

Instead of spending our savings, it is time to unleash American energy. We need more American energy, and we need it now.

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.

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

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

LEGISLATIVE SESSION

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

Mr. SCHUMER. Madam President, I ask unanimous consent that the Senate resume legislative session and vote on the motion to invoke cloture on the motion to proceed to H.R. 4373, under the previous order.

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

CLOTURE MOTION

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

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 310, H.R. 4373, a bill making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2022, and for other purposes.

Charles E. Schumer, Jack Reed, Robert Menendez, Michael F. Bennet, Tammy Baldwin, Tim Kaine, Angus S. King, Jr., Margaret Wood Hassan, Tina Smith, Gary C. Peters, Tammy Duckworth, Christopher Murphy, Mark Kelly, Alex Padilla, Richard Blumenthal, Patty Murray, Elizabeth Warren.

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

The question is, Is it the sense of the Senate that debate on the motion to proceed to H.R. 4373, a bill making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2022, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. MENENDEZ) is necessarily absent.

The yeas and nays resulted—yeas 47, nays 52, as follows:

[Rollcall Vote No. 129 Leg.]

YEAS—47

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

NAYS—52

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

NOT VOTING—1

Menendez

The PRESIDING OFFICER (Mr. MURPHY). The majority leader.

Mr. SCHUMER. For the purposes of reconsideration, I change my vote to no.

The PRESIDING OFFICER. On this vote, the yeas are 47, the nays are 52. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

The motion was rejected.

The PRESIDING OFFICER. The majority leader.

MOTION TO RECONSIDER

Mr. SCHUMER. I enter a motion to reconsider.

The PRESIDING OFFICER. The motion is entered.

EXECUTIVE SESSION

Mr. SCHUMER. And I ask unanimous consent to resume executive session.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

H.R. 4373

Mr. SCHUMER. Mr. President, I want there to be no mistake about what just happened here on the Senate floor. Republicans blocked a bipartisan bill that would provide vaccines, testing, and therapeutics for the American people.

Yesterday, a group of Democrats and Republicans announced we had reached a bipartisan agreement for COVID relief funding, but today, a majority of Senate Republicans have blocked this critical and much-needed funding from going forward.

Vaccines, therapeutics, and testing were negotiated in good faith. And it should not—they should not be held hostage to extraneous, unrelated issues. This is too important for the health of the American people. But that seems precisely what some Republicans want to do.

This is a potentially devastating vote for every single American who is worried about the possibility of a new variant rearing its nasty head within a few months.

It is devastating for any American who, in the future, looks for a vaccine or a booster shot, only to be told supplies have run out.

It is devastating for anyone looking down the line to get tested because they feel sick or want their families safe and discover no tests are available. It is devastating for anyone who—God forbid—falls seriously ill but can't access lifesaving therapeutics because the Federal Government can't purchase new supplies because of the vote our colleagues on the Republican side of the aisle just took.

Too many Republicans seem to want to play politics at a time when we need to work together to pass legislation our country desperately needs. Republicans voted no on vaccines for kids. Republicans voted no on tests for new COVID variants. Republicans voted no on therapies to save lives and make us less sick.

Have we learned nothing from the last 2 years of living with this horrible disease? Have Republicans learned nothing about how lack of preparation could damage our economy? This money—the money that they rejected today—will go a long way to keeping our schools, our businesses, our churches, our communities running as normally as possible.

If we want to stay at normal, we need these dollars. Without these dollars, the risk of schools closing, of businesses closing, of public transportation closing is too large.

Should a future variant rear its nasty head—should a future variant rear its nasty head—Americans will know who voted against more funding. An ounce of prevention is worth a pound of cure.

This was a $10 billion agreement that was fully paid for. If there is another surge, it costs us 10 times that if we are behind the curve again.

I hope Republicans will get serious about this. It should not be so difficult for them to do something so good and important for our country. There is still some time. I hope my Republican colleagues change their tune quickly.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

CHILD TAX CREDIT

Mr. BENNET. Mr. President, I appreciate the opportunity to address the Senate on an issue of real importance to our country and to families in Colorado and all across the United States.

Today, 120 economists wrote an open letter—in the face of the inflation that we are now facing as a nation, as a result of the economic growth that we are having coming out of this very deep recession, and the supply chain interruptions that have caused inflation, 120 economists sent an open letter saying:

The expanded Child Tax Credit is one of the easiest, most effective, and direct tools currently at our disposal to help families deal with the impact of inflation on family budgets.

The exert opinions about the causes of and solutions to rising inflation are as varied as the authors of this letter, but we agree on this: the expanded Child Tax Credit is too small to meaningfully increase inflation across the whole economy.

That means that that $100 billion a year that the child tax credit costs to lift half the kids out of poverty isn't going to drive inflation in a $21 trillion economy. That is one of the points these economists agreed on.

''[B]ut,'' they wrote, ''it will make an important difference for family budgets, especially families in the bottom half of the income spectrum. Monthly Child Tax Credit payments are a proven success at helping families keep up with the everyday costs of keeping a family afloat.''

Mr. President, I ask unanimous consent to have printed in the RECORD the open letter signed by 120 economists.

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

OPEN LETTER FROM ECONOMISTS: EXTEND THE EXPANDED CHILD TAX CREDIT TO HELP FAMILIES KEEP UP WITH RISING COSTS

The cost of everything from food and fuel to housing and clothes is going up at the fastest pace in decades. Families need relief. The expanded Child Tax Credit is one of the easiest, most effective, and direct tools currently at our disposal to help families deal with the impact of inflation on family budgets. A recent analysis by Moody's found that inflation is costing the average family $296 per month, with lower-income families being hit even harder. Each $250 to $300 monthly child tax credit payment can offset the toll inflation is taking.

The expert opinions about the causes of and solutions to rising inflation are as varied as the authors of this letter, but we agree on this: the expanded Child Tax Credit is too small to meaningfully increase inflation across the whole economy, but it will make an important difference for family budgets, especially families in the bottom half of the income spectrum. Monthly Child Tax Credit payments are a proven success at helping families keep up with the everyday costs of keeping a family afloat. With inflation causing those very costs to rise, the Child Tax Credit is even more important now to help families meet their basic needs.

PARTIAL LIST OF SIGNERS

Dean Baker, Center for Economic and Policy Research; Nina Banks, Bucknell University; Chris Benner, University of California Santa Cruz; Alan Blinder, Princeton University; lndivar Dutta-Gupta, Georgetown Center on Poverty and Inequality; Teresa Ghilarducci, The New School for Social Research; Darrick Hamilton, The New School for Social Research; Samuel Hammond, Niskanen Center; Elaine Maag, Urban Institute/Tax Policy Center; Ioana Marinescu, University of Pennsylvania School of Social Policy and Practice; Manuel Pastor, University of Southern California; Bob Pollin, University of Massachusetts Amherst.

Organizations listed for identification purposes only; views should be attributed to the individual, not the organization, its trustees, or funders.

FULL LIST OF SIGNERS (118)

Alan Aja, Randy Albelda, Mona Ali, Elizabeth Ananat, Eileen Appelbaum, Kate Bahn, Dean Baker, Nina Banks, Chris Benner, Eli Berman, Alan Blinder, Peter Bohmer, Elissa Braunstein, Howard Chernick, Israel Chora, Kimberly Christensen, Jennifer Cohen, Steve Cohn, Amy Crews Cutts, Sheldon Danziger.

Matthew Darling, Stephanie Didwania, Peter Dorman, Laura Dresser, Indivar Dutta-Gupta, Gary Dymski, Alison Earle, Todd Easton, Kevin Egan, Luciana Etcheverry, Doyne Farmer, Deborah M. Figart, Daniel Finn, Nancy Folbre, John Gallup, Teresa Ghilarducci, Fabio Ghironi, Jacob Goldin, Neva Goodwin, Ulla Grapard.

Mitchell Green, Erica Groshen, Robin Hahnel, Darrick Hamilton, Leah Hamilton, Samuel Hammond, Douglas Harris, Martin Hart-Landsberg, Marianne Hill, Emily Hoffman, Dorene Isenberg, Sarah Jacobson, Fadhel Kaboub, Haider Khan, Mary King, Tim Koechlin, Andrew Kohen, Jeanne Koopman, Edith Kuiper, Ronald Lee.

Margaret Levenstein, Catherine Lynde, Elaine Maag, Arthur MacEwan, Ioana Marinescu, Thomas Masterson, Gabriel Mathy, Aine McCarthy, Elainre McCrate, John Miller, Kyle Moore, Katherine Moos, Sucharita Mukherjee, Michele Naples, Julie Nelson, Reynold Nesiba, Joseph Nowakowski, Stephen Nunez, Jennifer Olmsted, Lindsay Owens.

Lenore Palladino, Elizabeth Palley, Manuel Pastor, Francisco Perez, Chiara Piovani, Robert Pollin, Bina Pradhan, Kelsey Pukelis, Morgan Richards-Melamdir, Yana Rodgers, Leopoldo Rodriguez, Stephen Roll, Giacomo Rondina, Lygia Sabbag Fares, Max Sawicky, Peter Schaeffer, Juliet Schor, Elliott Sclar, Stephanie Seguino, Tim Smeeding.

Mary Stevenson, Samuel Stolper, Diana Strassmann, Kay E. Strong, Chris Tilly, Zdravka Todorova, Mariano Tarras, Dietrich Vollrath, Mark Votruba, David Weiman, Mark Weisbrot, Thomas Weisskopf Jeannette Wicks-Lim, Kathryn Wilson, Rachel Wilson, Brenda Wyss, Yavuz Yasar, Andrew Zimbalist.

Mr. BENNET. Mr. President, this is no surprise to me. I was for the child tax credit before we had COVID because for the last 50 years, as I have said before on this floor, we had an economy that has worked really well for the top 10 percent of Americans and basically hasn't worked for anybody else.

We have some of the lowest economic mobility in the industrialized world. We have got some of the greatest income inequality in the industrialized world.

Stunningly—stunningly—in the last two economic downturns, economic inequality has only gotten staggeringly worse in this country because of the massive asset inflation that has benefited the wealthiest people in the economy who are in the position to make money on their money or, in the case of a lot of people, on real estate. In Colorado, it is making it harder and harder and harder for working people to find a place to live.

And I can tell you that our kids pay the highest price from this.

I was the superintendent of the Denver Public Schools before I was in this job. A majority of kids were kids of color; a majority of kids were kids living in poverty. And their families were working—contrary to what some people around here think, their families were working two and three jobs. The problem wasn't that their families weren't working. It wasn't that they weren't working hard. They were killing themselves, and no matter what they did, they couldn't get their kids out of poverty, and that is not a consequence of anything that is their fault. They are doing everything they can. For that matter, their kids are doing everything they can—going to schools that ought to do a better job for the kids living in poverty all over this country.

And some people think that we have to just accept this as a fundamental aspect of our economy or our democracy or our society; that somehow the United States of America is such a failure as a community that we have to accept being 38 out of 41 industrialized countries in terms of childhood poverty; that we are willing to permanently accept the idea that the poorest people in our society are our children.

I think there is something we can do about it. I know there is something we can do about it. I know there is a lot of skepticism about the Federal Government's ability to do anything well. I share that skepticism sometimes.

We fought two wars in the Middle East that lasted for 20 years, that cost about $5.6 trillion—seems like a set of bad decisions.

We have cut taxes on the floor of this body by $8 trillion since 2001. Almost all of the benefit of that has gone to the wealthiest people in the country, when we have got the worst income inequality that we have had since 1928.

It has been staggering to watch—it has been staggering to watch people stay here at the end of a legislative year, at the end of a Congress, and burn the midnight oil to make sure that we can extend the tax cuts for the wealthiest people in the country and for the largest corporations in America.

That is how you know it is 2 o'clock in the morning in the U.S. Senate. It is when we have to extend tax cuts for the richest people in this country during a time of devastating income inequality that is perpetuated by the economic cycles that we continue to have.

But last year, Mr. President, as you know, because you were a big part of this, we did something different. We adopted the expanded child tax credit; we adopted the expanded earned income tax credit. Those bills were Bennet-Brown and Brown-Bennet, respectively—my friend SHERROD BROWN from the great State of Ohio.

And here on this, ahead of tax day, I wanted to come down to the floor just to give you a little report, kind of a book report, a status report on what has happened.

And what I want to tell you is it worked. It worked. It worked. We discovered we didn't have to live in a society that was 38 out of 41 industrialized countries. We discovered that we didn't have to accept the world where the poorest people in our country were our children.

We benefited 61 million kids in the United States—90 percent of the children in Connecticut, 90 percent of the children in Colorado, and 90 percent of the children all across this country directly benefited from a bill we passed here.

We cut childhood poverty nearly in half. We cut hunger by a quarter for families with kids during a pandemic, which feels like a worthy thing to have done. We did it without adding a single bureaucrat to the Federal Government. We did it without adding one more Federal Agency. We proved we could do it.

And then we didn't extend it at the end of the year. And now, predictably, childhood poverty is shooting up in the United States of America. Hunger is shooting up in the United States of America.

I was on the phone with the leaders of the food banks across Colorado who have done such an incredible job during this recession and during the last recession making sure people are fed. I have visited some of those food banks. I know that people are saying to me that there are, you know, two-thirds of the people who are showing up were people who didn't show up before we had this catastrophe of COVID.

But guess what is getting longer now, as a result of our failure to extend the child tax credit. It is the lines in these food banks. It is the people coming to get food for their kids instead of being able to go to the grocery store with the dignity of the expanded child tax credit.

There is a shred of good news here that I wanted to just speak about for a second because this will be my chance to do it, and I just want to remind people that as families file their tax returns, they will receive the second half of their child tax credit, which is worth up to $1,800 per child. That is still available. It is not coming in a monthly form anymore. It is not coming into your bank account anymore in that automatic way, but when you file your tax returns, you will receive it.

And the other thing, because of the EITC work that we did—the earned income tax credit work—workers without children will receive the expanded EITC, which we tripled last year—we tripled last year.

We finally decided we are not going to tax people into poverty anymore in this country, which is what we were doing before we expanded that.

So I wanted to remind families to claim their child and dependent care tax credit as well.

We expanded that last year to a maximum of $4,000 per child, and in my view we have to continue to come down here and fight to make these credits permanent. And it is my goal for us to end childhood poverty in this country.

I think cutting it in half—that was an exciting thing. It has been a long time around here—decades, generations—generations since we have seen a reduction in poverty in this country like the reduction in childhood poverty we saw last year, generations since we have seen a reduction in hunger like we saw last year.

And the good news is, we now know that it is a fact that we can do it. There are a lot of countries in the world that have an expanded child tax credit or child benefit like the child tax credit, and in all those countries, fewer of their kids live in poverty.

And their workforce participation rates are actually higher, which doesn't surprise me at all, based on the stories I heard from families about what they were spending the child tax credit on, which was everything that had to do with their kids, from buying back-to-school clothes to paying for a bicycle so a young man in Colorado Springs could stay at school late so he could have extracurriculars that he otherwise wouldn't have had the ability to achieve, so that his mom could stay at work for a few more hours so she could provide for the family.

There is literally no data in America or anywhere else that doesn't support the idea that this is a pro-work policy, the child tax credit.

We didn't have any trouble, as I said earlier, extending the $8 trillion of tax cuts that we have cut for the wealthiest people in this country since 2001.

For that money, we could have extended the child tax credit for 50 years. We could have doubled it for 25 years, and we could have ended childhood poverty in the United States of America. I guarantee you that would have been a better investment than sending money to people who need it least in our economy.

I would say to my own party that I am really grateful that we passed this last year, but I am deeply, deeply disappointed that we couldn't come together and extend it.

I am deeply, deeply disappointed that we haven't fulfilled our promise to reverse the Trump tax cuts for the richest people in America. It doesn't make any sense. It is completely upside down, but that is where we find ourselves.

I wish I could express how different it felt at the end of the year when it was

kids, many of whom were living in poverty and their families who were getting, on average, $450 a month—when the lights were going out on them, and we just went home. We just went home. There was nobody burning the midnight oil here to make sure that the kids got the benefit of this.

And, by the way, even if you don't believe that living in a society where the poorest people are your kids and that it ought to be a purpose of a nation to lift kids who, through no fault of their own, find themselves in poverty; who, through no fault of their own, find themselves living in a country where we have less economic mobility than almost any other industrialized country in the world and therefore don't have the opportunity to rise that generations had before them—and, hopefully, generations that will come after them—and that are attending a system of education in this country because of the lack of early childhood education in the United States, because of the lack of quality K–12 education in this country, because of the incredible expense of higher education—who are attending a system that is actually reinforcing the income equality we have rather than liberating people from their circumstances.

(Mr. MARKEY assumed the Chair.) The best predictor of the quality of your education in this country is your parents' income, to the point of ruthlessness—to the point of ruthlessness.

I want to mention that Senator ROMNEY, who is a Republican from Utah, has a very similar bill to my bill to expand the child tax credit. In fact, it is basically the same bill. He is a little more generous with kids under the age of 6, and we have a difference of view on pay-fors, but I think that is a bridgeable difference. And I have no doubt that in the long term, we will come to a bipartisan agreement in this Chamber to make the enhanced child tax credit permanent; to decide that even if you don't care about the kids, which you should, that the country can't afford this level of childhood poverty, that our democracy won't be sustained with this level of income inequality. That is what I believe. That is what I know.

Childhood poverty costs the United States of America $1 trillion dollars a year. That is why it is not surprising that Columbia University did a study and found that we get an 8x return—that the child tax credit would pay back the United States eight times what it costs. Again, what it costs is $100 billion a year, but childhood poverty costs us $1 trillion a year.

Instead of accepting the idea that we are going to be at the bottom of the cellar when it comes to kids living in poverty, what we said was: No, we are going to cut it in half.

And let me assure you, as a former school superintendent and—well, as a former school superintendent—the cost of mitigating for childhood poverty far exceeds the cost diminishing it.

It is an amazing thing to me, on top of everything else that we are talking about today, that when families are in the grip of the kind of inflation that they are in the grip of—which costs them somewhere between $270 to $300 a month, depending on where they live and depending on who they are—that it wouldn't occur to us that the easiest thing to do would be just to reinstate what we were doing last year and allow people to have the benefit of $450 on average to raise their children, to pay for a little bit of extra childcare, to pay for a little bit of transportation to fix a car that is broken so they can stay on the job.

I know there are some colleagues here who think that this policy disincentivizes work. Even before we passed this last year, every study that looked at this that I was aware of, with the exception of one outlier that I think had terrible data—every single one—said that this was not going to negatively affect work.

And guess what. Now we have had a 6-month experiment in the United States of America, and every study, including the one by the American Enterprise Institute, which was a doubter about this policy—and I think probably still is a doubter about this policy—found that it had no effect on people's work habits.

The problem in America is not that people don't work hard. That is not the problem that we have in this country. People are killing themselves. And it is true that wages are up by about 5.6 percent since the Biden administration went into office, which is great, awesome. It is great, but we have had the effects of inflation, and we are a long way from having an economy that, when it grows, it grows for everybody, which, by the way, that is what we need to do. That is what we have to achieve.

This democracy will not survive another 50 years of an economy that, when it grows, it grows for the top 10 percent, and everyone else's wages are flat or everyone else is effectively in a recession. There is no evidence in world history that with that level of income inequality, that lack of economic mobility, that, over 100 years, you can sustain a democracy.

And we don't have to do that. We don't have to do that. We can make it permanent, put it back in place—pay for it, by the way. I believe we should pay for it by raising taxes on the wealthiest people in the country, like we said we were going to do by reversing the Trump tax cuts—the Trump giveaways which were sold as the middle-class tax cut. They were so smart because they gave people in the lower levels of the income ladder a little bit, to say: There is your Trump tax cut—so he could go out to the Mahoning Valley, go out to Youngstown, and tell people: You got your tax cut. You are welcome.

What he didn't tell them was that 52 percent of the Trump tax cuts went to the top 5 percent of Americans; that after he left the people of the Mahoning Valley and Youngstown, an old steel town, and then he went on to Mar-a-Lago, where people were having a New Year's Eve dinner, or whatever it was they were having, and the first thing he said to them was: You are welcome. That was a lot closer to the truth.

You are welcome. You are welcome that I cut your taxes at a time when income inequality is greater than at any time since 1929. You are welcome that I cut the corporate rate to 21 percent, even though no one in corporate America was asking for a 21-percent tax cut. ''You are welcome'' is what he said.

I said earlier, Mr. President, before you were here, that there are people in the country that are skeptical of the Federal Government doing anything well and that I have my own skepticism for the reasons I said earlier. But there are people in terms of the child tax credit that said it would never work. You know, 6 months before we did it or 4 months before we did it, I was getting stopped by reporters everyday asking: Do you think they are really going to be able to do this? Can the IRS, can the Department of Treasury—can they really administer this?

And the answer is yes, they did. They did a fantastic job. They didn't get everybody at first. They didn't get everybody at first, and we knew that would be a problem. We enlisted people all over the State of Colorado who worked with folks, who worked with working families and worked with families who are living in poverty, because, remember, this wasn't just about kids living in poverty.

Ninety percent—90 percent—of America's children benefited from this. That is why some people have called it Social Security for kids. Some people have called it universal basic income for kids. I think it is a good thing because I can tell you that 90 percent of the kids in Colorado can use the help; because 90 percent of the people in this country and in my State have not benefited from economic growth the same way the top 10 percent of Americans have for the last 50 years.

And, as I mentioned—I just want to say again on this floor because there were people out there saying, ''People are going to drop out of the workforce,''—it did not happen. It didn't happen in other countries that have a tax benefit like this, and it didn't happen during the 6 months that we were here.

I understand that, maybe, we would have a different debate. People would say: Oh, my God, Michael, all these people dropped out of the workforce. It didn't work the way you said that it would.

It did work the way I said it would. It did work the way that data said that it would, and moms and dads—very unsurprisingly to me—who were working hard to begin with, probably just

worked harder because now they had the chance to pay for a little extra childcare. Now they had the chance to fix a car or, as I said, let their kid go to extracurricular activities so they could stay at work. And that is what all the studies have shown.

So I suppose one good thing has come out of this, which is—or maybe it is more than one good thing—it is that we now know that America is no different than any other place in this respect: that when parents get a marginal, incremental amount of money, they don't quit their jobs; they feed their kids. But as a society, we are able to say that we cut childhood poverty in half and we cut hunger in half—by 25 percent.

What good is it that now there are families that are lined up in soup kitchens, today, who weren't there 6 months ago because they had the benefit of the child tax credit?

As I said, parents spent this credit on all kinds of different things. I mentioned childcare. I mentioned the bicycle for extracurricular, but, I will tell you, the thing that I heard from every single parent that I talked to—and there were a lot of them in Colorado over the last 6 months, over the last 6 months of last year—was the stress that it had relieved for their family—that grinding stress of being in a recession, the grinding stress of being in the middle of a pandemic, the grinding stress of having your kids out of school or having interrupted schooling, the grinding stress of living in an economy where people are saying to you, no matter how hard you work, that somehow it is your fault that you can't give your family that; and that the decisions that we have made over many years in this Chamber and in the Chamber across there, and that some of the largest institutions have made as well, unfortunately, have created real headwinds for working people and for their families.

We are in the middle here of considering the China COMPETES bill, which I think gives us a real opportunity to reassess what we have been doing for the last 40 or 50 years.

Every single thing we set and we told the American people we were doing in their name with respect to China and its presence in the World Trade Organization and what China would do as a result of that—none of that turned out to be true. And when I say ''China,'' I don't mean the Chinese people. I mean Beijing. And we realize now that they weren't going to follow the rules of the road. We realize now that they were engaged in state-sponsored capitalism, and that is very hard to compete with; and that instead of just privileging the people in our society who want to make stuff as cheaply as possible in China, maybe we ought to be thinking about other things, like our supply chain—protecting our supply chain—or our national security or whether we are creating good-paying jobs in the United States so that when the economy grows, it grows for everybody.

We have an opportunity to do that now, and that is what I want. That is what I really want: It is an economy that, when it grows, it grows for everybody, because that is the American dream, that is the story we told ourselves about who we are as a people, and that is the way to strengthen our democracy. That is what I really want.

In the meantime, what I would like us to do, since we now know how to do it, finally, is lift half the kids in this country out of poverty so they have a chance to pursue the American dream themselves. I used to say that this Chamber treated America's children like they were someone else's children because of the education system that we have provided for them. And when we did the child tax credit, I came out here and I said: I can finally come to this floor and say: We are now treating America's children like they are America's children.

But, for the moment, that is no longer true, and, for the moment, we are treating them like they are someone else's children, and we will rue the day that we did this. We will rue the day that we did this.

This is a pro-work policy. It is a pro-family policy. It is a pro-democracy policy. We now know it worked, and it worked well. We have got to fight to make it permanent, and that is what I will do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

WAR CRIMES ACCOUNTABILITY ACT

Mr. DURBIN. Mr. President, Europe has seen its share of horrors over the last century: the atrocities of World War I, World War II, as well as the Bosnian war. Ukrainians, in particular, suffered under the rule of Joseph Stalin. During the tragedy known as Holodomor, millions of Ukrainians died of starvation—forced starvation.

In the wake of some—but not all—of these atrocities, the world responded by bringing the perpetrators to justice. After World War II, of course, there were the Nuremberg trials; and after the Bosnian war, President Milosevic was charged with crimes against humanity by an international criminal tribunal.

Sadly, now, in 2022, we are faced with the question: How will the world react to the crimes that are now being committed in Ukraine?

Over the past week, we have witnessed the reality of Vladimir Putin's genocidal rampage on the innocent people of Ukraine, and the scenes of brutality in Bucha are seared in our collective memory.

Today, in Bucha, Ukraine, there are mass graves surrounded by bodies hastily shoved into garbage bags, civilian cars crushed like tin cans, and front yards and gardens lined with the dead bodies of innocent Ukrainian people.

One survivor, Antonina Pomazanko, aged 76, watched helplessly as Russian soldiers murdered her daughter, Tetiana. Without provocation, the Russian soldiers opened fire on her home, and the bullets ripped through the gates and fence as Tetiana was standing in the yard. She was killed in an instant.

On Sunday, the New York Times ran a photo of Mrs. Pomazanko looking over her daughter's dead body. Mrs. Pomazanko had covered it with plastic sheets and wooden boards. It was lying in the same spot where she was killed last month.

In the words of Mrs. Pomazanko:

There was so much shelling, I did not know what to do.

There is nothing that will fill the void of loss and despair that Mrs. Pomazanko and millions of Ukrainians feel at this very moment, but there is more—much, much more—that we, as Americans, must do.

The actions of Vladimir Putin harken back to some of Europe's darkest days—the atrocities committed by the Nazis during World War II, the massacres of the former Yugoslavia—days that we must endure and days which we hope we never have to relive. And as I mentioned, after the Allied Forces liberated Europe in 1945, the world responded. It came together at the historic Nuremberg trials.

When the trials first convened at the Palace of Justice on November 21, 1945, Supreme Court Justice Robert H. Jackson delivered the opening statement.

He said:

The wrongs which we seek to condemn and punish have been so calculated, so malignant, and so devastating, that civilization cannot tolerate their being ignored because it cannot survive their being repeated.

''Civilization cannot tolerate'' and ''cannot survive'' the war crimes we have witnessed in Ukraine going unpunished.

President Biden recognized that fact on Monday in his calling for a war crime trial for the horrors in Ukraine.

President Lincoln once said to Congress when he proposed an end to slavery:

We—even we here—hold the power, and bear the responsibility.

It is within the power and the responsibility of this body to deny safe haven in America or anywhere to perpetrators of these heinous crimes.

Under existing law, foreign war criminals who come to the United States, incredibly, cannot be prosecuted. They cannot be held liable in a civil action or even be deported for their heinous crimes. Currently, the War Crimes Act only applies if the perpetrator or victim is a U.S. servicemember or a U.S. national. In other words, it would not cover the Russian officials who are responsible for the commission of war crimes in Ukraine nor cover the Russian soldiers who committed those crimes.

We also don't have a statute or a law in America making crimes against humanity a violation of U.S. law. This was the primary offense prosecuted in Nuremberg, and it was a critical tool for holding violators accountable.

Other grave human rights violations, including genocide and torture, are already crimes under U.S. law that cover any offender found in the United States. This should also be true for war crimes and crimes against humanity, and that is why I will introduce the War Crimes Accountability Act.

The War Crimes Accountability Act will ensure the United States has the tools to hold accountable the perpetrators of war crimes and other atrocities. The bill expands the War Crimes Act to cover all war criminals who are in the United States, regardless of where they are from. It fills the gap in our criminal code for prosecuting crimes against humanity so that we can hold perpetrators who come to this country accountable.

This is not just a hypothetical idea. Consider one example: After the massacre of thousands of innocent men and boys in the Srebrenica massacre, a war criminal named Marko Boskic made his way to the United States. When law enforcement tracked him down, they could only charge him with visa fraud, not a war crime or crimes against humanity. We must bring war criminals to justice for their horrific crimes, not slap them on the wrist with a visa technicality.

The United States must never again provide safe haven for perpetrators of war crimes and crimes against humanity. Our Nation led the first prosecutions for crimes in the Nuremberg trials. It is time for the United States to lead again.

Ultimately, the day will come when Vladimir Putin faces justice, and his name and his regime will be remembered in history alongside the worst of the worst. Until Putin and his sycophants are brought to justice, we cannot waver—we cannot equivocate—in providing Ukraine with all the resources, weapons, and aid they need to triumph over Russia.

Quite simply, the United States of America should never be a safe haven for a war criminal. The United States of America should be holding war criminals responsible for their horrible conduct and what they have done to the poor and innocent people in other places, and they should be held liable on criminal and civil bases. That is what this bill would do. It is an effort to move forward with the cause of justice, but I hope it is only the beginning.

When nations around the world adopt similar laws to the ones which I am proposing, we will make it clear that there are no safe havens left for war criminals. They will pay a price wherever they end up, and that is the way it should be if there is going to be justice.

''Slava Ukraini.''

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

BIDEN FAMILY

Mr. GRASSLEY. Mr. President, today, Senator JOHNSON and I will present our third speech on the Biden investigation series.

Today, we will focus on James Biden, the President's brother. Hunter Biden wasn't the only Biden family member who had connections to the Chinese communist regime. James Biden did as well.

Before we begin our discussion, I think we will need to mention the main company once again, the Chinese company that goes by the initials CEFC.

In the first two speeches, Senator JOHNSON and I established the connection between CEFC and the communist Chinese Government. We established the connection between CEFC and Hudson West III. We then established the connection with Hunter Biden's Owasco, Hudson West III, and CEFC.

We showed that Hunter Biden and James Biden actively assisted CEFC as it worked to expand its footprint and its holdings in the global and U.S. energy sector. Today, we will add James Biden's Lion Hall Group to the list of Biden family companies connected to the communist regime.

In my and Senator JOHNSON's September 2020 report, we showed that Hunter Biden and James Biden and their aligned firms received approximately $4.8 million from Hudson West III from August 2017 to September 2018. During that same timeframe, Hunter Biden's Owasco sent 20 or so wires to James Biden's Lion Hall Group. Those 20 wires totaled just about $1.4 million.

The liberal media and our Democratic colleagues originally tried to claim that Senator JOHNSON and my findings were Russian disinformation.

Last week, the Washington Post reported the following:

> Over the course of 14 months, the Chinese energy conglomerate—

Here, parenthetically, they are referring to CEFC—

> and its executives paid $4.8 million to entities controlled by Hunter Biden and his uncle, according to government records, court documents and newly disclosed bank statements, as well as emails contained on a copy of a laptop hard drive that purportedly once belonged to Hunter Biden.

The Post also reported this:

> During that time period, about $1.4 million was transferred from Hunter's account to the Lion Hall Group, the consulting firm that James Biden ran, according to other government records reviewed by The Post.

Senator JOHNSON and I were right 2 years ago. We knew it then, but it has been a long road to defend our work product.

The liberal media and our Democratic colleagues aggressively tried to make the case that we were peddling Russian disinformation. What will the liberal media and my Democratic colleagues say now in light of last week's Washington Post article that substantiated the work Senator JOHNSON and I have been doing? We still haven't received any apology from our Democratic colleagues for their false claims against us these past several years. They haven't apologized to the American people. And I am not going to hold my breath.

When will the big-time media in Washington awaken to respect my reputation for the thorough investigative and oversight work that I do as a Senator? And it is also my constitutional responsibility to do exactly that.

Now, we have more records to discuss today. Today, Senator JOHNSON and I will show you financial transfers direct from Hudson West III to the Lion Hall Group. In other words, in these transfers, Hunter Biden's Owasco isn't the middleman.

Let's look at the first poster here. This is a January 2018 bank statement from Hudson West III. Now, there is a lot going on here, so I will just mention several items.

First, we have two examples of more wire transfers from Hudson West III for $165,000. The underlying wire data, which Senator JOHNSON and I will make public this very day, shows that money went to Hunter Biden's Owasco. That money was for the August 2017 LLC agreement, which by its terms saw James Biden become a manager of Hudson West III. That agreement sent $100,000 to Hunter Biden and $65,000 to James Biden every month. Those transactions occurred after the $5 million wire from Northern International Capital to Hudson West III on August 2017. Northern International was connected to Ye Jianming, who was connected to the communist regime.

We explained all that in our second speech just last Tuesday.

Second, this statement shows several examples of wires from Hudson West III to CEFC. As Senator JOHNSON and I have established, that company is an arm of the communist Chinese regime. This new record shows how closely connected Hudson West III was with CEFC while Hunter Biden and James Biden received money from Hudson West III.

Third, we have a January 17, 2018, wire to Lion Hall Group. That happens to be James Biden's company. James Biden received $18,000 from Hudson West III the same month that company sent money to CEFC. This is just one example of many.

Accordingly, the official bank record makes clear the financial connections between and among James Biden and the communist Chinese elements.

To the liberal media and my Democratic colleagues, this official bank record—is that Russian disinformation, as you accused us of spreading?

Now let's go to the second poster. This is a Hudson West III bank record from April 2018. Here, you see wire transfers from Coldharbour Capital. That company was connected to Mervyn Yan, who was an associate of Ye Jianming and Gongwen Dong.

As Senator JOHNSON and I have already established, all of them are connected to the communist regime. These are the players in the game that I mentioned in the first speech last Monday, and now we have established that they appear repeatedly in bank records with high-dollar transfers.

These transfers aren't by accident—no way. There is clearly a scheme here.

There is a plan among and between all these individuals and their respective companies, which then begs the question, has the Justice Department acquired these records? If so, what has the Justice Department done about these records?

Moving to the next transaction, there is another $165,000 wire. Again, that relates back to the LLC agreement that connected Hunter and James Biden to the Chinese firm CEFC and its projects in the energy sector. Then you have a $34,000 wire to James Biden's Lion Hall Group from Hudson West III.

So what was this all about? Let's take a look, then, at the third poster. Look at the sixth line from the bottom. I want to quote. It says ''office expense and reimbursement.'' That is the same reason given for the first poster that I showed you.

We will make all these records public this very day.

For those of you who may still doubt my and Senator JOHNSON's oversight work, I am going to present one last transaction to bring all of this home.

Look at the fourth poster. In my and Senator JOHNSON's September 2020 report, we found that James Biden and Hunter Biden went on a $99,000 global spending spree courtesy of whom? Another Chinese person I have mentioned so many times in these three speeches—Gongwen Dong. The spending spree included airline tickets, purchases at Apple stores, hotels, and restaurants. This bank record next to me shows a $99,000 transaction in September 2017, but that is not all that we have.

Let's turn to the final poster. This is No. 5. This is a credit card authorization form for $99,000. Look at the bottom. There is a signature block with Hunter Biden and Gongwen Dong.

To the liberal press and my Democratic colleagues, are these official records Russian disinformation?

So what is the point of all these records? Not only have Senator JOHNSON and I illustrated through new records that Hunter Biden was financially connected to the communist regime, these records show James Biden was as well. These new records show direct financial links between companies connected to the communist regime and James Biden through Lion Hall Group. These new records support the findings in our report to the last Congress.

Remember, those records were put out in September and November of 2020, and everybody was saying it was Russian disinformation. Forget the facts. Forget the evidence. Forget the investigative journalism. The liberal media wanted to provide cover for then-Candidate Joe Biden. They did whatever they could to smear our investigations.

With these new records, there can be no doubt that James Biden was financially connected to corporations and individuals with extensive links to communist China and that he and Hunter Biden were in it together, working to help a Chinese Government-linked energy company pursue deals and expand its reach in the energy sector.

Now, it is Senator JOHNSON's turn.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. JOHNSON. Mr. President, I thank Senator GRASSLEY.

What Senator GRASSLEY and I have showed over the course of six speeches are the actual bank records of financial transactions tying President Biden's son Hunter and his brother James to businesses that are essentially arms of the communist Chinese regime. But the Biden business ventures include activities in many more countries than just China.

In our September and November 2020 reports, we showed a vast web of Biden family foreign financial entanglements that were largely ignored by the media and falsely labeled ''Russian disinformation'' by our Democratic colleagues. As outrageous as the suppression of our reports and the false attacks were, perhaps the most egregious behavior came from 51 former intelligence Agency officials who lent their names and reputations to an effort designed to convince the American public that Hunter Biden's laptop had ''all the classic earmarks of a Russian information operation.''

Without any evidence backing their assertion, they engaged in their own information operation by signing a public letter right before the election. Their letter was actual disinformation, coming from what are supposed to be trusted former members of our U.S. intelligence Agencies. They should all be ashamed and held accountable for spreading this disinformation. By signing that disinformation letter, they reinforced false claims that the records on the laptop were not legitimate.

By casting doubt on evidence of the Bidens' corrupt practices, these former intelligence officials interfered in the 2020 election to a far greater extent than Russia could have ever hoped to achieve. Their willing accomplices in the press amplified this disinformation letter and, by doing so, were equally guilty of egregious election interference.

In August 2020, I wrote a public letter detailing the history, purpose, and goals of my oversight and investigations. In that letter, I laid out the timeline of Joe and Hunter Biden's involvement in Ukraine. The timeline is very revealing.

It starts in February 2014. That was the month of the Revolution of Dignity in Ukraine. Two months later, on April 16, 2014, then-Vice President Biden met with his son's business partner Devon Archer, now a convicted felon, at the White House.

I just want to pause and just let that sink in a little bit. Devon Archer is now a convicted felon. He got a meeting in the White House with the Vice President of the United States. That is kind of a big deal.

The press didn't ask many questions. Five days after that meeting in the White House, April 21, Joe Biden visited Ukraine, and the media described him as the ''public face of the administration's handling of Ukraine.'' The next day, on April 22, Devon Archer joined the board of Burisma. What a coincidence.

On April 28, 6 days later, British officials seized $23 million from the London bank accounts of Burisma's owner Mykola Zlochevsky. Let that sink in a little bit. Six days after Devon Archer joined the board of Burisma, a day after Vice President Biden visited Ukraine, which was 5 days after he met with Devon Archer in the White House, British officials seized $23 million from the corrupt owner of Burisma.

On May 13, 2014, 3 weeks later, Hunter Biden joined the board of Burisma. What a coincidence.

Because of the findings in our reports and the excellent investigative journalism on the part of John Solomon, we also know that Hunter was involved with Yelena Baturina, the corrupt and now-sanctioned wife of the former mayor of Moscow, during the exact same period of time.

On February 14, 2014, Baturina wired $3.5 million to Rosemont Seneca Thornton, an investment firm cofounded by Hunter Biden.

Between April 4 and April 5, 2014—again, the same month that Joe Biden met with Devon Archer in the White House and Devon became a member of the board of Burisma—Hunter Biden and Devon Archer sent emails about meeting with Baturina, potentially relating to a business deal in Chelsea, NY.

On April 13, 2014, 9 days before Devon Archer joined the board of Burisma, Hunter Biden and Devon Archer discussed a potential deal involving Baturina. Archer wrote that Baturina ''confirmed green light to fund deposit.'' Archer continued:

> Just spent two hours on the phone with Kiev. I am confident at this point this is a good if not life changing deal if the Ukraine doesn't collapse in the meantime.

It is quite interesting to see how much significant activity involving the Bidens and corrupt actors in Russia and Ukraine occurred within a 6-week period, only 2 months after the Ukrainian Revolution of Dignity. It sure looks like they intended to cash in on the turmoil in Ukraine.

In my August 2020 letter, I listed a number of questions about then-Vice President Biden's interaction with Hunter Biden's business partner and other family members' foreign financial dealings. In making this letter public, my hope was that the press, the very uninquisitive press, would begin to ask then-Presidential candidate Joe Biden these important and legitimate questions.

It should come as no surprise that the corporate media was completely uninterested and failed to conduct any investigative journalism. Nearly 2 years after I wrote this public letter, the mainstream media has still not

adequately pressed President Biden for answers to these very legitimate questions; for example, No. 1: Why did Joe Biden meet with Devon Archer at the White House on April 16, 2014? What did they discuss? Did they discuss anything related to Ukraine, Hunter Biden, or Burisma?

No. 2, was Joe Biden aware that Devon Archer joined the board of Burisma 6 days after that meeting, 1 day after he visited Ukraine?

No. 3, does Joe Biden believe Burisma and its owner are corrupt?

No. 4, when did Joe Biden first become aware that Hunter Biden also joined the board of Burisma?

No. 5, when did Joe Biden first become aware of how much money Hunter Biden was being compensated by Burisma? Senator GRASSLEY and my report showed it was close to $4 million.

No. 6, what does Joe Biden know about Hunter or James Biden's dealings with China?

No. 7, what does Joe Biden know about financial benefits his brother and sister-in-law have obtained because of their relationships to him?

Investigative reporter John Solomon has added a few more questions to my list, including: No. 1, what, if anything, did Joe Biden know about his son's dealings with Russian oligarch Yelena Baturina?

No. 2, a 2017 series of memos referred to a Chinese business deal that involved Hunter Biden and included a 10-percent equity for the ''big guy.'' What did Joe Biden know about this specific deal, and who was the ''big guy''?

No. 3, emails on Hunter Biden's laptop, now in the possession of the FBI, refer to shared accounts or bills between Joe Biden and Hunter. Did Hunter ever give Joe Biden any money, gift, or financial benefit from Hunter's business dealings?

After a long-overdue analysis, the New York Times and the Washington Post have finally admitted that records from Hunter's laptop are authentic, which means—although they will never admit this—that Senator GRASSLEY and I were right, and they were wrong.

It is interesting to read how limited and muted their mea culpas are. My guess is that they learned a lot from their coverage of Nixon's Watergate scandal coverup. They learned that when you have been caught in a coverup—and that is what has happened here—you try to limit the damage by telling a little bit of the truth. In the intelligence world, this strategy is called a ''limited hangout.'' The Watergate coconspirators called it a ''modified limited hangout.''

Regardless of what you call it, what the New York Times and the Washington Post are doing is not telling the whole truth. I doubt they ever will. But just in case they decide to pursue the truth with a little bit more rigor, they can use the above list of relevant questions as a good starting point for what they should be asking President Biden.

For our part, Senator GRASSLEY and I will continue to ask tough questions, review more information and records, and transparently provide that information to the American public. We intend to pursue and uncover the truth.

I will now turn the floor back over to Senator GRASSLEY for his closing remarks.

Mr. GRASSLEY. Mr. President, I thank Senator JOHNSON. I will just quickly say that the journalists in this town have an obligation to investigate. They ave an obligation to uncover the facts and the evidence. They have failed time and again.

What has been reported recently is simply the tip of the iceberg. The question now is: Instead of accusing us of peddling Russian disinformation, will the media actually engage in true investigative journalism? Will the media act with intellectual honesty, or will the media continue to cover all this up for the Biden administration?

Now, Congress has a constitutional responsibility to engage in oversight of the executive branch. The Biden administration has been totally unresponsive to our oversight requests; specifically, requests that relate to the Biden criminal case.

Is Nicholas McQuaid recused from the Hunter Biden case? No answer from the Department. Does the Department possess FISA information on Patrick Ho, Hunter Biden's associate? The Department told a Federal court they do. They told me and Senator JOHNSON that they aren't sure. Can you imagine that?

When Hunter Biden communicated with Patrick Ho, were his communications captured by our intelligence community? Is the Biden administration intentionally withholding this material from Congress out of fear of what we will find?

In light of the Biden administration's total failure to respond to our questions, these are legitimate questions to ask. The Biden Justice Department's actions have cast a cloud over the case. The American people are rightly skeptical of the impact it may have on it.

Transparency brings accountability. This week, Senator JOHNSON and I have done what we can to bring transparency to our oversight work for the American people. We will continue to do so.

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.

Mr. BLUMENTHAL. Mr. 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. BLUMENTHAL. Mr. President, I come here with real pleasure, pride, excitement, joy, and real exuberance not often felt on the floor of the U.S. Senate because we are going to be making history this week. As confident as I am of anything ever in the U.S. Senate happening, this week we will confirm Judge Ketanji Brown Jackson as an Associate Justice of the U.S. Supreme Court.

Let me, first of all, thank President Biden for nominating her. His wisdom and courage are one of the reasons that she is before us as a nominee in this historic vote. And to all my fellow Members of the Judiciary Committee, we have labored a long time, through many hours, and I particularly thank Senator DURBIN for his leadership.

Now, ''historic'' is a word that is often overused, even in this Chamber, where a lot of history is made, but Judge Jackson's nomination truly merits that word. It is a joyous, exciting moment for all Americans because Justice Jackson will make the U.S. Supreme Court look more like America and, hopefully, think more like America at a time when Black women and people with diverse backgrounds, races, religions have broken many barriers.

Her confirmation will be a giant leap into the present. She stands on the shoulders of many who have come before her, as she recognized so explicitly in our hearing. One of them is Constance Baker Motley, a daughter of New Haven, CT, the first Black woman to argue before the U.S. Supreme Court and the first Black woman to be appointed as a judge on the U.S. district court.

Now, she was also instrumental in the well-known and profoundly significant case of Brown v. Board of Education, argued by Thurgood Marshall, and she won every one of the cases that she argued before the U.S. Supreme Court. I have argued four; she argued ten. Her record surpasses almost any of the litigators who have become judges.

Not only will she be the first Black woman on the U.S. Supreme Court, Justice Jackson will be the first public defender. What does that mean? She has represented people who couldn't afford a lawyer. There is nobody on this Court who has represented people who couldn't afford a lawyer as a full-time profession or public defender. She has more experience as a trial lawyer and a trial judge combined than anybody on the U.S. Supreme Court now and probably over the last century.

She has academic credentials that are superlative. She has written and taught and counseled in ways that give her insights into the real-life meaning of the law and its real impact on people.

It has also given her an emotional intelligence. There is no question that she is qualified by virtue of intellect and intelligence. Book smart—there is no question that she is book smart, but she is also people smart. She understands, as Justice Breyer has, as well, that all of these abstruse legalisms, all of the abstract concepts in law, all the technical distinctions, all of the verbiage—they have a real-life impact when they are words in a statute, when

they are words in a legal opinion, when they are words from the mouths of judges or Justices—Federal or State. She understands that real-life impact, which gives her more than intellect. It gives her emotional intelligence.

I will say that I have talked to Judge Jackson about her feelings, her instincts at critical decision points as a judge. In sentencing, when she knew that another person's life was in her hands, metaphorically, and when another person's future was within her decision-making power, she has looked at sentencing decisions with all of the data points, all of the emotional intelligence, all of the judgment that she has advanced so movingly in her conversations with us, as well as her appearance before our committee.

She has that capacity for empathy that very few people have. A lot of people can go to school and can graduate with honors. They can be book smart, but she understands the impact of law on real lives and real people. It is those people whose lives are touched by the justice system. Whether they are victims or criminal defendants or litigants dealing with personal or professional conflict, their stories shone through her conversations with us and her testimony before our committee and her enthusiasm for the law, because judges are the face and voice of justice, and representation matters.

It matters for the legitimacy and credibility of our judicial system that our judges look like America, that somebody coming into a courtroom sees that that Justice has that face and voice that can relate to them.

Judge Jackson will bring to the U.S. Supreme Court all those immensely important qualities and, certainly, she will bring a lot of patience and perseverance. She has shown those qualities, but also grace and dignity, in the way that she responded to some of the abusive, demanding questions that she was asked during our hearing. She has weathered that storm with extraordinary distinction and diligence. When some of our colleagues went low, she went high, to paraphrase Michelle Obama.

When she was attacked for not claiming a ''judicial philosophy,'' she pointed to the decisions and opinions and disclaimed a judicial philosophy, just as Chief Justice Roberts did when he was asked in his hearing about judicial philosophy and he said he had no ''overarching judicial philosophy'' and, instead, described his role as ''call[ing] balls and strikes.''

She said she knew her lane. She does, indeed, know her lane. She maybe didn't use the same terminology, but it is that objectivity and impartiality that Chief Justice Roberts described that will also guide her as a matter of principle and philosophy.

There were other criticisms of Judge Jackson, and one conservative commentator described these attacks as ''meritless to the point of demagoguery.'' He was right. The concocted outrage, the straw man, the old grievances, the ancient complaints about past hearings and the treatment of nominees, all will fade and be forgotten because what shone through her performance was her integrity, her depth and warmth, her grace and dignity.

Far from being soft on crime, very movingly, she described what it is like to have a family member who walks a beat because her brother is a cop and her uncle, a chief of police. She described the worries, concerns, even fear that family members have when their relatives are police—when their brother or uncle puts himself in harm's way. And that is probably the reason she has been endorsed by the largest rank-and-file enforcement organization in the country, the Fraternal Order of Police, as well as the International Association of Chiefs of Police, high-ranking officials from the Department of Justice, and nearly 100 former assistant U.S. attorneys, many of whom observed her work as a judge firsthand.

Some may have tried to smear her, but they failed abysmally, fortunately. She had a reversal rate of about 2 percent, well below the rate that the average district judge has in the DC Circuit. And she has been endorsed, as well, by former colleagues who were appointed by Republican judges—well-respected conservative judges who disagreed with her in the outcome of cases but who deeply respected the way she called those balls and strikes in the best and truest sense of the term.

And she has shown her independence. She has ruled for and against the Trump administration. She has ruled for and against labor and collective bargaining, for and against qualified immunity, for and against class certification, because her philosophy and her ''methodology,'' to use her word, is to follow the facts and the law, and that is what she will do as a Justice on the U.S. Supreme Court.

Let me just finish, finally, with, maybe, what I think is going to be most important about Justice Jackson.

She is a unifier and a consensus builder. She is someone who can build bridges among colleagues and even adversaries. She has been confirmed on a bipartisan basis three times already by the Senate because she is a bridge builder, and the Court needs a bridge builder now more than ever. It has been politicized and polarized in a way that undermines respect and trust in the American people. Partly, it is the self-inflicted wounds of the Court, which have been dominated in many decisions by a far-right coalition that have made it look political, and that perception is deeply important because the Court's trust and respect depend on the public perceiving it to be above politics.

So the Court has inflicted wounds on itself, but so have the Congress and the political branch inflicted wounds on the Court by dragging it through a seemingly political process and making nominations and appointments seem to be the result of partisan politics, so that it may be perceived as just another political branch.

I said at the very start that I have reverence for the Court and deep respect for it as an institution. It has no armies or police. It has no power of the purse. Its authority depends on its credibility.

My hope is that Judge Jackson as Justice Jackson will help elevate it in a way that it needs now more than ever. I asked her about a code of ethics for the U.S. Supreme Court, and she said she would talk to her colleagues about it. I feel she has an understanding of the need now for the Court to adopt a code of ethics.

It is the only judicial body that lacks a code of ethics. It has none. Unlike the appellate courts, the district courts, the U.S. magistrate, the court of claims—all of the minor judicial bodies in the United States—it has no code of ethics because it has resisted a code of ethics. Its credibility now depends on its having a code of ethics.

Recent events have severely imperiled credibility and trust, and that peril will grow as more becomes known about some of these events. But the Court can help itself by supporting a code of ethics rather than resisting it.

Judge Jackson's commitment to talk to her colleagues about it is a very welcome and important step. She said it in response to a question that I asked. I was the only member of the committee to ask about a code of ethics—surprisingly, to me. But restoring credibility and trust will be important to our Nation. Her service will help restore and inspire confidence. Her presence and active participation on the Court will help that task of reinvigorating credibility and trust.

Her confirmation will be, indeed, a giant leap forward into the present and the future. It will inspire lots of young girls, lots of young women, lots of Black women, lots of Americans to believe in the American dream and to believe and see the law in different ways. That is what one of the young girls who wrote to Judge Jackson said in her letter, indeed, that she would look at the law in a different way.

We will look at the law in a different way, and we will look at the Court in a different way because the Court will look and hopefully think more like America.

I am looking forward to that vote. I will never cast a vote in this body that I am more proud and excited to do.

I thank all of my colleagues on both sides of the aisle, and hopefully there will be more on the other side of the aisle joining us for this historic achievement for our Nation.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. PETERS). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

Ms. ERNST. Mr. President, in the last few weeks, we have heard a lot about and from Judge Ketanji Brown Jackson.

I would like to start off by congratulating Judge Jackson and her family on her nomination. I had a wonderful meeting with the judge last week. She is a highly qualified attorney. I would also like to congratulate her for making it through the Senate Judiciary Committee. The hearing process can be grueling, but it is extremely important. Judge Jackson demonstrated grace under pressure. However, I have concerns about Judge Jackson's nomination and will not be supporting her confirmation to the Supreme Court.

Perhaps my greatest issue with Judge Jackson is her lack of adherence to a judicial philosophy. I have been very clear with each Supreme Court nominee since I took office that I am looking to support a nominee who prescribes to originalism. Judge Jackson explained during the Senate Judiciary hearing that she abides by a judicial ''methodology'' instead of a philosophy. This means, according to her, that she begins at a neutral position to understand the facts and to interpret the law, receives all the appropriate inputs, and then interprets the law.

While I would hope that all judges, no matter which court they sit on, approach their rulings from a neutral position and evaluate all applicable court filings, Judge Jackson's methodology says nothing about the way she understands and subsequently interprets the law.

In my mind, there are three areas of the law a judge must evaluate: the meaning of the Constitution, statutes, and case precedents. Different theories of interpretation sometimes lead to different answers about the meaning of each of these different areas, which is why it is vitally important to know what a Supreme Court nominee's philosophy is.

For example, Justice Breyer, whom Judge Jackson clerked for and is nominated to replace on the Court, often described his own judicial philosophy as pragmatic. As a result, Justice Breyer balances the interests and values surrounding a case.

While I don't agree with Justice Breyer's method of interpretation, Judge Jackson won't even commit to abiding by this judicial philosophy, and this is very troubling. If a Justice's legal interpretation has no philosophical grounding, that provides flexibility for a Justice to bend their thinking to achieve a desired outcome instead of following a structured analysis. We have enough politicians in the legislative branch; we don't need any in the courts, especially the Supreme Court.

My concerns with Judge Jackson's apparent lack of a judicial philosophy are magnified by her other progressive and activist choices. Case in point: her lax stance on the sentencing of pedophiles. The laws she applied simply hold those who distribute child pornography accountable, considering how often these offenders recidivate. Instead, Judge Jackson went out of her way to articulate her discomfort with imposing sentences based upon, in her words, ''outdated laws'' because the nature of child pornography distribution has changed. For the children depicted in these heinous images, it really doesn't matter how they are distributed. Judge Jackson afforded leniency to offenders and previewed for all of us how she applies outdated laws to modern problems.

Going further, when asked if she supports expanding the number of Justices on the Supreme Court, Judge Jackson refused to reject that position. Perhaps echoing this thought process during the Senate Judiciary hearing, Judge Jackson commented that she would be ''thrilled to be one of however many'' Justices. This tells me everything I need to know.

In addition, Judge Jackson's unverified stance on life issues gives me great pause. During several exchanges at the hearing, Judge Jackson refused to acknowledge when the life of an unborn child begins. As a result, the only information I have to evaluate is her previous decision supporting a Massachusetts law that created a buffer zone preventing pro-life sidewalk counselors from approaching expectant mothers outside of abortion clinics.

Without an articulated process on how the judge would approach a life question in combination with this troubling decision, I have no reassurance that the judge will not take an activist stance. I cannot and will not accept this answer.

Finally, I am deeply concerned at Judge Jackson's response when asked to define a woman. The judge responded that she is not a biologist. Well, folks, I am not a biologist either, but it seems pretty common sense to me. I can tell you the voters of Iowa didn't have to think about the answer to this question when they elected me as the first woman to represent Iowa in the U.S. Senate. I can tell you the Taliban didn't have to think about the answer to this question when they closed the doors of schools to female students 2 weeks ago. And I can tell you President Biden didn't have to think about the answer to this question when he nominated Judge Jackson as the first Black woman to the Supreme Court.

While I am grateful Judge Jackson believes science is the basis for determining a woman, I am deeply concerned that a fellow woman who is set to define the contours of laws that are specific to women has to even think about an answer to that question.

So Judge Jackson's language, or lack thereof, speaks volumes for me, and I cannot support her nomination for a lifetime appointment on our Nation's highest Court.

I yield the floor.

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

The PRESIDING OFFICER (Ms. HASSAN). Without objection, it is so ordered.

Mr. VAN HOLLEN. Madam President, later this week, the full Senate will take up and vote on the nomination of Judge Ketanji Brown Jackson to be an Associate Justice of the Supreme Court of the United States.

Over the last several weeks, the Congress and the country and, indeed, the world have gotten to know Judge Jackson. We have learned about her broad life experience, her exceptional career, her deep love of the law.

Judge Jackson endured a verbal marathon of intense questioning from members of the Judiciary Committee. She endured challenging and sometimes specious lines of questioning from some of our colleagues on the other side of the aisle, but through it all, she shined. She approached every moment of the hearing with grace, with wisdom, and with brilliance. Her good judgment and sharp mind were on full display for all to see. She was unshakable; she was inspiring.

If confirmed, she will make history as the first Black woman to sit on the highest Court of the land. With Judge Jackson on the top Bench, we will get one step closer to ensuring that the Supreme Court of the United States looks like the Nation it serves; and with Judge Jackson on the highest Court, we will be even closer to realizing the noble ideal inscribed on the face of the Supreme Court building: ''Equal Justice Under Law.''

Her confirmation will be a victory for all of America.

My State of Maryland is also proud to have a small connection with Judge Jackson. Not only did she reside in Maryland for a period of time, but her brother served on the Baltimore Police Department for 7 years, and he has also served two tours of duty as a member of the Maryland National Guard. Other members of her family also pursued careers in public service. Two of her uncles were police officers, and her parents were public school teachers.

Like her family members, Ketanji Brown Jackson has taken up the mantle of public service as a public defender, as a member of the U.S. Sentencing Commission, as a district court judge, and as a Federal circuit court judge.

It is no mystery as to why her nomination has been met with widespread praise. She has been lauded by the Fraternal Order of Police and by the International Association of Chiefs of Police. Prominent Republican-appointed judges and lawyers have spoken in favor of her confirmation. The American Bar Association listed her as

''well-qualified'' for the position to which she has been nominated—their highest rating.

There is no question in my mind that she will serve our Nation well and with distinction as the newest Justice of the Supreme Court, and I will vote in favor of her confirmation this week, proudly.

I have watched many of my colleagues on the other side of the aisle strain to find some justification for voting against Judge Jackson. They know she is highly qualified. They know she is a person of integrity. They know she has the training and judgment required of a Supreme Court Justice.

Last week, one Republican member of the Senate Judiciary Committee called Judge Jackson a ''person of exceptionally good character, respected by her peers, and someone who has worked hard to achieve her current position.''

Another Republican member of the committee noted that she had ''impeccable credentials and a deep knowledge of the law.''

You would think these were words leading up to state support for Judge Jackson, but in both of those cases, those Senators have announced their decisions to vote against her. The pattern is the same for too many of our Republican colleagues. They come out and praise Judge Jackson and then announce they are voting against her.

So the question is, Why? What is the reasoning here? And I have been listening carefully.

Many of our colleagues tie their opposition to what they have called her ''judicial philosophy.'' They say Judge Jackson will push her own political ideology at the expense of the law. They say she is going to be an activist instead of a judge. They say she will create ''new rights from the Constitution out of whole cloth.'' In fact, that was a quote from my colleague, the senior Senator from Texas, who took to the floor last week in opposing Judge Jackson's confirmation.

When my friend from Texas made that statement, I happened to be sitting where the Presiding Officer is right now, as I was presiding over the Senate, and I listened very closely to his arguments and others that were made along similar lines. None of the claims that I have heard hold water when you look at the facts because here is what Judge Jackson herself said during her confirmation hearing when asked about judicial restraint:

> I am acutely aware that, as a judge in our system, I have limited power, and I am trying in every case to stay in my lane.

This is not just a hollow promise. Judge Jackson has explained to this Senate her clear methodology for ruling on cases to ensure that she stays in her lane. The methodology is simple.

Step 1, start from a position of neutrality.

We have all seen the scales of justice. We want them to be evenly balanced. Everybody who walks into a court should get a fair shot. That is step 1.

Step 2, evaluate all of the facts from various perspectives.

Step 3, apply the law to those facts.

That is it. She was clear. That is how she makes decisions. That is how she rules from the bench.

So what about the Constitution itself, that great document? What about this notion that she would be a runaway Justice, ''creating new rights from the Constitution out of whole cloth''?—to use the language, the expression, of some of my colleagues.

That, too, is just plain wrong.

Here is Judge Jackson again when she said:

> I believe that the Constitution is fixed in its meaning. I believe it is appropriate to look at the original intent, original public meaning of the words when one is trying to assess because, again, that is a limitation on my authority to import my own policy.

Judge Jackson understands the boundaries of her authority as a judge. She has stayed within those boundaries for over a decade on the Federal bench.

So enough of the spurious arguments that she is going to be an activist on the Court. Her method is clear; it is fair; it is balanced and honest, and I am confident that her rulings will be clear, fair, balanced, and honest.

Let's not forget this: There are certain rights that most Americans would acknowledge are central to our Nation's traditions and values but that are not specifically and expressly enumerated in the Constitution, not each and every one with its own sentence.

I have a short list here: the right to travel, the right to vote, the right to privacy, the right to marry. None of these rights are explicitly, expressly referenced in the text of the Constitution, but all of them have been derived by a close analysis of the letter and spirit of our Constitution and laws. These are rights we all embrace. These are rights the American people don't want elected officials to be able to take away from them.

Let's not forget that the First Amendment, as written, only protects Americans from Federal action, from congressional action, that would violate their right to freedom of religion, press, speech, and assembly.

Over time, the Court has taken action to protect these rights in the face of all government action, whether Federal or State or local, to make sure that those rights are protected against all government action no matter what its source.

Justices appointed by Presidents of both parties have worked to protect rights Americans hold dear.

President Reagan's appointee Justice Anthony Kennedy wrote the majority opinion in the case of Obergefell v. Hodges, which protects the rights of same-sex couples to marry. His fellow Reagan appointee Sandra Day O'Connor joined the majority in the case of Planned Parenthood v. Casey, which reaffirmed the reproductive liberties guaranteed under Roe v. Wade.

Let's be clear: The Supreme Court considers the most challenging questions in American law. Judge Jackson will have to take on these challenging questions, like her peers on the Court, if she is confirmed; but one thing is crystal clear from her testimony and from the record: She will apply the law based on the facts. She will not be a partisan in a robe. She will be a fair, independent Justice of the Supreme Court, and she is very deserving of that title.

I had the great privilege of meeting with Judge Jackson just yesterday. During our conversation, I was struck, again, by her brilliance, her intelligence, her kindness, and resolve. That came across on television during the hearings, but it was very evident in our one-on-one meeting. I thought about another Supreme Court nominee who broke barriers nearly 55 years ago, a man from Baltimore, MD: Thurgood Marshall. He was the first Black man to serve on the Supreme Court of the United States.

So, during my conversation with Judge Jackson, I invited her to join me in West Baltimore at P.S. 103. This is public school building 103. It is in West Baltimore. It is the school where Thurgood Marshall learned to read and write. It is no longer an active school. The building is in bad condition. Just this year, as part of the omnibus appropriations bill, Senator CARDIN and I were able to secure some Federal funds to help renovate that building and to turn it into a living memorial to Justice Thurgood Marshall and to expand opportunities for people in West Baltimore. So I told Judge Jackson that once she gets settled, it would be a great honor and privilege to bring her, the first Black woman on the Supreme Court, to the place where the first Black man on the Court grew up and went to school.

Justice Thurgood Marshall inspired a generation of leaders and public servants to enter the legal field. Soon, Justice Ketanji Brown Jackson will do the same. Young people from all across our country will look at the Supreme Court of the United States and feel more included. Her presence on the Court will be a victory for ''we the people.''

In 1978, Justice Thurgood Marshall said to a group of university graduates:

> This is your democracy. Make it. Protect it. Pass it on.

I am deeply honored to work alongside my colleagues in the Senate to advance that vision, as we all strive to form a more perfect Union. And there is no doubt in my mind—no doubt at all—that elevating Judge Jackson to Justice Jackson will make our Union a little more perfect.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

EXECUTIVE CALENDAR

Mr. VAN HOLLEN. Madam President, I ask unanimous consent that the Senate consider the following nomination: Calendar No. 659, Katherine Vidal,

to be Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office; that the Senate vote on the nomination without intervening action or debate; that the motion to reconsider be considered made and laid upon the table; that any statements related to the nomination be printed in the RECORD; and that the President be immediately notified of the Senate's action.

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

The clerk will report the nomination.

The legislative clerk read the nomination of Katherine Vidal, of California, to be Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

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

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

The nomination was confirmed.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. VAN HOLLEN. Madam President, I ask unanimous consent that the Senate proceed to legislative session and be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

CONSOLIDATED APPROPRIATIONS ACT

Mr. GRASSLEY. Madam President, I ask unanimous consent that this letter to the Senate Archivist be printed in the RECORD.

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

CHARLES E. GRASSLEY,
PRESIDENT PRO TEMPORE EMERITUS,
Washington, DC, April 1, 2022.

KAREN D. PAUL,
Senate Archivist, Senate Historical Office, Washington, DC.

DEAR MS. PAUL: I understand that you have been charged with implementing a provision in the Consolidated Appropriations Act, 2022 that offered a very limited number of senators up to $2.5 million each for the preservation of their records. This is a shocking amount of money, well beyond what could possibly be necessary for processing and preserving records, even for long serving senators with a lot of records. On September 22, 2021, my staff alerted the Senate Legislative Branch Appropriations Subcommittee of my decision not to accept any of the funding being proposed. It was my understanding at that time that the Appropriations Committee would reduce the funding appropriated accordingly.

With a budget deficit for the current fiscal year expected to be well over $1 Trillion, and ballooning debt that is on pace to reach an all-time record as a share of our economy within 10 years, spending millions of taxpayer dollars on a handful of senators' records cannot be justified. The tradition in the Senate is for academic institutions to agree to store and manage former senators' records as part of their academic mission. Some senators seek to go beyond simple preservations of records and establish centers to perpetuate their legacy. However, funds for new facilities or other functions beyond simply storing records are traditionally raised privately. The taxpayers should NOT be on the hook for senators' legacy projects. As a working senator, lam not focused on my legacy. I often say that my legacy will be decided by historians decades into the future with the benefit of hindsight. As such, my legacy is not something I can or should worry about.

Again, I did not seek these funds and I oppose their expenditure. I ask that you not transmit paperwork to the future repository of my records. I also ask that any funding that is eligible to be spent on the preservation of my records remain in the Treasury to reduce the deficit.

Sincerely,

CHUCK GRASSLEY,
United States Senator.

PS: Read and signed by this Senator.

NOMINATION OF KETANJI BROWN JACKSON

Mrs. FEINSTEIN. Madam President, I rise today in support of the nomination of Ketanji Brown Jackson to be an Associate Justice on the U.S. Supreme Court. I have had the privilege of serving in this body for nearly three decades now.

In that time, I have participated in the confirmation hearings of 10 Supreme Court Justices and hundreds of nominees to our Federal circuit and district courts. I have carefully scrutinized Judge Jackson's record and listened very closely to her testimony. In my view, Judge Jackson is both well qualified and extremely prepared to take on the important role of serving on the U.S. Supreme Court.

Judge Jackson is a graduate of both Harvard University and Harvard Law School, a former Supreme Court clerk, a former Federal public defender, and a former U.S. Sentencing Commissioner. On top of that, Judge Jackson has served as a federal judge for nearly a decade.

Judge Jackson would be the first Federal public defender to sit on the Supreme Court and the first Justice since Thurgood Marshall with significant experience representing low-income defendants in criminal cases. As a former public defender, Judge Jackson truly understands the power of our constitutional rights, including the Sixth Amendment right to counsel and the Fifth Amendment right to due process. Judge Jackson would also join Justice Sotomayor as the only former Federal district court judges serving on the Supreme Court.

What has impressed me most about Judge Jackson does not appear on her resume. That is Judge Jackson's steadfast commitment to the fair and impartial application of the law, her deep knowledge of the U.S. Constitution, and her remarkable judicial temperament. These qualities were demonstrated in her testimony before the Judiciary Committee earlier this month. They were also shown in the letters and testimony of the many people—of all ideological viewpoints—who have supported Judge Jackson's nomination.

First, Judge Jackson's respect for the law and the Constitution are clear from the nearly 600 legal opinions she has drafted as a Federal judge. Her legal opinions are clear and detailed. As she explained during her confirmation hearings, Judge Jackson carefully and fairly applies the law to the specific facts of each case. And Judge Jackson takes the time to explain why she reached each decision. In my view, it is important that the decisions of the Supreme Court are accessible to the American people. Judge Jackson's approach to judicial decision-making will help to ensure transparency in her judging and help to restore the public's confidence in the decisions of the Supreme Court.

Second, Judge Jackson clearly has deep legal knowledge. During her more than 20 hours of testimony before the Judiciary Committee, she spoke with skill on a wide range of topics. She addressed legal issues of all kinds, including separation of powers, the First Amendment, administrative law, criminal sentencing, and much more. I believe Judge Jackson has the knowledge and expertise to decide the most difficult and pressing legal issues facing this Nation.

Finally, during her hearings, Judge Jackson also showed that she has a remarkable temperament. Lawyers and judges who have worked with her, or appeared before her, have confirmed that Judge Jackson brings this temperament with her in all aspects of her work. They have told the Senate that she is as collegial, calm, and steadfast as she appeared to be during her hearings.

For example, Judge Thomas Griffith testified in support of Judge Jackson's nomination and focused on her character and temperament, in addition to her exceptional qualifications. Judge Griffith is a retired judge of the D.C. Circuit and was appointed to the bench by President George W. Bush. Judge Griffith said that Judge Jackson has modeled the ideal qualities of a judge, including diligence, carefulness, high character, deep legal knowledge, and broad experience.

Witnesses from the American Bar Association also testified about Judge Jackson's sterling reputation for integrity. Those witnesses interviewed lawyers and judges who have known and worked with Judge Jackson at various points over the course of her career. And, in those interviews, lawyers and judges who were familiar with Judge Jackson uniformly praised her character. They called her ''first rate,'' ''impeccable,'' and ''beyond reproach.'' One comment said: ''You write the word 'integrity,' and then you put her initials next to it.''

The American Bar Association's interviews also revealed that prosecutors and defense attorneys alike regard Judge Jackson as fair, balanced, and unbiased. She is precisely the kind of Justice we need on the Supreme Court. Judge Jackson is plainly up to the task of faithfully interpreting our Constitution and our laws and fairly applying the law in each and every case.

Judge Jackson laid out in simple terms the three-part methodology she uses in each case to ensure that her decisions are informed by the arguments of the parties, the facts, and the law, and not by any personal views she may hold. Judge Jackson's thoughtful methodology shows that she appreciates how important it is for judges to approach each and every case with an open mind and to avoid both actual and perceived conflicts of interest.

I believe Judge Jackson is an extraordinary person. Her rich family history in law enforcement and her background as a Federal public defender, a member of the U.S. Sentencing Commission, a trial judge, and an appellate judge will benefit our Supreme Court.

It will be my great pleasure to vote to confirm Judge Jackson to be an Associate Justice on the Supreme Court. And I hope that my colleagues on both sides of the aisle will do the same.

TRIBUTE TO ERIC CIOPPA

Ms. COLLINS. Madam President, I rise today to honor Eric Cioppa, the superintendent of the Maine Bureau of Insurance, who recently retired after more than three decades of distinguished public service to the State of Maine. Throughout his time at the bureau, Eric's leadership and service have benefited all Mainers and have contributed to the financial health of Mainers.

Eric joined the bureau in 1988 as a statistician before being named supervisor of the workers' compensation section. I had the pleasure of working directly with Eric when I was commissioner of the Maine Department of Professional and Financial Regulation. In 1998, he was promoted to deputy superintendent and was then appointed to the position of superintendent of the Maine Bureau of Insurance by Governor Paul LePage in 2011, a position to which he was unanimously confirmed, and then reconfirmed in 2017 to serve another 5-year term.

Throughout his service as superintendent, Eric's work has touched the lives of nearly every citizen in Maine. His tireless commitment to protecting insurance consumers, while also supporting ongoing competition and innovation in Maine's insurance industry, will leave a lasting positive impact on the State. Furthermore, numerous Governors have benefited from Eric's guidance and expertise on a wide range of insurance issues for decades, and his deep knowledge of Maine's insurance industry will be missed by all policymakers.

Outside of Maine, Eric has been heavily involved in helping to set national priorities and developing new laws and regulations through his longtime service with the National Association of Insurance Commissioners, NAIC. At NAIC, he has served as the association's president, vice president, and secretary, among other positions. Attributable to his stellar reputation, Eric was appointed by his peers at NAIC to serve a 2-year term as the State insurance commissioner representative on the Financial Stability Oversight Council in 2018 and was reelected for another 2-year term in 2020.

Eric has also been an invaluable resource for me on insurance issues going back to my time as commissioner of the Maine Department of Professional and Financial Regulation. Throughout my service in the Senate, Eric has continued to provide wise counsel and advice to both me and my staff, and his wisdom and insight will be greatly missed.

Eric exemplifies the ideal public servant, and there is no doubt that Mainers are better off because of his longtime dedication to protecting and serving the public. I wish him and his family all the best as they embark on their next chapter.

TRIBUTE TO REVEREND KEN DEGROOT AND SISTER MELANIE MACZKA

Ms. BALDWIN. Madam President, I rise today to honor the lives, careers, and achievements of Reverend Ken DeGroot and Sister Melanie Maczka. Together, Reverend Ken and Sister Melanie created the Casa ALBA Melanie a community center dedicated to serving the Hispanic population of the greater Green Bay area. Through Casa ALBA Melanie, and their ministerial service, Reverend Ken and Sister Melanie have welcomed members of the Hispanic community to our State with open arms for over 25 years.

It was 1991 when Reverend Ken first encountered the mission which would encompass the rest of his career. Two young men, fresh off the train from Mexico and at his doorstep, were tired, hungry, and could not speak English. Far from home and looking for a house of worship, Reverend Ken welcomed them into St. Willebrord parish. He decided that night that Green Bay could be the home they searched for.

They would find they were not alone. Thousands of people from Central and South America already lived in their community, working in a world where they could not speak the language. Today, it is estimated that at least 20,500 Hispanics live in the greater Green Bay area, and about 28 percent of the Green Bay school population is Hispanic. Alongside Sister Melanie, Reverend Ken decided things had to change. They traveled to Mexico, visiting villages, learning the culture and language of the neighbors they had never known they had. When they returned to Green Bay, they knew they could work to better serve the Hispanic community.

In 2012, Reverend Ken and Sister Melanie established Casa ALBA Melanie and transformed the quality of life for Hispanic families by providing legal assistance, health services, language acquisition, Spanish GED lessons, financial assistance, and, perhaps most importantly, a safe haven for Green Bay's Spanish speaking residents.

This year, Casa ALBA Melanie celebrates its 10-year anniversary and with this great celebration comes a change in leadership. Reverend Ken, who has served as chair of the development committee and the finance committee, and Sister Melanie who has served as executive director, will both retire from the impactful organization they helped guide over this past decade. Their work is an inspiration to all people seeking to create a more equitable and welcoming America.

I extend my sincere thanks and appreciation to Reverend Ken DeGroot and Sister Melanie Maczka for their leadership at Casa ALBA Melanie and throughout the greater Green Bay community.

ADDITIONAL STATEMENTS

REMEMBERING LANE R. WILLIAMS

● Mr. CRAPO. Madam President, along with my colleagues Senator and Representative RUSS FULCHER, I recognize the life of an extraordinary Idahoan, Lane R. Williams, who passed away in February. Lane was the former owner of Midvale Telephone Exchange and is remembered for his commitment to advancing opportunities for others. This includes his role in keeping the Weiser area north to McCall connected through his telephone company.

His obituary reads, ''Lane left behind a legacy of championing the underdog and empowering people by creating possibilities and opportunities. He did this in part by being an educator of many, including years spent working with migrant workers as a teacher. He always believed that education was the key to empowerment.'' In 1977, Lane took over Midvale Telephone Exchange from his parents and, with his wife Mary Gaile, began expanding service to five Idaho communities and to the remote Cascabel community in southern Arizona before building four additional areas throughout Arizona. This expansion is credited with enabling more than 4,000 people in rural areas to have internet and phone service and employing over 45 people. In 2008, Lane created an employee stock ownership plan, ESOP, and sold the company to his employees to help ensure their continued employment and security in retirement.

Lane was one of those industrious and inspiring people who figure out ways to help and encourage improvements in their community, and do

them. Some years after his beloved wife Mary Gaile passed, he met his wife Elsa Freeman, who again enlightened his life with love and companionship. The two bought and restored the Midvale Mercantile. The project's benefits to the community include, providing jobs, a local grocery source, community kitchen, community garden, and lodging for travelers. They also started Midvale Marketplace, Inc., a nonprofit focused on identifying community needs; creating service, education, and employment opportunities; and developing and supporting sustainable economic growth. Lane was also instrumental in developing the Weiser River Trail, and worked hard to maintain and improve the park and trail.

As we recognize the good Lane Williams did for his treasured community of Midvale and far beyond, we extend our deep condolences to Lane's friends and loved ones, including his wife Elsa Freeman, children, grandchildren, and great-grandchildren. His love, compassion, and open-heartedness will endure in the many lives he touched during his life well lived.●

RECOGNIZING IDAHO'S COMMUNITY COLLEGES

● Mr. CRAPO. Madam President, along with my colleagues Senator JIM RISCH, Representative MIKE SIMPSON, and Representative RUSS FULCHER, we honor Idaho's community colleges during this Community College Month.

In order to meet the needs of a competitive job market, the importance of providing Idahoans with the opportunity to enhance their education has grown tremendously. Idaho's four community colleges are a central part of preparing young people and adults for postsecondary education, successful careers, and productive lives.

Our community colleges not only link students to Idaho's 4-year institutions through cooperative agreements, but also provide dual enrollment opportunities for students pursuing advanced learning while in high school through partnerships with the K–12 sector. Through collaboration with Idaho's business community, Idaho's community colleges also help grow the skillset necessary to prepare students for Idaho's workforce.

The recognition of April as Community College Month by the American Association of Community Colleges and the Association of Community College Trustees provides an opportunity to spotlight the valued role of Idaho's community colleges in enhancing Idahoans' quality of life and contributing to Idaho's economic success. We commend Idaho's community colleges and the educators who inform and inspire through these local assets for being a conduit for opportunities for so many Idahoans.●

TRIBUTE TO OFFICER SAMANTHA FAORO

● Mr. PAUL. Madam President, we have all heard the phrase ''law enforcement family.'' This law enforcement family is a diverse family with representatives from all walks of life. This family is not bound by traditions of race, religion, color, or sex. This family is all inclusive. Today, I want to provide an example of this family and how they came together to save the life of a fellow law enforcement officer.

On January 28, 2022, Kentucky State Police Trooper Michael Sanguini was shot multiple times while conducting a traffic stop in Harrison County. According to the preliminary investigation, he was struck six times, of which three shots were stopped by his ballistic vest. One shot struck his portable radio, and another struck his issued taser, with one shot striking his body.

Although many officers from multiple agencies responded to assist the injured trooper, I want to recognize Kentucky Fish and Wildlife Officer Samantha Faoro for her quick response and actions of assistance. Officer Samantha Faoro is a native of Colorado, who moved to Kentucky to pursue her career with the Kentucky Department of Fish and Wildlife. She graduated from the police academy in February 2021 and was assigned to work in Harrison County. Officer Faoro comes from a family of first responders, continuing the life of service to protect the great Commonwealth of Kentucky.

Officer Faoro was working in the area of Cynthiana, KY, when she heard Trooper Sanguini state he had been shot. Without hesitation, Officer Faoro responded directly to the scene to provide assistance to a fellow officer in need. Upon arrival to the scene, she observed the wounded trooper and quickly transported him to the hospital. Trooper Sanguini quickly received medical treatment for his gunshot wounds because of the quick action of Officer Faoro.

It is my privilege to stand here today and recognize another great officer such as Officer Samantha Faoro. She exemplifies the law enforcement motto, ''To Protect, and To Serve.''●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Swann, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

In executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 11:15 a.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. 1916. An act to provide health insurance benefits for outpatient and inpatient items and services related to the diagnosis and treatment of a congenital anomaly or birth defect.

H.R. 5657. An act to amend the Controlled Substances Act to make marijuana accessible for use by qualified marijuana researchers for medical purposes, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1916. An act to provide health insurance benefits for outpatient and inpatient items and services related to the diagnosis and treatment of a congenital anomaly or birth defect; to the Committee on Health, Education, Labor, and Pensions.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

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.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, April 5, 2022, she had presented to the President of the United States the following enrolled bill:

S. 3294. An act to obtain and direct the placement in the Capitol or on the Capitol Grounds of a statue to honor Associate Justice of the Supreme Court of the United States Sandra Day O'Connor and a statue to honor Associate Justice of the Supreme Court of the United States Ruth Bader Ginsburg.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–125. A resolution adopted by the Senate of the State of New Jersey urging the President of the United States and the United States Congress to enact the ''CARE for Kids Act of 2019''; to the Committee on Agriculture, Nutrition, and Forestry.

SENATE RESOLUTION NO. 84

Whereas, School meals are critical to children's health and well-being and ensure that children have the nutrition they need to effectively learn throughout the school day; and

Whereas, Research shows that receiving free school meals reduces food insecurity, obesity rates, and poor health among children; and

Whereas, The federal School Breakfast Program (SBP) and the federal National

School Lunch Program (NSLP) provide nutritionally balanced, free school meals to millions of American children each school day; and

Whereas, Under the SBP and NSLP, children may be determined categorically eligible for free school meals through participation in certain federal assistance programs, such as the Supplemental Nutrition Assistance Program, or based on the child's status as a homeless, migrant, runaway, or foster child; and

Whereas, Under the SBP and NSLP, children from families with incomes at or below 130 percent of the federal poverty level are eligible for free school meals; and

Whereas, Many children are excluded from categorical eligibility to receive free school meals because they have moved out of the foster care system and are in the care of grandparents or other relatives who have adopted them or have become their legal guardians; and

Whereas, More than 7.8 million children under the age of 18 live in homes where the householders are grandparents or relatives other than their parents; and

Whereas, The federal ''Caregivers Access and Responsible Expansion (CARE) for Kids Act of 2019,'' introduced by United States Senator Bob Casey (D–PA), provides automatic eligibility for free school meals to children being raised by a relative who receives adoption or guardianship assistance; to children being raised by grandparents or other relatives due to placement by a state or tribal welfare agency; and to children living in ''grandfamily'' housing or receiving housing assistance under the ''Native American Housing and Self-Determination Act of 1996''; and

Whereas, It is altogether fitting and proper to urge the President and Congress of the United States to enact the ''CARE for Kids Act of 2019,'' to automatically provide free school meals to American children who are being raised by grandparents or relatives other than their parents; now, therefore, who are being raised by grandparents or relatives other than their parents; now, therefore, Be It

Resolved by the Senate of the State of New Jersey:

1. This resolution urges the President and Congress of the United States to enact the ''CARE for Kids Act of 2019,'' to provide automatic eligibility for free school meals to American children who are being raised by grandparents or relatives other than their parents.

2. Copies of this resolution, as filed with the Secretary of State, shall be transmitted by the Secretary of the Senate to the President of the United States, Majority and Minority Leaders of the United States Senate, to the Speaker and Minority Leader of the United States House of Representatives, and to each member of the United States Congress elected from this State.

POM–126. A joint resolution adopted by the Legislature of the State of Colorado memorializing its support for Colorado to be the permanent location for the United States Space Command, and, in connection therewith, urging the Department of Defense to keep the United States Space Command in Colorado; to the Committee on Armed Services.

HOUSE JOINT RESOLUTION NO. 22–1012

Whereas, Our nation and the world have significantly benefitted from technological and scientific advances resulting from space exploration and aerospace activities, and Colorado is paving the way for new discoveries in the frontiers of space by having a rich history in aerospace development and being at the forefront of space travel, exploration, and aerospace research; and

Whereas, Colorado is the acting provisional Space Command Base and it will remain the provisional base until 2023. Colorado is also the center for United States military space operations and strategy. According to the Colorado Space Coalition (CSC), the state's military commands are the primary customers for space-based research, development, acquisitions, and operations, representing nearly 90 percent of space-related expenditure by the military. Moving the United States Space Command (USSP ACECOM) to Huntsville, Alabama, will be incredibly disruptive to the National Defense Strategy. In addition, it will cause a major upheaval in existing infrastructure and jobs in the state, which will result in higher costs and less efficient outcomes for the United States military; and

Whereas, Colorado is strategically located at the center of our national and space defense. We are the home to five key strategic military commands: North American Aerospace Defense Command (NORAD), United States Northern Command (USNORTHCOM), United States Strategic Command's Joint Functional Component Command for Space (JFCC Space) Missile Warning Center, the United States Air Force Space Command, and the United States Army Space and Missile Defense Command/Army Forces Strategic Command; and five military installations, including United States Space Force bases Buckley, Peterson, and Schriever, United States Space Force Station Cheyenne Mountain, as well as Fort Carson Army Base; and

Whereas, The Space Delta Four at Buckley Space Force Base provides operational command and control of three constellations to space-based infrared missile warning systems, has been defending America continuously since 1970, and is a critical part of global defense and national security; and

Whereas, Colorado leads the charge in bringing current and future global positioning system (GPS) assets to life, a service provided free to the world by Air Force Space Command in Colorado Springs. From the operation of GPS satellites by Schriever Space Force Base to GPS III, the most powerful GPS satellite to date—being designed and built by Lockheed Martin and launched by United Launch Alliance with Raytheon developing the command and control capabilities, and with companies such as Boeing, Harris Corporation, Braxton Technologies, and Infinity Systems Engineering also supporting GPS development and operations from locations in Colorado, GPS technologies enable an integral part of our global economy to have an incalculable impact that has improved the everyday lives of billions of people around the world; and

Whereas, Colorado's aerospace industry is home to a broad range of companies that create products and systems for commercial, military, and civil space applications, such as spacecraft, launch vehicles, satellites, command and control software, sensors, and navigation operations. These companies include Ball Aerospace, Boeing, DigitalGlobe, Harris Corporation, Lockheed Martin Space Systems, Northrop Grumman, Raytheon, Sierra Nevada Corporation, Teledyne Brown Engineering, and United Launch Alliance, which make up a large portion of the aerospace sector; and

Whereas, Colorado has an existing educated workforce, ranked second in the nation with residents with a bachelor's degree or higher, and a pipeline of higher education institutions to sustain future growth. We are home to the United States Air Force Academy and many colleges and universities, including the University of Colorado Boulder and the University of Colorado Colorado Springs, Colorado School of Mines, Colorado State University, Metropolitan State University of Denver, University of Denver, Colorado Mesa University, and Fort Lewis College. Altogether, they provide access to world-class aerospace-related degrees and offer aerospace companies one of the country's most educated workforces; and

Whereas, Colorado is home to some amazing research institutions. These institutions include the prestigious Laboratory for Atmospheric and Space Physics (LASP) at the University of Colorado Boulder. It began in 1948, a decade before NASA, and is the world's only research institute to have sent instruments to all eight planets and to Pluto, combining all aspects of space exploration through science, engineering, mission operations, and scientific data analysis; and

Whereas, Colorado is also home to the National Oceanic and Atmospheric Administration's (NOAA) Space Weather Prediction Center, a world-leading center of predictions for the solar and near-Earth space environment and the nation's official source of watches, warnings, and alerts ofincoming solar storms, using satellite observations to protect and save lives and property; and

Whereas, Various organizations are key to Colorado's prominence in aerospace, such as the Colorado Space Coalition, a group of industry stakeholders working to make Colorado a center of excellence for aerospace; the Colorado Space Business Roundtable, working to bring together aerospace stakeholders from the industry, government, and academia for roundtable discussions and business development and to encourage grassroots citizen participation in aerospace issues; the Colorado chapter of Citizens for Space Exploration, whose mission is to promote better understanding of aerospace and its importance in our economy and daily lives, as well as to promote the importance of human space exploration; Manufacturer's Edge, a statewide manufacturing assistance center that encourages the strength and competitiveness of Colorado manufacturers by providing on-site technical assistance through coaching, training, and consulting, by providing collaboration-focused industry programs, and by leveraging government, university, and economic development partnerships; and the Space Foundation, founded in 1983, with its world headquarters in Colorado Springs, Colorado, which holds an annual Space Symposium, bringing together civil, commercial, and national security space leaders from around the world to discuss, address, and plan for the future of space; and

Whereas, For the aforementioned reasons, it is in the best interests of the American taxpayer to keep USSP/ACECOM in the state because Colorado is already fulfilling the mission of the USSP/ACECOM; because Colorado Springs has in place the community infrastructure capacity and community support to champion an expanding mission; because the move will cost the United States billions of dollars to relocate the facility; and because the move would severely disrupt the Colorado aerospace industry, which has grown to support the mission; Now, therefore, be it

Resolved by the House of Representatives of the Seventy-third General Assembly of the State of Colorado, the Senate concurring herein:

That we, the members of the General Assembly:

(1) Recognizing Colorado's unique blend of military installations and major commands, private aerospace companies, academic and research institutions, and government entities, and the valuable synergies this ecosystem produces, strongly urge the Department of Defense and the Biden-Harris administration to reevaluate the merits of this irresponsible decision and should rightly conclude that it is the correct decision to keep

the existing United States Space Command in Colorado;

(2) Furthermore, strongly urge the Department of Defense and the presidential administration to permanently base USSP ACECOM in Colorado, recognizing that Colorado provides the existing command structure, base infrastructure, and communications platforms necessary to successfully host additional national security initiatives and ensure coordination of efforts without committing additional funds;

(3) Proudly express that Colorado has deep ties with the Department of Defense and immense patriotic commitment to providing for the nation's security and bolstering our defense;

(4) Express our most sincere and deepest appreciation to our service members and civilian employees working in and supporting military and civilian aerospace companies, military installations, and civil organizations in Colorado; and

(5) Hereby declare Colorado to be the prime location for the permanent headquarters for USSP/ACECOM. Be it further

Resolved, That copies of this House Joint Resolution be sent to President Joseph R. Biden, Jr.; Vice President Kamala Harris; Congresswoman Nancy Pelosi; Congressman Kevin McCarthy; Senator Chuck Schumer; Senator Mitch McConnell; Senator Michael Bennet; Senator John Hickenlooper; Congresswoman Diana DeGette; Congresswoman Lauren Boebert; Congressman Jason Crow; Congressman Joe Neguse; Congressman Ken Buck; Congressman Doug Lamborn; Congressman Ed Perlmutter; Bill Nelson, NASA Administrator; Pam Melroy, NASA Deputy Administrator; Steve Dickson, Federal Aviation Administration Administrator; Governor Jared Polis; Lieutenant Governor Dianne Primavera; Brig. Gen. Laura Clellan, The Adjutant General, Colorado National Guard; Wayne R. Monteith, Associate Administrator for Commercial Space Transportation at the Federal Aviation Administration; General John W. ''Jay'' Raymond, Air Force Space Commander; Colonel Jacob Middleton, USAF, Commander Aerospace Data Facility-Colorado; Dr. Christopher Scolese, Director, National Reconnaissance Office; Ross Garelick Bell, Executive Director, Aerospace States Association; Thomas E. Zelibor, Chief Executive Officer, Space Foundation; Dr. Ronald Sega, Co-chair, Colorado Space Coalition; Michael Gass, Co-chair, Colorado Space Coalition; and Bob Cone, Chair, Colorado Citizens For Space Exploration.

POM–127. A resolution adopted by the Senate of the State of West Virginia urging the current presidential administration to open federal lease sales onshore and offshore, supporting critical energy infrastructure to safely deliver energy produced in West Virginia, and ensuring American energy companies can access the capital they need to hire American workers; to the Committee on Energy and Natural Resources.

SENATE CONCURRENT RESOLUTION NO. 55

Whereas, All West Virginia residents deserve access to affordable and reliable energy, whether electricity, natural gas, or transportation fuels; and

Whereas, West Virginians are currently dealing with the highest inflation in over 40 years, with energy costs rising 29 percent, and gasoline surging 50 percent, according to the U.S. Bureau of Labor Statistics; and

Whereas, The current administration is pursuing a policy placing the United States at the mercy of the Organization of Petroleum Exporting Countries and Russia to meet our domestic needs, harming our national and economic security; and

Whereas, Foreign oil imports from Russia surged more than 20 percent providing over $16 billion to Russia in 2021, according to the U.S. Energy Information Agency; and

Whereas, The current administration has frozen federal lease sales for American energy resources onshore and offshore while cancelling critical energy infrastructure projects like the KeystoneXL pipeline which would have reduced our dependence on Russian oil imports; and

Whereas, The current administration is actively litigating against its obligations to issue lease sales on federal lands and waters required under federal law; and

Whereas, The Federal Energy Regulatory Commission has continually delayed important decisions on permits for pipelines across the country and has recently issued new harmful policy statements that could further delay and impede critical domestic energy infrastructure from being developed, depriving West Virginia access to energy markets outside of our state; and

Whereas, The Securities and Exchange Commission is designing rules to discourage investment in domestic oil and natural gas companies which may further impede production and opportunities for West Virginians; and

Whereas, The Environmental Protection Agency has not issued a decision on West Virginia's application for Class VI primacy that would allow West Virginia to safely utilize long-term storage in conjunction with state energy development; therefore, be it

Resolved by the Legislature of West Virginia: That the Legislature hereby respectfully urges the current Presidential Administration to open federal lease sales onshore and offshore, supporting critical energy infrastructure to safely deliver energy produced in West Virginia, and ensuring American energy companies can access the capital they need to hire American workers; and, be it further

Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the President of the United States, the Secretary of the Interior, the Secretary of the Department of Energy, the Federal Energy Regulatory Commission, the White House National Climate Advisor, the Speaker and Clerk of the United States House of Representatives, the President Pro Tempore and Secretary of the United States Senate, the members of the West Virginia Congressional Delegation, and the news media of West Virginia.

POM–128. A memorial adopted by the Senate of the State of Arizona urging the United States Congress to implement legislation to strengthen the United States and Arizona electrical grids; to the Committee on Energy and Natural Resources.

SENATE MEMORIAL NO. 1003

Whereas, the United States electrical grid is divided into three parts, all of which are extremely vulnerable to attack by electromagnetic pulse (EMP), hacking, physical assault, severe electrical storms or damage by a natural solar event; and

Whereas, a nuclear EMP attack would have devastating consequences to our nation, as congressional studies estimate that such an attack on the Eastern United States power grid would result in a 90% death rate over a one-year period. Further, the United States military is 99% dependent on civilian electricity, and such an attack could severely hinder our nation's defense capabilities; and

Whereas, in addition to the threat of enemy attack, the sun has already hit North America twice with devastating electrical force that caused major upheaval in infrastructure elements, in 1859 and again in 1989; and

Whereas, the next natural solar event or enemy attack on our nation's power grids could potentially disrupt numerous United States industries and services, including the military, banking, farming, fuel delivery, water and sewage services, hospitals, emergency services, communications and manufacturing; and

Whereas, none of the United States grids are currently EMP-protected at all, and basic protection has been estimated in a 2004 Congressional Report to cost $2 billion; and

Whereas, protecting our nation's vital infrastructure, including its electrical grids, is a valid function of the United States and state governments that benefits all citizens; and

Whereas, China, Russia and Israel have already strengthened their electrical grids to limit damage and to restore power after an attack or natural solar flare; and

Whereas, terrorist countries are known to be testing and preparing super-EMP weapons, naming our nation as a target. If an enemy launched an attack from sea or space, the United States would not soon know who attacked us and could not easily retaliate; and

Whereas, over the years, Congress and several states have studied these threats, yet to date no legislation has been passed requiring the strengthening of our electrical grids. It is imperative that the current Congress expeditiously enact comprehensive legislation that will protect our nation's vital electrical grids from EMP threats, both natural and man-made.

Wherefore your memorialist, the Senate of the State of Arizona, prays:

1. That the United States Congress promptly enact comprehensive legislation to strengthen the United States and Arizona electrical grids.

2. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona.

POM–129. A resolution adopted by the House of Representatives of the State of Michigan urging the United States Congress to support legislation to strengthen the Workforce Opportunity Tax Credit (WOTC); to the Committee on Finance.

HOUSE RESOLUTION NO. 198

Whereas, The Workforce Opportunity Tax Credit (WOTC) encourages businesses to hire employees in certain groups that face significant barriers to employment. The credit helps to defer the costs of recruiting, training, and employing these individuals; and

Whereas, Since its creation, the WOTC has not kept up-to-date with rising labor costs. The maximum credit amount has not been updated since the credit was created in 1996, limiting its effectiveness in incentivizing businesses to hire individuals from the targeted groups; and

Whereas, The economic effects of the COVID–19 Pandemic have made it more important than ever to strengthen the WOTC. The credit targets jobs to those groups that have been disproportionately impacted by the pandemic. Increasing the credit amount will also help businesses to recover from the pandemic by defraying the costs of hiring these individuals as labor costs rise; and

Whereas, Legislation has been introduced to strengthen the WOTC. H.R. 3449 of 2021, also known as the Hiring Incentive to Return Employment (HIRE) Act, would temporarily increase the credit amount for all targeted groups for two years. The bill would also eliminate the credit's prohibition on rehiring employees for this two-year period; Now, therefore, be it

Resolved by the House of Representatives, That we urge Congress to support legislation

to strengthen the Workforce Opportunity Tax Credit (WOTC); and be it further

Resolved, That copies of this resolution be transmitted to the Speaker of the United States House of Representatives, the President of the United States Senate, and the Michigan congressional delegation.

POM–130. A resolution adopted by the Senate of the State of New Jersey condemning the November 1984 anti-Sikh violence in India as genocide; to the Committee on Foreign Relations.

SENATE RESOLUTION NO. 142

Whereas, The Sikh community in the United States and New Jersey has recovered from the material damages of the genocide as they continue to keep the memory of those who were killed alive and will never forget the Sikh genocide; and

Whereas, Recognizing the state-sponsored violence that targeted Sikhs across India in 1984 is an important and historic step towards justice, accountability, and reconciliation, which should be an example to other governments; Now, therefore, be it

Resolved by the Senate of the State of New Jersey:

1. The New Jersey Senate condemns the November 1984 anti-Sikh violence in India as genocide.

2. Copies of this resolution, as filed with the Secretary of State, shall be transmitted by the Secretary of the Senate to the President and Vice-President of the United States, the Majority and Minority Leaders of the United States Senate, the Speaker and Minority Leader of the United States House of Representatives, and every member of Congress elected from this State.

POM–131. A resolution adopted by the House of Representatives of the State of Colorado urging the United States Congress to adopt comprehensive voting rights legislation to protect the integrity of American democracy and the sacred right to vote; to the Committee on Rules and Administration.

HOUSE RESOLUTION NO. 22–1004

Whereas, Every January we honor the memory of Dr. Martin Luther King, Jr., and his heroic efforts to advance voting rights and we aspire to follow in his footsteps; and

Whereas, No one did more to promote the right to vote for disenfranchised Americans than the civil rights leaders of the 1960s, including Dr. Martin Luther King, Jr., Congressman John Lewis, Fannie Lou Hamer, and Ella Baker; and

Whereas, Until the United States Congress passed the federal ''Voting Rights Act of 1965'', people of color in the United States were frequently subject to poll taxes, literacy tests, and fraud and intimidation, preventing them from exercising their right to cast a ballot; and

Whereas, The United States Senate is considering critical federal elections reform and long overdue updates to the federal ''Voting Rights Act of 1965'' to preserve voting rights for generations to come, in honor of the legacy of the late Congressman John Lewis; and

Whereas, Colorado's electoral system serves as an example to the rest of the nation, and in fact the world, of how to expand voter access while protecting electoral integrity through safeguards including risk-limiting audits and signature verification; and

Whereas, In the 2020 election, Colorado had the second highest voter turnout of any state in the nation, and Colorado's largest voting bloc—young people ages 18 to 34—turned out in record numbers; and

Whereas, Efforts to suppress the vote and disenfranchise Americans who historically have had the least access to the ballot have been on the rise across the country in recent years; and

Whereas, Last year, more than 440 bills with provisions that restrict voting access were introduced in 49 states, including here in Colorado, where legislation was introduced to restrict voters' access to Colorado's vote by mail system, a national model of excellence for election access, security, and integrity; and

Whereas, Last year, 19 states passed 34 laws restricting access to voting, including Georgia's Senate Bill 202 and Texas' Senate Bill No. 1, both of which made it more difficult for voters to exercise their fundamental right to vote enshrined in the United States Constitution and the federal ''Voting Rights Act of 1965''; and

Whereas, Falsehoods and conspiracies regarding the integrity of the 2020 election have run rampant in our media and public discourse; and

Whereas, The months-long, coordinated attempt to interfere with the democratic process following the November 2020 election and prevent the peaceful transfer of power by overturning the legitimate results of the presidential election, which culminated with the insurrection at the United States Capitol on January 6, 2021, serves as a violent reminder of the fragility of our democracy; now, therefore,

Be It Resolved by the House of Representatives of the Seventy-third General Assembly of the State of Colorado:

That we, the members of the Colorado House of Representatives:

(1) Reassert the validity of the 2020 presidential election results as legitimate and verified;

(2) Offer Colorado's premier electoral system as a model for states across the country to adopt in order to increase voter participation while ensuring electoral integrity; and

(3) Call on the United States Congress, and specifically members of the United States Senate, to pass comprehensive voting rights legislation to protect the fundamental right to vote, which has been the cornerstone of our democracy since the founding of our republic.

Be It Further Resolved, That copies of this Resolution be sent to the Speaker of the United States House of Representatives, the Majority Leader of the United States House of Representatives, the Minority Leader of the United States House of Representatives, the President of the United States Senate, the Majority Leader of the United States Senate, the Minority Leader of the United States Senate, and all members of the Colorado Congressional delegation.

POM–132. A resolution adopted by the Board of Supervisors of the City and County of San Francisco, California, urging the United States Senate to ratify the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); to the Committee on Foreign Relations.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. REED for the Committee on Armed Services.

*Musetta Tia Johnson, of Virginia, to be a Judge of the United States Court of Appeals for the Armed Forces for a term of fifteen years to expire on the date prescribed by law.

*Marvin L. Adams, of Texas, to be Deputy Administrator for Defense Programs, National Nuclear Security Administration.

*Erik Kristopher Raven, of the District of Columbia, to be Under Secretary of the Navy.

*William A. LaPlante, Jr., of Massachusetts, to be Under Secretary of Defense for Acquisition and Sustainment.

*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 Ms. SMITH (for herself and Mr. COTTON):

S. 3991. A bill to direct the Secretary of Health and Human Services to conduct a demonstration program to test providing preferential treatment under the Medicare, Medicaid, and CHIP programs for certain drugs and biologicals manufactured in the United States; to the Committee on Finance.

By Mr. BROWN (for himself, Mr. MENENDEZ, Ms. KLOBUCHAR, Ms. SMITH, Mr. VAN HOLLEN, Mr. CASEY, Mr. MURPHY, and Mr. BOOKER):

S. 3992. A bill to amend the Internal Revenue Code of 1986 to increase the deduction for certain expenses of elementary and secondary school teachers; to the Committee on Finance.

By Ms. CORTEZ MASTO (for herself and Mr. CORNYN):

S. 3993. A bill to amend the Internal Revenue Code of 1986 to allow penalty-free withdrawals from retirement plans for domestic abuse victims; to the Committee on Finance.

By Mr. MANCHIN (for himself and Mr. TUBERVILLE):

S. 3994. A bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to repay the estates of deceased beneficiaries for certain benefits paid by the Secretary and misused by fiduciaries of such beneficiaries, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. PAUL:

S. 3995. A bill to amend the Harmonized Tariff Schedule of the United States to provide for permanent duty-free treatment on imports of basketballs; to the Committee on Finance.

By Mr. RISCH (for himself, Mr. CRAPO, Mr. HAGERTY, Mr. SCOTT of South Carolina, Mr. MORAN, and Mr. BRAUN):

S. 3996. A bill to provide for a method by which the economic costs of significant regulatory actions may be offset by the repeal of other regulatory actions, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. MCCONNELL:

S. 3997. A bill to amend the Land Between the Lakes Protection Act of 1998 to clarify the administration of the Land Between the Lakes National Recreation Area, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. CAPITO (for herself, Mr. INHOFE, Mr. CRAMER, Ms. LUMMIS, Mr. BOOZMAN, Mr. WICKER, Mr. BARRASSO, Mr. CORNYN, Mr. SCOTT of Florida, Mr. HOEVEN, Mrs. BLACKBURN, and Mr. LANKFORD):

S. 3998. A bill to clarify the inability of the President to declare national emergencies under the National Emergencies Act, major disasters or emergencies under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and public health emergencies

under the Public Health Service Act on the premise of climate change, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SCOTT of Florida (for himself and Mr. BRAUN):

S. 3999. A bill to prohibit Amnesty International and its employees from receiving financial assistance from the United States Government; to the Committee on Homeland Security and Governmental Affairs.

By Mr. PORTMAN (for himself, Ms. KLOBUCHAR, Mr. BLUNT, and Mr. PETERS):

S. 4000. A bill to require the establishment of cybersecurity information sharing agreements between the Department of Homeland Security and Congress, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Ms. ERNST (for herself and Mr. VAN HOLLEN):

S. 4001. A bill to require the Secretary of State to use the voice, vote, and influence of the United States to suspend participation of the Russian Federation in certain international organizations; to the Committee on Foreign Relations.

By Mrs. GILLIBRAND (for herself and Mr. PADILLA):

S. 4002. A bill to amend the Equal Credit Opportunity Act to require the collection of small business loan data related to LGBTQ-owned businesses; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CORNYN (for himself, Mr. WHITEHOUSE, Mr. CASSIDY, Ms. HASSAN, Mr. SCOTT of South Carolina, Mr. COONS, Mrs. CAPITO, and Ms. KLOBUCHAR):

S. 4003. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide for training on alternatives to use of force, de-escalation, and mental and behavioral health and suicidal crises; to the Committee on the Judiciary.

By Mr. BOOZMAN (for himself, Mr. CRAMER, Ms. LUMMIS, and Mr. TILLIS):

S. 4004. A bill to alter requirements associated with small business loan data collection, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HAGERTY (for himself, Mrs. BLACKBURN, Mr. MCCONNELL, and Mr. PAUL):

S. 4005. A bill to amend the Horse Protection Act to provide increased protection for horses participating in shows, exhibitions, sales, and auctions, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. TOOMEY (for himself, Mr. CASEY, Mr. TESTER, Mrs. CAPITO, Ms. ROSEN, Mr. DAINES, Mr. KING, and Mr. SCOTT of Florida):

S. 4006. A bill to direct the Secretary of Defense to list certain individuals who are awarded the Purple Heart on the internet website of the Department of Defense that lists individuals who have been awarded certain military awards; to the Committee on Armed Services.

By Mr. GRASSLEY (for himself, Mr. COONS, Mr. YOUNG, Ms. HASSAN, Mr. BLUNT, Mrs. FEINSTEIN, and Mr. BROWN):

S. 4007. A bill to require the Attorney General to propose a program for making treatment for post-traumatic stress disorder and acute stress disorder available to public safety officers, and for other purposes; to the Committee on the Judiciary.

By Mr. CARDIN (for himself and Mr. WICKER):

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; read the first time.

ADDITIONAL COSPONSORS

S. 344

At the request of Mr. TESTER, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 344, a bill to amend title 10, United States Code, to provide for concurrent receipt of veterans' disability compensation and retirement pay for disability retirees with fewer than 20 years of service and a combat-related disability, and for other purposes.

S. 377

At the request of Mr. COTTON, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 377, a bill to promote and protect from discrimination living organ donors.

S. 382

At the request of Mrs. GILLIBRAND, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 382, a bill to establish the Office of the Ombudsperson for Immigrant Children in Government Custody, and for other purposes.

S. 868

At the request of Mrs. GILLIBRAND, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 868, a bill to amend title II of the Social Security Act to eliminate the five-month waiting period for disability insurance benefits under such title and waive the 24-month waiting period for Medicare eligibility for individuals with Huntington's disease.

S. 1093

At the request of Mr. RUBIO, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 1093, a bill to amend title 38, United States Code, to establish in the Department the Veterans Economic Opportunity and Transition Administration, and for other purposes.

S. 1136

At the request of Ms. CANTWELL, the name of the Senator from Georgia (Mr. WARNOCK) 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. 1467

At the request of Mr. TESTER, the name of the Senator from Nevada (Ms. ROSEN) 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 post-traumatic stress disorder, and for other purposes.

S. 1752

At the request of Mr. INHOFE, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. 1752, a bill to establish the National Center for Advancement of Aviation.

S. 1858

At the request of Mr. MURPHY, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1858, a bill to prohibit and prevent seclusion, mechanical restraint, chemical restraint, and dangerous restraints that restrict breathing, and to prevent and reduce the use of physical restraint in schools, and for other purposes.

S. 2298

At the request of Mr. BLUMENTHAL, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 2298, a bill to amend section 1977 of the Revised Statutes to protect equal rights under law.

S. 2386

At the request of Mr. BLUMENTHAL, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2386, a bill to amend the VA MISSION Act of 2018, to expand the peer specialist support program of the Department of Veterans Affairs to all medical centers of the Department, and for other purposes.

S. 2607

At the request of Mr. PADILLA, the names of the Senator from Texas (Mr. CRUZ) and the Senator from Connecticut (Mr. MURPHY) 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. 2676

At the request of Mr. TESTER, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 2676, a bill to amend the Public Health Service Act to provide for the participation of physical therapists in the National Health Service Corps Loan Repayment Program, and for other purposes.

S. 2971

At the request of Mr. CASEY, the names of the Senator from Idaho (Mr. RISCH) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 2971, a bill to require the Secretary of Labor to revise the Standard Occupational Classification System to accurately count the number of emergency medical services practitioners in the United States.

S. 3279

At the request of Mr. RUBIO, the name of the Senator from Georgia (Mr. WARNOCK) was added as a cosponsor of S. 3279, a bill to extend duty-free treatment provided with respect to imports from Haiti under the Caribbean Basin Economic Recovery Act.

S. 3331

At the request of Mr. PETERS, the name of the Senator from Montana

(Mr. TESTER) was added as a cosponsor of S. 3331, a bill to amend the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 to improve the semiconductor incentive program of the Department of Commerce.

S. 3505

At the request of Mr. MERKLEY, the name of the Senator from Georgia (Mr. OSSOFF) was added as a cosponsor of S. 3505, a bill to amend the Internal Revenue Code of 1986 to exclude certain Nurse Corps payments from gross income.

S. 3653

At the request of Mr. KENNEDY, the name of the Senator from Kansas (Mr. MARSHALL) was added as a cosponsor of S. 3653, a bill to direct the Director of the Office of Management and Budget to require the disclosure of violations of Federal law with respect to human trafficking or alien smuggling, and for other purposes.

S. 3663

At the request of Mr. BLUMENTHAL, the names of the Senator from New Mexico (Mr. LUJÁN) and the Senator from Louisiana (Mr. CASSIDY) were added as cosponsors of S. 3663, a bill to protect the safety of children on the internet.

S. 3761

At the request of Ms. BALDWIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 3761, a bill to support the provision of treatment family care services, and for other purposes.

S. 3877

At the request of Mr. RUBIO, the name of the Senator from South Carolina (Mr. SCOTT) was added as a cosponsor of S. 3877, a bill to require the imposition of sanctions with respect to Chinese financial institutions that clear, verify, or settle transactions with Russian or Russian-controlled financial institutions.

S. 3909

At the request of Mr. BOOZMAN, the name of the Senator from Tennessee (Mrs. BLACKBURN) was added as a cosponsor of S. 3909, a bill to amend the Internal Revenue Code of 1986 to make employers of spouses of military personnel eligible for the work opportunity credit.

At the request of Mr. KAINE, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 3909, supra.

S. 3959

At the request of Mr. HAGERTY, the name of the Senator from Montana (Mr. DAINES) was added as a cosponsor of S. 3959, a bill to amend the Public Health Service Act to provide the Secretary of Health and Human Services with the authority to suspend the right to introduce certain persons or property into the United States in the interest of the public health.

S. 3975

At the request of Mr. COONS, the names of the Senator from North Carolina (Mr. BURR), the Senator from New Mexico (Mr. HEINRICH) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 3975, a bill to reauthorize the Victims of Child Abuse Act of 1990, and for other purposes.

S. RES. 446

At the request of Mr. RISCH, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of 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. 538

At the request of Mr. RISCH, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. Res. 538, a resolution expressing support for a second United States-Africa Leaders Summit as an important opportunity to strengthen ties between the United States and African partners and build on areas of mutual interest.

S. RES. 570

At the request of Mr. PORTMAN, the name of the Senator from Indiana (Mr. BRAUN) was added as a cosponsor of S. Res. 570, a resolution designating April 2022 as ''National Native Plant Month''.

S. RES. 572

At the request of Mr. MENENDEZ, the names of the Senator from Georgia (Mr. OSSOFF) and the Senator from Arizona (Ms. SINEMA) were added as cosponsors of S. Res. 572, a resolution honoring the accomplishments and legacy of Cesar Estrada Chavez.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MCCONNELL:

S. 3997. A bill to amend the Land Between the Lakes Protection Act of 1998 to clarify the administration of the Land Between the Lakes National Recreation Area, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3997

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 ''Land Between the Lakes Recreation and Heritage Act'' or the ''LBL Recreation and Heritage Act''.

SEC. 2. ADMINISTRATION OF THE LAND BETWEEN THE LAKES NATIONAL RECREATION AREA.

(a) DEFINITIONS.—Section 502 of the Land Between the Lakes Protection Act of 1998 (16 U.S.C. 460*lll*) is amended—

(1) in paragraph (5)(B)—

(A) in clause (viii), by striking ''and'' after the semicolon at the end;

(B) in clause (ix), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(x) division A of subtitle III of title 54, United States Code (formerly known as the 'National Historic Preservation Act').'';

(2) by redesignating paragraphs (11) through (15) as paragraphs (12) through (16), respectively; and

(3) by inserting after paragraph (10) the following:

''(11) QUALIFIED RESIDENT OR RELATIVE.—The term 'qualified resident or relative' means—

''(A) a former resident of the area within the Recreation Area or the spouse of a former resident of that area; or

''(B) a widow, widower, or lineal descendant of an individual buried in a cemetery located in the Recreation Area.''.

(b) ESTABLISHMENT.—Section 511(b) of the Land Between the Lakes Protection Act of 1998 (16 U.S.C. 460*lll*–11(b)) is amended by striking paragraph (3) and inserting the following:

''(3) STATUS OF UNIT.—The Secretary shall administer the Recreation Area as a separate unit of the National Forest System.''.

(c) ADVISORY BOARD.—Section 522 of the Land Between the Lakes Protection Act of 1998 (16 U.S.C. 460*lll*–22) is amended—

(1) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''17'' and inserting ''13'';

(B) by striking paragraphs (4) and (5);

(C) in paragraph (3), by adding ''and'' after the semicolon at the end; and

(D) by redesignating paragraph (6) as paragraph (4);

(2) in subsection (c), by striking paragraph (2) and inserting the following:

''(2) NONCONSECUTIVE TERMS.—Members of the Advisory Board may serve multiple terms, but may not serve consecutive terms.'';

(3) in subsection (f)—

(A) in the matter preceding paragraph (1), by striking ''may advise'' and inserting ''shall advise and partner with'';

(B) in paragraph (1), by striking ''and'' after the semicolon at the end;

(C) in paragraph (2), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

''(3) developing an annual work plan for recreation and environment education areas in the Recreation Area, including the heritage program, with the nonappropriated amounts in the Land Between the Lakes Management Fund;

''(4) developing an annual forest management and harvest plan for the Recreation Area; and

''(5) the balance and status of the Land Between the Lakes Management Fund.''; and

(4) in subsection (g)—

(A) in paragraph (1), by striking ''biannually'' and inserting ''twice each year'';

(B) in paragraph (3), by inserting '', on a public website of the Department of Agriculture,'' before ''and by''; and

(C) by adding at the end the following:

''(4) MINUTES.—The chairperson of the Advisory Board shall publish the minutes of each meeting of the Advisory Board on a public website of the Department of Agriculture.''.

(d) FEES.—Section 523(a) of the Land Between the Lakes Protection Act of 1998 (16 U.S.C. 460*lll*–23(a)) is amended by striking ''may charge reasonable fees'' and inserting ''shall charge reasonable fees, as determined by the Advisory Board,''.

(e) DISPOSITION OF RECEIPTS.—Section 524 of the Land Between the Lakes Protection Act of 1998 (16 U.S.C. 460*lll*–24) is amended by striking subsection (b) and inserting the following:

''(b) USE.—Amounts in the Land Between the Lakes Management Fund—

''(1) shall be available to the Secretary until expended, without further appropriation, to perform new work or deferred maintenance in the Recreation Area; and

''(2) shall not be available for the payment of salaries or other expenses.''.

(f) COOPERATIVE AUTHORITIES AND GIFTS.—Section 526 of the Land Between the Lakes Protection Act of 1998 (16 U.S.C. 460*lll*–26) is amended by adding at the end the following:

''(c) MEMORANDA OF UNDERSTANDING.—The Secretary is encouraged, for purposes of carrying out this Act—

''(1) to enter into memoranda of understanding with State or local government entities, including law enforcement, as appropriate, to clarify jurisdictional matters, such as road management, policing, and other functions that are typically performed by the entity on non-Federal land; and

''(2) to make available on a public website of the Department of Agriculture any memoranda of understanding entered into under paragraph (1).''.

(g) CEMETERIES.—Section 528 of the Land Between the Lakes Protection Act of 1998 (16 U.S.C. 460*lll*–28) is amended—

(1) by striking ''The Secretary'' and inserting the following:

''(a) IN GENERAL.—The Secretary''; and

(2) by adding at the end the following:

''(b) LAND FOR PLOTS FOR QUALIFIED RESIDENTS OR RELATIVES.—

''(1) REQUESTS.—The Secretary, on request from a qualified resident or relative or a cemetery association, shall grant additional land for the expansion of existing cemeteries within the Recreation Area to allow for the burial of qualified residents or relatives.

''(2) EXPENSES.—Any expenses required to move border fences or markers due to an expansion under paragraph (1) shall be the responsibility of the person making the request under that paragraph.''.

(h) RESOURCE MANAGEMENT.—Section 529 of the Land Between the Lakes Protection Act of 1998 (16 U.S.C. 460*lll*–29) is amended by adding at the end the following:

''(c) HISTORICAL RESOURCES.—

''(1) IN GENERAL.—The Secretary shall identify and manage the historical resources of the Recreation Area—

''(A) in accordance with the requirements of division A of subtitle III of title 54, United States Code (formerly known as the 'National Historic Preservation Act'); and

''(B) in coordination with qualified residents or relatives.

''(2) CONSIDERATION.—The Secretary shall—

''(A) give consideration to requests by qualified residents or relatives to use and maintain traditional sites, buildings, cemeteries, and other areas of cultural importance in the Recreation Area; and

''(B) work cooperatively with qualified residents or relatives in the management of the historical resources of the Recreation Area.''.

(i) AUTHORIZATION OF APPROPRIATIONS.—Section 551 of the Land Between the Lakes Protection Act of 1998 (16 U.S.C. 460*lll*–61) is amended by adding at the end the following:

''(d) MINIMUM EXPENDITURE.—Subject to the availability of appropriations under subsection (a), the Secretary shall make available not less than $8,000,000 each fiscal year for the purposes of administering the Recreation Area (not including salaries and expenses).''.

AUTHORITY FOR COMMITTEES TO MEET

Mr. MARKEY. Mr. President, I have eight 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 ARMED SERVICES

The Committee on Armed Services is authorized to meet during the session of the Senate on Tuesday, April 5, 2022, at 9:30 a.m., to conduct a hearing.

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 Tuesday, April 5, 2022, at 10 a.m., to conduct a hearing.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

The Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on Tuesday, April 5, 2022, at 10 a.m., to conduct a hearing.

COMMITTEE ON FINANCE

The Committee on Finance is authorized to meet during the session of the Senate on Tuesday, April 5, 2022, at 10 a.m., to conduct a hearing.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

The Committee on Health, Education, Labor, and Pensions is authorized to meet during the session of the Senate on Tuesday, April 5, 2022, at 10 a.m., to conduct a hearing.

SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Tuesday, April 5, 2022, at 2:30 p.m., to conduct a closed briefing.

SUBCOMMITTEE ON CYBERSECURITY

The Subcommittee on Cybersecurity of the Committee on Armed Services is authorized to meet during the session of the Senate on Tuesday, April 5, 2022, at 2:30 p.m., to conduct a closed hearing.

SUBCOMMITTEE ON FISHERIES, WATER, AND WILDLIFE

The Subcommittee on Fisheries, Water, and Wildlife of the Committee on Environment and Public Works is authorized to meet during the session of the Senate on Tuesday, April 5, 2022, at 10 a.m., to conduct a hearing.

PRIVILEGES OF THE FLOOR

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that my very able legislative fellow Alexander Nabavi-Noori be granted floor privileges until the end of August 2022.

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

MEASURE READ THE FIRST TIME—S. 4008

Mr. VAN HOLLEN. Madam President, I understand that 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 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. VAN HOLLEN. 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 be read for the second time on the next legislative day.

PRAY SAFE ACT

Mr. VAN HOLLEN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 277, S. 2123.

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

The legislative clerk read as follows:

A bill (S. 2123) to establish the Federal Clearinghouse on Safety and Security Best Practices for Faith-Based Organizations and Houses of Worship, 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 amendments as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

S. 2123

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 ''Pray Safe Act''.

SEC. 2. DEFINITIONS.

In this Act—

(1) the term ''Clearinghouse'' means the Federal Clearinghouse on Safety Best Practices for Faith-Based Organizations and Houses of Worship established under section 2220A of the Homeland Security Act of 2002, as added by section 3 of this Act;

(2) the term ''Department'' means the Department of Homeland Security; **[**and**]**

(3) the terms ''faith-based organization'' and ''house of worship'' have the meanings given such terms under section 2220A of the Homeland Security Act of 2002, as added by section 3 of this Act; and

[(3)**]***(4)* the term ''Secretary'' means the Secretary of Homeland Security.

SEC. 3. FEDERAL CLEARINGHOUSE ON SAFETY AND SECURITY BEST PRACTICES FOR FAITH-BASED ORGANIZATIONS AND HOUSES OF WORSHIP.

(a) IN GENERAL.—Subtitle A of title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.), as amended by section 9, is amended by adding at the end *the following:*

''SEC. 2220A. FEDERAL CLEARINGHOUSE ON SAFETY AND SECURITY BEST PRACTICES FOR FAITH-BASED ORGANIZATIONS AND HOUSES OF WORSHIP.

''(a) DEFINITIONS.—In this section—

''(1) the term 'Clearinghouse' means the Clearinghouse *on Safety and Security Best Practices for Faith-Based Organizations and Houses of Worship* established under subsection (b)*(1);*

[''(2) the term 'faith-based organization' means a group, center, or nongovernmental

organization with a religious, ideological, or spiritual motivation, character, affiliation, or purpose; and]

''(2) the term 'faith-based organization' means a group, center, or nongovernmental organization with a religious, ideological, or spiritual motivation, character, affiliation, or purpose;

''(3) the term 'house of worship' means a place or building, including synagogues, mosques, temples, and churches, in which congregants practice their religious or spiritual beliefs; *and*

''(4) the term 'safety and security', for the purpose of the Clearinghouse, means prevention of, protection against, or recovery from threats, including manmade disasters, natural disasters, or violent attacks.

''(b) ESTABLISHMENT.—

''(1) IN GENERAL.—Not later than 270 days after the date of enactment of the Pray Safe Act, the Secretary, in consultation with the Attorney General, the Executive Director of the White House Office of Faith-Based and Neighborhood Partnerships, and the head of any other agency that the Secretary determines appropriate, shall establish a Federal Clearinghouse on Safety and Security Best Practices for Faith-Based Organizations and Houses of Worship within the Department.

''(2) PURPOSE.—The Clearinghouse shall be the primary resource of the Federal Government—

''(A) to educate and publish online best practices and recommendations for safety and security for faith-based organizations and houses of worship; and

''(B) to provide information relating to Federal grant programs available to faith-based organizations and houses of worship.

''(3) PERSONNEL.—

''(A) ASSIGNMENTS.—The Clearinghouse shall be assigned such personnel and resources as the Secretary considers appropriate to carry out this section.

''(B) DETAILEES.—The Secretary may coordinate detailees as required for the Clearinghouse.

''(C) DESIGNATED POINT OF CONTACT.—There shall be not less than 1 employee assigned or detailed to the Clearinghouse who shall be the designated point of contact to provide information and assistance to faith-based organizations and houses of worship, including assistance relating to the grant program established under section 5 of the Pray Safe Act. The contact information of the designated point of contact shall be made available on the website of the Clearinghouse.

''(D) QUALIFICATION.—To the maximum extent possible, any personnel assigned or detailed to the Clearinghouse under this paragraph should be familiar with faith-based organizations and houses of worship and with physical and online security measures to identify and prevent safety and security risks.

''(c) CLEARINGHOUSE CONTENTS.—

''(1) EVIDENCE-BASED TIERS.—

''(A) IN GENERAL.—The Secretary, in consultation with the Attorney General, the Executive Director of the White House Office of Faith-Based and Neighborhood Partnerships, and the head of any other agency that the Secretary determines appropriate, shall develop tiers for determining evidence-based practices that demonstrate a significant effect on improving safety or security, or both, for faith-based organizations and houses of worship.

''(B) REQUIREMENTS.—The tiers required to be developed under subparagraph (A) shall—

''(i) prioritize—

''(I) strong evidence from not less than 1 well-designed and well-implemented experimental study; and

''(II) moderate evidence from not less than 1 well-designed and well-implemented quasi-experimental study; and

''(ii) consider promising evidence that demonstrates a rationale based on high-quality research findings or positive evaluations that such activity, strategy, or intervention is likely to improve security and promote safety for faith-based organizations and houses of worship.

''(2) CRITERIA FOR BEST PRACTICES AND RECOMMENDATIONS.—The best practices and recommendations of the Clearinghouse shall, at a minimum—

''(A) identify areas of concern for faith-based organizations and houses of worship, including event planning recommendations, checklists, facility hardening, tabletop exercise resources, and other resilience measures;

''(B) involve comprehensive safety measures, including threat prevention, preparedness, protection, mitigation, incident response, and recovery to improve the safety posture of faith-based organizations and houses of worship upon implementation;

''(C) involve comprehensive safety measures, including preparedness, protection, mitigation, incident response, and recovery to improve the resiliency of faith-based organizations and houses of worship from manmade and natural disasters;

''(D) include any evidence or research rationale supporting the determination of the Clearinghouse that the best practices or recommendations under subparagraph (B) [has] *have* been shown to have a significant effect on improving the safety and security of individuals in faith-based organizations and houses of worship, including—

''(i) findings and data from previous Federal, State, local, Tribal, territorial, private sector, and nongovernmental organization research centers relating to safety, security, and targeted violence at faith-based organizations and houses of worship; and

''(ii) other supportive evidence or findings relied upon by the Clearinghouse in determining best practices and recommendations to improve the safety and security posture of a faith-based organization or house of worship upon implementation; and

''(E) *include* an overview of the available resources the Clearinghouse can provide for faith-based organizations and houses of worship.

''(3) ADDITIONAL INFORMATION.—The Clearinghouse shall maintain and make available a comprehensive index of all Federal grant programs for which faith-based organizations and houses of worship are eligible, which shall include the performance metrics for each grant management that the recipient will be required to provide.

''(4) PAST RECOMMENDATIONS.—To the greatest extent practicable, the Clearinghouse shall identify and present, as appropriate, best practices and recommendations issued by Federal, State, local, Tribal, territorial, private sector, and nongovernmental organizations relevant to the safety and security of faith-based organizations and houses of worship.

''(d) ASSISTANCE AND TRAINING.—The Secretary may produce and publish materials on the Clearinghouse to assist and train faith-based organizations, houses of worship, and law enforcement agencies on the implementation of the best practices and recommendations.

''(e) CONTINUOUS IMPROVEMENT.—

''(1) IN GENERAL.—The Secretary shall—

''(A) collect for the purpose of continuous improvement of the Clearinghouse—

''(i) Clearinghouse data analytics;

''(ii) user feedback on the implementation of resources, best practices, and recommendations identified by the Clearinghouse; and

''(iii) any evaluations conducted on implementation of the best practices and recommendations of the Clearinghouse; and

''(B) in coordination with the Faith-Based Security Advisory Council of the Department, the Department of Justice, the Executive Director of the White House Office of Faith-Based and Neighborhood Partnerships, and any other agency that the Secretary determines appropriate—

''(i) assess and identify Clearinghouse best practices and recommendations for which there are no resources available through Federal Government programs for implementation;

''(ii) provide feedback on the implementation of best practices and recommendations of the Clearinghouse; and

''(iii) propose additional recommendations for best practices for inclusion in the Clearinghouse; and

''(C) not less frequently than annually, examine and update the Clearinghouse in accordance with—

''(i) the information collected under subparagraph (A); and

''(ii) the recommendations proposed under subparagraph (B)(iii).

''(2) ANNUAL REPORT TO CONGRESS.—The Secretary shall submit to Congress, on an annual basis, a report on the updates made to the Clearinghouse during the preceding 1-year period under paragraph (1)(C), which shall include a description of any changes made to the Clearinghouse.''.

(b) TECHNICAL AMENDMENT [S.]—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135), as amended by section 9 of this Act, is amended by inserting after the item relating to section 2220 the following:

''Sec. 2220A. Federal Clearinghouse on Safety Best Practices for Faith-Based Organizations and Houses of Worship.''.

SEC. 4. NOTIFICATION OF CLEARINGHOUSE.

The Secretary shall provide written notification of the establishment of the Clearinghouse, with an overview of the resources required as described in section 2220A of the Homeland Security Act of 2002, as added by section 3 of this Act, and section 5 of this Act, to—

(1) every State homeland security advisor;

(2) every State department of homeland security;

(3) other Federal agencies with grant programs or initiatives that aid in the safety and security of faith-based organizations and houses of worship, as determined appropriate by the Secretary;

(4) every Federal Bureau of Investigation Joint Terrorism Task Force;

(5) every Homeland Security Fusion Center;

(6) every State or territorial Governor or other chief executive;

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

(8) the Committee on Homeland Security and the Committee on the Judiciary of the House of Representatives.

SEC. 5. GRANT PROGRAM OVERVIEW.

(a) DHS GRANTS AND RESOURCES.—The Secretary shall include a grants program overview on the website of the Clearinghouse that shall—

(1) be the primary location for all information regarding Department grant programs that are open to faith-based organizations and houses of worship;

(2) directly link to each grant application and any applicable user guides;

(3) identify all safety and security homeland security assistance programs managed by the Department that may be used to implement best practices and recommendation of the Clearinghouse;

(4) annually, and concurrent with the application period for any grant identified

under paragraph (1), provide information related to the required elements of grant applications to aid smaller faith based organizations and houses of worship in earning access to Federal grants; and

(5) provide frequently asked questions and answers for the implementation of best practices and recommendations of the Clearinghouse and best practices for applying for a grant identified under paragraph (1).

(b) OTHER FEDERAL GRANTS AND RESOURCES.—Each Federal agency notified under section 4(3) shall provide necessary information on any Federal grant programs or resources of the Federal agency that are available for faith-based organizations and houses of worship to the Secretary or the appropriate point of contact for the Clearinghouse.

(c) STATE GRANTS AND RESOURCES.—

(1) IN GENERAL.—Any State notified under paragraph (1), (2), or (6) of section 4 may provide necessary information on any grant programs or resources of the State available for faith-based organizations and houses of worship to the Secretary or the appropriate point of contact for the Clearinghouse.

(2) IDENTIFICATION OF RESOURCES.—The Clearinghouse shall, to the extent practicable, identify, for each State—

(A) each agency responsible for safety for faith-based organizations and houses of worship in the State, or any State that does not have such an agency designated;

(B) any grant program that may be used for the purposes of implementing best practices and recommendations of the Clearinghouse; and

(C) any resources or programs, including community prevention or intervention efforts, that may be used to assist in targeted violence and terrorism prevention.

SEC. 6. OTHER RESOURCES.

The Secretary shall, on the website of the Clearinghouse, include a separate section for other resources that shall provide a centralized list of all available points of contact to seek assistance in grant applications and in carrying out the best practices and recommendations of the Clearinghouse, including—

(1) a list of contact information to reach Department personnel to assist with grant-related questions;

(2) the applicable Cybersecurity and Infrastructure Security Agency contact information to connect houses of worship with Protective Security Advisors;

(3) contact information for all Department Fusion Centers, listed by State;

(4) information on the If you See Something Say Something Campaign of the Department; and

(5) any other appropriate contacts.

SEC. 7. RULE OF CONSTRUCTION.

Nothing in this Act or the amendments made by this Act shall be construed to create, satisfy, or waive any requirement under Federal civil rights laws, including—

(1) title II of the Americans With Disabilities Act of 1990 (42 U.S.C. 12131 et seq.); or

(2) title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).

SEC. 8. EXEMPTION.

Chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act'') shall not apply to any rulemaking or information collection required under this Act or under section 2220A of the Homeland Security Act of 2002, as added by section 3 of this Act.

SEC. 9. TECHNICAL CORRECTIONS.

(a) REDESIGNATIONS.—Subtitle A of title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.) is amended—

(1) by redesignating section 2217 (6 U.S.C. 665f) as section 2220;

(2) by redesignating section 2216 (6 U.S.C. 665e) as section 2219;

(3) by redesignating the fourth section 2215 (relating to Sector Risk Management Agencies) (6 U.S.C. 665d) as section 2218;

(4) by redesignating the third section 2215 (relating to the Cybersecurity State Coordinator) (6 U.S.C. 665c) as section 2217; and

(5) by redesignating the second section 2215 (relating to the Joint Cyber Planning Office) (6 U.S.C. 665b) as section 2216.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 2202(c) of the Homeland Security Act of 2002 (6 U.S.C. 652(c)) is amended—

(1) in paragraph (11), by striking ''and'' at the end;

[(1)**]***(2)* in the first paragraph (12)—

(A) by striking ''section 2215'' and inserting ''section 2217''; and

(B) by striking ''and'' at the end; and

[(2)**]***(3)* by redesignating the second and third paragraphs (12) as paragraphs (13) and (14), respectively.

(c) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended by striking the item relating to section 2214 and all that follows through the item relating to section 2217 and inserting the following:

''Sec. 2214. National Asset Database.
''Sec. 2215. Duties and authorities relating to .gov internet domain.
''Sec. 2216. Joint Cyber Planning Office.
''Sec. 2217. Cybersecurity State Coordinator.
''Sec. 2218. Sector Risk Management Agencies.
''Sec. 2219. Cybersecurity Advisory Committee.
''Sec. 2220. Cybersecurity education and training programs.''.

(d) ADDITIONAL TECHNICAL AMENDMENT.—

(1) AMENDMENT.—Section 904(b)(1) of the DOTGOV Act of 2020 (title IX of division U of Public Law 116–260) is amended, in the matter preceding subparagraph (A), by striking ''Homeland Security Act'' and inserting ''Homeland Security Act of 2002''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if enacted as part of the DOTGOV Act of 2020 (title IX of division U of Public Law 116–260).

Mr. VAN HOLLEN. Madam President, I ask unanimous consent that the committee-reported amendments 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 amendments were agreed to.

The bill (S. 2123), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2123

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 ''Pray Safe Act''.

SEC. 2. DEFINITIONS.

In this Act—

(1) the term ''Clearinghouse'' means the Federal Clearinghouse on Safety Best Practices for Faith-Based Organizations and Houses of Worship established under section 2220A of the Homeland Security Act of 2002, as added by section 3 of this Act;

(2) the term ''Department'' means the Department of Homeland Security;

(3) the terms ''faith-based organization'' and ''house of worship'' have the meanings given such terms under section 2220A of the Homeland Security Act of 2002, as added by section 3 of this Act; and

(4) the term ''Secretary'' means the Secretary of Homeland Security.

SEC. 3. FEDERAL CLEARINGHOUSE ON SAFETY AND SECURITY BEST PRACTICES FOR FAITH-BASED ORGANIZATIONS AND HOUSES OF WORSHIP.

(a) IN GENERAL.—Subtitle A of title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.), as amended by section 9, is amended by adding at the end the following:

''SEC. 2220A. FEDERAL CLEARINGHOUSE ON SAFETY AND SECURITY BEST PRACTICES FOR FAITH-BASED ORGANIZATIONS AND HOUSES OF WORSHIP.

''(a) DEFINITIONS.—In this section—

''(1) the term 'Clearinghouse' means the Clearinghouse on Safety and Security Best Practices for Faith-Based Organizations and Houses of Worship established under subsection (b)(1);

''(2) the term 'faith-based organization' means a group, center, or nongovernmental organization with a religious, ideological, or spiritual motivation, character, affiliation, or purpose;

''(3) the term 'house of worship' means a place or building, including synagogues, mosques, temples, and churches, in which congregants practice their religious or spiritual beliefs; and

''(4) the term 'safety and security', for the purpose of the Clearinghouse, means prevention of, protection against, or recovery from threats, including manmade disasters, natural disasters, or violent attacks.

''(b) ESTABLISHMENT.—

''(1) IN GENERAL.—Not later than 270 days after the date of enactment of the Pray Safe Act, the Secretary, in consultation with the Attorney General, the Executive Director of the White House Office of Faith-Based and Neighborhood Partnerships, and the head of any other agency that the Secretary determines appropriate, shall establish a Federal Clearinghouse on Safety and Security Best Practices for Faith-Based Organizations and Houses of Worship within the Department.

''(2) PURPOSE.—The Clearinghouse shall be the primary resource of the Federal Government—

''(A) to educate and publish online best practices and recommendations for safety and security for faith-based organizations and houses of worship; and

''(B) to provide information relating to Federal grant programs available to faith-based organizations and houses of worship.

''(3) PERSONNEL.—

''(A) ASSIGNMENTS.—The Clearinghouse shall be assigned such personnel and resources as the Secretary considers appropriate to carry out this section.

''(B) DETAILEES.—The Secretary may coordinate detailees as required for the Clearinghouse.

''(C) DESIGNATED POINT OF CONTACT.—There shall be not less than 1 employee assigned or detailed to the Clearinghouse who shall be the designated point of contact to provide information and assistance to faith-based organizations and houses of worship, including assistance relating to the grant program established under section 5 of the Pray Safe Act. The contact information of the designated point of contact shall be made available on the website of the Clearinghouse.

''(D) QUALIFICATION.—To the maximum extent possible, any personnel assigned or detailed to the Clearinghouse under this paragraph should be familiar with faith-based organizations and houses of worship and with

physical and online security measures to identify and prevent safety and security risks.

''(c) CLEARINGHOUSE CONTENTS.—

''(1) EVIDENCE-BASED TIERS.—

''(A) IN GENERAL.—The Secretary, in consultation with the Attorney General, the Executive Director of the White House Office of Faith-Based and Neighborhood Partnerships, and the head of any other agency that the Secretary determines appropriate, shall develop tiers for determining evidence-based practices that demonstrate a significant effect on improving safety or security, or both, for faith-based organizations and houses of worship.

''(B) REQUIREMENTS.—The tiers required to be developed under subparagraph (A) shall—

''(i) prioritize—

''(I) strong evidence from not less than 1 well-designed and well-implemented experimental study; and

''(II) moderate evidence from not less than 1 well-designed and well-implemented quasi-experimental study; and

''(ii) consider promising evidence that demonstrates a rationale based on high-quality research findings or positive evaluations that such activity, strategy, or intervention is likely to improve security and promote safety for faith-based organizations and houses of worship.

''(2) CRITERIA FOR BEST PRACTICES AND RECOMMENDATIONS.—The best practices and recommendations of the Clearinghouse shall, at a minimum—

''(A) identify areas of concern for faith-based organizations and houses of worship, including event planning recommendations, checklists, facility hardening, tabletop exercise resources, and other resilience measures;

''(B) involve comprehensive safety measures, including threat prevention, preparedness, protection, mitigation, incident response, and recovery to improve the safety posture of faith-based organizations and houses of worship upon implementation;

''(C) involve comprehensive safety measures, including preparedness, protection, mitigation, incident response, and recovery to improve the resiliency of faith-based organizations and houses of worship from man-made and natural disasters;

''(D) include any evidence or research rationale supporting the determination of the Clearinghouse that the best practices or recommendations under subparagraph (B) have been shown to have a significant effect on improving the safety and security of individuals in faith-based organizations and houses of worship, including—

''(i) findings and data from previous Federal, State, local, Tribal, territorial, private sector, and nongovernmental organization research centers relating to safety, security, and targeted violence at faith-based organizations and houses of worship; and

''(ii) other supportive evidence or findings relied upon by the Clearinghouse in determining best practices and recommendations to improve the safety and security posture of a faith-based organization or house of worship upon implementation; and

''(E) include an overview of the available resources the Clearinghouse can provide for faith-based organizations and houses of worship.

''(3) ADDITIONAL INFORMATION.—The Clearinghouse shall maintain and make available a comprehensive index of all Federal grant programs for which faith-based organizations and houses of worship are eligible, which shall include the performance metrics for each grant management that the recipient will be required to provide.

''(4) PAST RECOMMENDATIONS.—To the greatest extent practicable, the Clearinghouse shall identify and present, as appropriate, best practices and recommendations issued by Federal, State, local, Tribal, territorial, private sector, and nongovernmental organizations relevant to the safety and security of faith-based organizations and houses of worship.

''(d) ASSISTANCE AND TRAINING.—The Secretary may produce and publish materials on the Clearinghouse to assist and train faith-based organizations, houses of worship, and law enforcement agencies on the implementation of the best practices and recommendations.

''(e) CONTINUOUS IMPROVEMENT.—

''(1) IN GENERAL.—The Secretary shall—

''(A) collect for the purpose of continuous improvement of the Clearinghouse—

''(i) Clearinghouse data analytics;

''(ii) user feedback on the implementation of resources, best practices, and recommendations identified by the Clearinghouse; and

''(iii) any evaluations conducted on implementation of the best practices and recommendations of the Clearinghouse; and

''(B) in coordination with the Faith-Based Security Advisory Council of the Department, the Department of Justice, the Executive Director of the White House Office of Faith-Based and Neighborhood Partnerships, and any other agency that the Secretary determines appropriate—

''(i) assess and identify Clearinghouse best practices and recommendations for which there are no resources available through Federal Government programs for implementation;

''(ii) provide feedback on the implementation of best practices and recommendations of the Clearinghouse; and

''(iii) propose additional recommendations for best practices for inclusion in the Clearinghouse; and

''(C) not less frequently than annually, examine and update the Clearinghouse in accordance with—

''(i) the information collected under subparagraph (A); and

''(ii) the recommendations proposed under subparagraph (B)(iii).

''(2) ANNUAL REPORT TO CONGRESS.—The Secretary shall submit to Congress, on an annual basis, a report on the updates made to the Clearinghouse during the preceding 1-year period under paragraph (1)(C), which shall include a description of any changes made to the Clearinghouse.''.

(b) TECHNICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135), as amended by section 9 of this Act, is amended by inserting after the item relating to section 2220 the following:

''Sec. 2220A. Federal Clearinghouse on Safety Best Practices for Faith-Based Organizations and Houses of Worship.''.

SEC. 4. NOTIFICATION OF CLEARINGHOUSE.

The Secretary shall provide written notification of the establishment of the Clearinghouse, with an overview of the resources required as described in section 2220A of the Homeland Security Act of 2002, as added by section 3 of this Act, and section 5 of this Act, to—

(1) every State homeland security advisor;

(2) every State department of homeland security;

(3) other Federal agencies with grant programs or initiatives that aid in the safety and security of faith-based organizations and houses of worship, as determined appropriate by the Secretary;

(4) every Federal Bureau of Investigation Joint Terrorism Task Force;

(5) every Homeland Security Fusion Center;

(6) every State or territorial Governor or other chief executive;

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

(8) the Committee on Homeland Security and the Committee on the Judiciary of the House of Representatives.

SEC. 5. GRANT PROGRAM OVERVIEW.

(a) DHS GRANTS AND RESOURCES.—The Secretary shall include a grants program overview on the website of the Clearinghouse that shall—

(1) be the primary location for all information regarding Department grant programs that are open to faith-based organizations and houses of worship;

(2) directly link to each grant application and any applicable user guides;

(3) identify all safety and security homeland security assistance programs managed by the Department that may be used to implement best practices and recommendation of the Clearinghouse;

(4) annually, and concurrent with the application period for any grant identified under paragraph (1), provide information related to the required elements of grant applications to aid smaller faith based organizations and houses of worship in earning access to Federal grants; and

(5) provide frequently asked questions and answers for the implementation of best practices and recommendations of the Clearinghouse and best practices for applying for a grant identified under paragraph (1).

(b) OTHER FEDERAL GRANTS AND RESOURCES.—Each Federal agency notified under section 4(3) shall provide necessary information on any Federal grant programs or resources of the Federal agency that are available for faith-based organizations and houses of worship to the Secretary or the appropriate point of contact for the Clearinghouse.

(c) STATE GRANTS AND RESOURCES.—

(1) IN GENERAL.—Any State notified under paragraph (1), (2), or (6) of section 4 may provide necessary information on any grant programs or resources of the State available for faith-based organizations and houses of worship to the Secretary or the appropriate point of contact for the Clearinghouse.

(2) IDENTIFICATION OF RESOURCES.—The Clearinghouse shall, to the extent practicable, identify, for each State—

(A) each agency responsible for safety for faith-based organizations and houses of worship in the State, or any State that does not have such an agency designated;

(B) any grant program that may be used for the purposes of implementing best practices and recommendations of the Clearinghouse; and

(C) any resources or programs, including community prevention or intervention efforts, that may be used to assist in targeted violence and terrorism prevention.

SEC. 6. OTHER RESOURCES.

The Secretary shall, on the website of the Clearinghouse, include a separate section for other resources that shall provide a centralized list of all available points of contact to seek assistance in grant applications and in carrying out the best practices and recommendations of the Clearinghouse, including—

(1) a list of contact information to reach Department personnel to assist with grant-related questions;

(2) the applicable Cybersecurity and Infrastructure Security Agency contact information to connect houses of worship with Protective Security Advisors;

(3) contact information for all Department Fusion Centers, listed by State;

(4) information on the If you See Something Say Something Campaign of the Department; and

(5) any other appropriate contacts.

SEC. 7. RULE OF CONSTRUCTION.

Nothing in this Act or the amendments made by this Act shall be construed to create, satisfy, or waive any requirement under Federal civil rights laws, including—

(1) title II of the Americans With Disabilities Act of 1990 (42 U.S.C. 12131 et seq.); or

(2) title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).

SEC. 8. EXEMPTION.

Chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act'') shall not apply to any rulemaking or information collection required under this Act or under section 2220A of the Homeland Security Act of 2002, as added by section 3 of this Act.

SEC. 9. TECHNICAL CORRECTIONS.

(a) REDESIGNATIONS.—Subtitle A of title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.) is amended—

(1) by redesignating section 2217 (6 U.S.C. 665f) as section 2220;

(2) by redesignating section 2216 (6 U.S.C. 665e) as section 2219;

(3) by redesignating the fourth section 2215 (relating to Sector Risk Management Agencies) (6 U.S.C. 665d) as section 2218;

(4) by redesignating the third section 2215 (relating to the Cybersecurity State Coordinator) (6 U.S.C. 665c) as section 2217; and

(5) by redesignating the second section 2215 (relating to the Joint Cyber Planning Office) (6 U.S.C. 665b) as section 2216.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 2202(c) of the Homeland Security Act of 2002 (6 U.S.C. 652(c)) is amended—

(1) in paragraph (11), by striking ''and'' at the end;

(2) in the first paragraph (12)—

(A) by striking ''section 2215'' and inserting ''section 2217''; and

(B) by striking ''and'' at the end; and

(3) by redesignating the second and third paragraphs (12) as paragraphs (13) and (14), respectively.

(c) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended by striking the item relating to section 2214 and all that follows through the item relating to section 2217 and inserting the following:

''Sec. 2214. National Asset Database.
''Sec. 2215. Duties and authorities relating to .gov internet domain.
''Sec. 2216. Joint Cyber Planning Office.
''Sec. 2217. Cybersecurity State Coordinator.
''Sec. 2218. Sector Risk Management Agencies.
''Sec. 2219. Cybersecurity Advisory Committee.
''Sec. 2220. Cybersecurity education and training programs.''.

(d) ADDITIONAL TECHNICAL AMENDMENT.—

(1) AMENDMENT.—Section 904(b)(1) of the DOTGOV Act of 2020 (title IX of division U of Public Law 116–260) is amended, in the matter preceding subparagraph (A), by striking ''Homeland Security Act'' and inserting ''Homeland Security Act of 2002''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if enacted as part of the DOTGOV Act of 2020 (title IX of division U of Public Law 116–260).

SHADOW WOLVES ENHANCEMENT ACT

Mr. VAN HOLLEN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5681, which was received by the House and is at the desk.

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

The legislative clerk read as follows:

A bill (H.R. 5681) to authorize the reclassification of the tactical enforcement officers (commonly known as the ''Shadow Wolves'') in the Homeland Security Investigations tactical patrol unit operating on the lands of the Tohono O'odham Nation as special agents, and for other purposes.

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

Mr. VAN HOLLEN. Madam President, 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. 5681) was ordered to a third reading, was read the third time, and passed.

ORDERS FOR WEDNESDAY, APRIL 6, 2022

Mr. VAN HOLLEN. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Wednesday, April 6, and 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 the conclusion of morning business, the Senate proceed to executive session to resume consideration of the nomination of Ketanji Brown Jackson to be Associate Justice of the Supreme Court; that at 11:45 a.m., the Senate execute the previous order with respect to the O'Brien nomination and vote on the confirmation of the nomination; finally, if any nominations are confirmed during Wednesday's session of the Senate, the motions to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

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

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. VAN HOLLEN. Madam 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 7:22 p.m., adjourned until Wednesday, April 6, 2022, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

VINAY VIJAY SINGH, OF PENNSYLVANIA, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, VICE IRVING DENNIS.

DEPARTMENT OF STATE

ROBERT F. GODEC, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF THAILAND.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

KALPANA KOTAGAL, OF OHIO, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM EXPIRING JULY 1, 2027, VICE JANET DHILLON, TERM EXPIRING.

DISCHARGED NOMINATION

The Senate Committee on Banking, Housing, and Urban Affairs was discharged from further consideration of the following nomination pursuant to S. Res. 27, and the nomination was placed on the Executive Calendar:

JULIA RUTH GORDON, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

CONFIRMATION

Executive nomination confirmed by the Senate April 5, 2022:

DEPARTMENT OF COMMERCE

KATHERINE VIDAL, OF CALIFORNIA, TO BE UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE.