

AMERICAN RESCUE PLAN ACT OF 2021

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

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

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

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

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

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

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

I yield the floor.

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

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

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

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

VOTE ON FUDGE NOMINATION

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

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

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

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

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

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

[Rollcall Vote No. 113 Ex.]

YEAS—66

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

NAYS—34

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

The nomination was confirmed.

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

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

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

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

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

NOMINATION OF MERRICK BRIAN GARLAND

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

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

pleased that last week the committee favorably recommended his nomination to the full Senate by a bipartisan vote of 15 to 7.

Judge Garland is uniquely qualified at this moment in history to serve as the people's lawyer and restore honor, integrity, and independence to DOJ.

Judge Garland graduated *summa cum laude* from Harvard College in 1974 and *magna cum laude* from Harvard Law School in 1977. Following graduation, he served as law clerk to Judge Henry J. Friendly of the U.S. Court of Appeals for the Second Circuit and to U.S. Supreme Court Justice William J. Brennan, Jr. From 1979 to 1981, he was Special Assistant to the Attorney General of the United States. He then joined the law firm of Arnold & Porter, where he was a partner from 1985 to 1989 and from 1992 to 1993. He served as an Assistant U.S. Attorney for the District of Columbia from 1989 to 1992 and as Deputy Assistant Attorney General in the Criminal Division of the U.S. Department of Justice from 1993 to 1994.

From 1994 until his appointment as U.S. Circuit judge, he served as Principal Associate Deputy Attorney General, where his responsibilities included supervising the Oklahoma City bombing and UNABOM prosecutions. In 1997, he was appointed as judge of the U.S. Court of Appeals for the District of Columbia Circuit, often seen as the Nation's second highest and most powerful court, given their review of Federal agency actions and other matters. He served as chief judge of the D.C. Circuit from 2013 to 2020.

Judge Garland has published in the Harvard Law Review and Yale Law Journal, taught at Harvard Law School, and served as president of the board of overseers of Harvard University. He served as chair of the Executive Committee of the Judicial Conference of the United States from 2017 to 2020.

Judge Garland has served both Democratic and Republican administrations in the Justice Department, including service under President Carter, the first President Bush, and President Clinton. He earned a reputation as a tough and fair prosecutor who took on complicated terrorism, violent crime, and corruption cases. He established a sterling reputation of handling cases with the utmost professionalism and is seen by his peers as a modest man who is fundamentally a decent human being.

In 1997, the Senate reviewed his record in detail and confirmed him by an overwhelming, bipartisan vote of 76 to 23 to serve as judge on the U.S. Court of Appeals for the D.C. Circuit. I would note that many of the no votes for Judge Garland's previous confirmation had to do with a dispute over the proper size of the D.C. Circuit, as opposed to concerns over Judge Garland's qualifications or fitness to serve as a judge.

As President Biden noted in his introduction of Judge Garland's nomina-

tion, despite his busy schedule and prestigious positions, he still makes time to volunteer regularly, tutoring students in Northeast DC, as he has done for 20 years. And I agree this really shows us the true character of Judge Garland, in terms of his commitment to public service, helping others, and not necessarily seeking out the lime-light.

I am hopeful that Judge Garland's appointment will shore up and improve the morale at the Justice Department, as the Department renews its commitment to uphold civil rights and voting rights laws; protect the civil liberties and equal access to justice of all Americans; safeguard our national security and combat violent crime; and rout out systemic racism in our criminal justice system and government. As the only Cabinet department named after an ideal, I am convinced that Judge Garland will follow the facts, evidence, and law wherever it leads him, regardless of political pressure or outside influences.

Let me close by highlighting what President Biden and Judge Garland stated upon announcing his nomination. President Biden said forcefully: "You won't work for me. You are not the president's or the vice president's lawyer. Your loyalty is not to me. It's to the law, the Constitution."

Judge Garland said: "The rule of law is not just some lawyer's turn of phrase. It is the very foundation of our democracy. The essence of the rule of law is that like cases are treated alike, that there is not one rule for Democrats and another for Republicans, one rule for friends and another for foes."

Judge Garland noted President Biden's promise that he would have the "independent capacity" to decide who is subject to prosecution, based on the facts and the law. Judge Garland concluded that: "I would not have agreed to be considered for attorney general under any other conditions."

I again urge the Senate to swiftly confirm this nomination, so we can bring Senate-confirmed leadership to the Department of Justice as soon as possible.

Mr. CARPER. Mr. President, I rise today in strong support of the nomination of Judge Merrick Garland to be United States Attorney General and to describe some of the greatest challenges confronting the U.S. Department of Justice.

The DOJ, as it is often called, is unlike any other Federal Agency. It is charged with protecting the constitutional rights and civil rights of all Americans. The past 4 years, to put it mildly, broke the longstanding precedent that has enabled the Department of Justice to operate above the political fray.

The Trump Justice Department joined a misguided lawsuit to take away healthcare coverage for tens of millions of Americans. The Trump Justice Department oversaw a cruel set of immigration policies that separated young children from their parents at

our southern border and locked these children in cages. And the Trump Justice Department remained painfully silent as our Nation cried out for racial justice in the wake of the murder of George Floyd, an unarmed Black man.

After the firing of Attorney General Sessions, the Attorney General of the United States became the Attorney General for Donald Trump. When our Nation's top law enforcement official becomes little more than a political fixture for the President, it erodes the principle of equal justice under the law and calls into question the mission of the Department.

In the waning days of the Trump administration, with nearly half a million Americans dead from the coronavirus, a swarm of White supremacists and other extremists stormed our Capitol, including this very Chamber, and disrupted our peaceful transfer of power. Tragically, five people died during the January 6 insurrection, including a United States Capitol police officer.

Our Nation must now bring the perpetrators to justice and address the root causes in our society that enable White supremacists and other extremists to fuel hate and violence.

The next Attorney General cannot shy away from these historic challenges. The next Attorney General must meet these challenges head on to restore integrity to the Justice Department and to work every day—every day—to restore the trust of the American people.

President Biden has nominated Judge Garland—not just one of the finest public servants I have ever met but one of the finest people I have ever met—to be Attorney General of the United States. His name should be familiar to many of our colleagues because President Obama nominated him to serve on the Supreme Court in 2016. At the time, I called him perhaps the most qualified individual ever nominated to be on our Nation's highest Court, and I still believe that to this day.

Judge Garland graduated at the top of his class at both Harvard undergrad and Harvard Law School. He clerked for Justice Brennan on the Supreme Court, and after a time in private practice, he worked at the Department of Justice, where he prosecuted the perpetrators of the Oklahoma City bombing. Judge Garland called this, and I quote him, "the most important thing I have ever done in my life."

In 1997, Republicans and Democrats joined together to confirm Judge Garland to the DC Circuit Court of Appeals, which is often called the "second highest court in this land." Judge Garland has served honorably and dutifully for the past 24 years on the DC Circuit, including several years as its chief judge.

Judge Garland has gained the respect of all of his colleagues—left, right, and center—as someone who knows the law and never allows politics into the courtroom. Judge Garland works to

build consensus and find principled compromises. Judge Garland will bring a wealth of legal, law enforcement, and judicial experience to the Department of Justice to make him uniquely qualified—uniquely qualified—to lead the Department at this critical moment.

Judge Garland will be an Attorney General for all Americans—all Americans. He will not shy away from the challenges facing the Justice Department. He will meet them head on.

At the top of Judge Garland's to-do list is bringing the perpetrators of the January 6 insurrection to justice. Judge Garland will make sure that the Department stays out of the political fray and remains independent from the White House. And Judge Garland will answer the calls for racial justice and refocus the Department on one of its core missions, to protect the civil rights and voting rights of all Americans.

While I will never truly forget the shameful treatment of Judge Garland during his previous nomination to serve on the Supreme Court and in my heart I will always believe he should be serving on the Supreme Court today, I am grateful that Judge Garland has answered the call to serve.

I am also grateful to his wife of many years. I am grateful to his family for supporting him and allowing him to serve us as he has. He is more than just a judge or attorney or a servant. He is a mentor. He is somebody who, every week, for years—20 years—has made time, found time in his life to mentor a kid who needs somebody in his life or her life. As someone who has been mentored for many years myself, I just want to say: God bless you. God bless you, Judge Garland. My hope today is he will get a resounding—resounding—vote out of this body. He has earned it. He deserves it.

I yield the floor.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the next nomination.

The bill clerk read the nomination of Merrick Brian Garland, of Maryland, to be Attorney General.

RECESS

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

Thereupon, the Senate, at 12:45 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Ms. ROSEN).

VOTE ON GARLAND NOMINATION

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

Mr. SCHATZ. 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 senior assistant legislative clerk called the roll.

The result was announced—yeas 70, nays 30, as follows:

[Rollcall Vote No. 114 Ex.]

YEAS—70

Baldwin	Hassan	Peters
Bennet	Heinrich	Portman
Blumenthal	Hickenlooper	Reed
Blunt	Hirono	Romney
Booker	Inhofe	Rosen
Brown	Johnson	Rounds
Burr	Kaine	Sanders
Cantwell	Kelly	Schatz
Capito	King	Schumer
Cardin	Klobuchar	Shaheen
Carper	Lankford	Sinema
Casey	Leahy	Smith
Cassidy	Lujan	Stabenow
Collins	Manchin	Tester
Coons	Markey	Thune
Cornyn	McConnell	Tillis
Cortez Masto	Menendez	Van Hollen
Duckworth	Merkley	Warner
Durbin	Moran	Warnock
Ernst	Murkowski	Warren
Feinstein	Murphy	Whitehouse
Gillibrand	Murray	Wyden
Graham	Ossoff	
Grassley	Padilla	

NAYS—30

Barrasso	Hagerty	Rubio
Blackburn	Hawley	Sasse
Boozman	Hoeven	Scott (FL)
Braun	Hyde-Smith	Scott (SC)
Cotton	Kennedy	Shelby
Cramer	Lee	Sullivan
Crapo	Lummis	Toomey
Cruz	Marshall	Tuberville
Daines	Paul	Wicker
Fischer	Risch	Young

The nomination was confirmed.

The PRESIDING OFFICER. The Senator from Minnesota.

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

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

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 senior assistant bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 15, Michael Stanley Regan, of North Carolina, to be Administrator of the Environmental Protection Agency.

Charles E. Schumer, Thomas R. Carper, Richard Blumenthal, Christopher A. Coons, Patty Murray, Chris Van Hollen, Sheldon Whitehouse, Jeff Merkley, Brian Schatz, Cory A. Booker, Amy Klobuchar, Benjamin L. Cardin, Sherrod Brown, Angus S. King, Jr., Kirsten E. Gillibrand, Tim Kaine, Tammy Baldwin, Martin Heinrich, Maria Cantwell.

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

The question is, Is it the sense of the Senate that debate on the nomination of Michael Stanley Regan, of North Carolina, to be Administrator of the Environmental Protection Agency, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant bill clerk called the roll.

The result was announced—yeas 65, nays 35, as follows:

[Rollcall Vote No. 115 Ex.]

YEAS—65

Baldwin	Hassan	Portman
Bennet	Heinrich	Reed
Blumenthal	Hickenlooper	Romney
Booker	Hirono	Rosen
Braun	Hyde-Smith	Rounds
Brown	Kaine	Sanders
Burr	Kelly	Schatz
Cantwell	King	Schumer
Cardin	Klobuchar	Shaheen
Carper	Leahy	Sinema
Casey	Lee	Smith
Collins	Lujan	Stabenow
Coons	Manchin	Tester
Cortez Masto	Markey	Tillis
Cramer	Menendez	Van Hollen
Duckworth	Merkley	Warner
Durbin	Murkowski	Warnock
Feinstein	Murphy	Warren
Fischer	Murray	Whitehouse
Gillibrand	Ossoff	Wicker
Graham	Padilla	Wyden
Grassley	Peters	

NAYS—35

Barrasso	Hagerty	Risch
Blackburn	Hawley	Rubio
Blunt	Hoeven	Sasse
Boozman	Inhofe	Scott (FL)
Capito	Johnson	Scott (SC)
Cassidy	Kennedy	Shelby
Cornyn	Lankford	Sullivan
Cotton	Lummis	Thune
Crapo	Marshall	Toomey
Cruz	McConnell	Tuberville
Daines	Moran	Young
Ernst	Paul	

The PRESIDING OFFICER (Ms. BALDWIN). On this vote, the yeas are 65, the nays are 35.

The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant bill clerk read the nomination of Michael Stanley Regan, of North Carolina, to be Administrator of the Environmental Protection Agency.

The PRESIDING OFFICER. The senior Senator from Delaware.

Mr. CARPER. Madam President, we have just invoked cloture on the nomination of Michael S. Regan, President Biden's nominee to be Administrator of the Environmental Protection Agency. The vote was 65 to 35. To every Democrat and every Republican and maybe an Independent or two, I want to thank you for your vote.

I rise today to talk about this nomination and, more particularly, about the person, the man who has been selected to serve as our EPA Administrator.

As Members of this deliberative body, each one of us has taken an oath to protect and defend our U.S. Constitution. That oath includes offering our