

devastating cyber attacks conducted on our national agricultural sector.

Agriculture is designated as one of the country's 16 critical infrastructure industries but historically has not received robust cyber security support from our government. Attacks from foreign cyber criminals are threatening both the livelihood of our farmers and the security of the food that we eat.

Last month, NEW Cooperative, an Iowa grain co-op, was the target of BlackMatter, a Russian cyber criminal cell. The cyber attack shut down systems that control crop irrigation, livestock feed schedules, and inventory distribution. NEW Cooperative comprises about 40 percent of the grain distribution in our country. The co-op narrowly managed to avert a crash in grain prices without paying a \$5.9 million ransom.

These attacks are not limited to just large distributors. The Russian group BlackByte claimed it attacked Farmers Cooperative Elevator Company, an Iowa grain co-op with just four locations. BlackByte is threatening to release 100 gigabytes of sensitive data, including financial, sales, and accounting information, if a ransom is not paid.

The extent of the damage from the NEW Cooperative and the Farmers Cooperative Elevator Company attacks is not isolated to the grain market. Feed from these co-ops sustain more than 11 million head of livestock.

These attacks affect the supply chain that puts food on the shelves of grocery stores all across our country. As Iowa farmers adopt new technologies to get their crops to market, their exposure grows to similar attacks.

These two ransomware attacks are only the latest in a very long line of cyber attacks on our critical infrastructure this year. In July, a Miami-based software provider was attacked, which resulted in trickle-down effects to thousands of organizations. In June, JBS Foods—that happens to be the world's largest meat processing company—that company was attacked, shutting down nine meat packing plants in the United States. In May, Colonial Pipeline was shut down for 11 days, resulting in buying panics and shortages.

While many cyber attacks originate from Russia, attacks have also come from other countries. Earlier this year, the Biden administration formally blamed China for a massive hack of the Microsoft Exchange email server. The hackers responsible appeared to work directly for China's Ministry of State Security. Estimates range as high as 250,000 victims in that attack.

In July, the Senate Judiciary Committee, where I serve as ranking member, held a hearing at my request looking at how to prevent and respond to ransomware attacks. During this hearing, witnesses testified that the Department of Homeland Security would be identifying and hardening critical points of failure. However, it is clear

that their actions up to now have not deterred criminals from targeting the U.S. agricultural industry.

Now, farmers might be only 2 percent of the U.S. population, but they provide food for the other 98 percent. Their job—the 2 percent of the people in this country—is no small task. Keeping Americans fed is very important.

There is an old quote that goes something like this: "There are only nine meals between mankind and anarchy." The quote is key to understanding the importance of keeping our agricultural supply chain safe and secure.

I want to thank my colleague Senator ERNST for joining me today in calling attention to this ongoing national security concern because agricultural security is national security. It is time that we do more to protect this critical sector of agriculture.

I yield the floor.

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

Ms. ERNST. Thank you, Mr. President. I also want to thank my senior Senator from our great State of Iowa for his wonderful contributions to our agriculture sector. This is an extremely important topic that we are bringing to the floor today, the threat of agriculture ransomware.

From grocery stores in Iowa to New York and every State in between, it is no secret that the price of groceries has drastically increased over the course of the past year. Combining that with the ongoing supply chain disaster, it is even more apparent that the last thing we need is a cyber security attack that would shut down any of our agriculture production.

Like many Iowans, I am increasingly concerned about the growing ransomware attacks on our Nation's ag economy. In a 2019 report, researchers from the University of Minnesota outlined the seriousness of the risk of cyber attacks to the American food and agriculture system. The report indicated that American agriculture is extremely vulnerable due to outdated security, poor coordination among businesses, and lack of emphasis on cyber security within the industry.

In June, the world's largest meat processing company, JBS, was attacked by a Russian-based operation. Nine U.S.-based meat packing plants temporarily shut down as a result of that attack, including the JBS pork processing plants in Marshalltown and Ottumwa, IA.

Similarly, NEW Cooperative, an Iowa grain cooperative that controls 40 percent of the grain distribution in our country, was recently targeted with a cyber attack by another Russian cyber crime. They attacked controlled crop irrigation, livestock feed schedules, and inventory distribution, and then they demanded \$5.9 million in ransom.

Another attack hit Farmers Cooperative Elevator Company, based in Arcadia, IA. This was coordinated by an-

other Russian attacker, who threatened to release sensitive data, including financial, sales, and accounting information.

This is a very serious warning sign for our ag industry. It is a problem primed to increase as farmers incorporate more technology into their daily lives. Precision agriculture, for example, has promising potential to fulfill increasing global food supply and demand while also improving our soil and water quality, but it demands heavy reliance on interconnected devices and the internet, creating vulnerability. Attackers can exploit these vulnerabilities to remotely control and disrupt data flow, potentially causing devastating consequences, especially as farmers move their crops and their livestock to market.

These attacks risk the livelihood of farmers and affect the supply chain that puts food on the shelves and on our families' tables all across our country. That is why I believe 21st-century farming needs 21st-century solutions. The security, safety, and resiliency of our food supply chain is integral to the overall security of our Nation.

The ag sector is designated as critical infrastructure, but historically, it has not received robust cyber security support from the government.

Just recently, I joined Senator GRASSLEY in urging Secretary Mayorkas to address these ransomware attacks on agriculture and to leverage the Department's resources to prepare for any future attacks. The Biden administration outlined a new national security memorandum that would include cyber security as it relates to agriculture, but the plan is voluntary and would severely limit its effectiveness. It is why I joined Senators GRASSLEY, STABENOW, and TESTER in an effort to get both the Secretary of Agriculture and the Secretary of Health and Human Services, who oversees the Food and Drug Administration, permanent representation on the Committee on Foreign Investment in the United States.

The legislation also adds new criteria to ensure that proposed transactions are reviewed specifically for their potential impact on American food and agricultural systems. The increasing trend of foreign investment in our food and ag system should be met with careful scrutiny in order to safeguard the security and safety of our food supply and, by extension, our Nation because, after all, food security is national security.

Again, I thank my senior Senator CHUCK GRASSLEY for leading these efforts to protect our agriculture industry, the livelihoods of Iowans, and everyone else who puts food on their table.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

LOCAL SCHOOL BOARDS

Mr. GRASSLEY. Last week, Attorney General Garland said something

very extraordinary. He said he would not withdraw his memo in which he instructed the FBI to get involved with local school boards.

Why would the FBI be interested in parents' meetings with their school board? If there is a reason for law enforcement to be involved, it is probably something local law enforcement can handle.

So the direction will have the effect of intimidating parents who speak out about their children's education. And make no mistake about it, we have heard those reports from the parents themselves. The Attorney General should then withdraw the memo.

Here are the facts:

No. 1, on September 29, the National School Boards Association sent a letter to President Biden asking for help from Federal law enforcement against concerned parents who are getting involved at local school board meetings. That letter compared parents to domestic terrorists. It even suggested the PATRIOT Act should be used against them. Now, remember, the PATRIOT Act was passed 20 years ago, written to protect Americans against terrorists.

Point No. 2: On October 4, Attorney General Garland put out a memo telling the FBI and other parts of the Department of Justice to work with local governments on the supposed spike in harassment, intimidation, and threat of violence against local school boards. The National Security Division is included as well, apparently because they deal with domestic terrorists and the PATRIOT Act.

Attorney General Garland has since testified that he gave the Department of Justice this instruction because of what he read in the National School Boards Association letter to President Biden just 5 days earlier of when the memo was issued. This is an extraordinary deployment of Federal law enforcement in local issues when we have problems—very big problems—like a historic murder surge and especially an open southern border. That latter, the southern border, you see the chaos and the crisis every day on television.

From these two points, what have we learned since the memo was put out? First, we learned the White House helped write the original letter from the National School Boards Association sent to the White House, not to the Department of Justice. Next, we learned that the State school board associations, affiliated with the national association, had nothing to do with putting together the letter. Over 20 of these State organizations have publicly disavowed the National School Boards Association's letter that brought about this directive.

Now, think about that. The White House helped write a letter to itself comparing parents who love their kids to domestic terrorists, but the actual members of the National School Boards Association had nothing to do with it.

On October 22, the National School Boards Association actually apologized

for its original letter that started this whole mess in the first place and was never even authorized by its own board.

Meanwhile, 17 State attorneys general have written to Attorney General Garland saying there has been no spike in violence against local school boards. So the idea that parents pose any sort of Federal threat to local school boards is all just simply made up by what looks to be the White House for political purposes.

Despite all that, the Attorney General says he will not change one thing about his memo telling the Department of Justice to continue focusing on local school boards. That memo stands, as far as the Attorney General is concerned.

Attorney General Garland says that he doesn't see how it could be interpreted to mean the FBI will go after impassioned parents. He says there are lines in constitutional law that law enforcement can't cross. Well, that is true, but he has been working with the Constitution his entire life. However, most parents and most school board members aren't experts on the First Amendment.

These parents are reading the Attorney General's own words to mean that when they speak passionately at local school board meetings, they could get in trouble with Federal officials. So parents are going to stop speaking up at local school board meetings, and that is what is known as a chilling effect.

That might be what some at the White House or the National School Boards Association wanted all along, but it is a horrible thing for our democracy, and it should never happen in the United States of America.

Attorney General Garland has said he wants to depoliticize the Department of Justice. Now, he wants Federal prosecutors parsing what parents say to their local school board members. This is because he thinks there is a disturbing spike in violence by parents, but he is not actually sure if that is right. And this instruction is going to scare parents out of speaking their minds at local school board meetings. But the Attorney General won't change his instructions to the FBI.

Mr. Attorney General, parents are not domestic terrorists, and you have only one reasonable choice: Withdraw this memo and focus on the real threats and dangers that American citizens face. Stop being a pawn for the White House by politicizing the Department of Justice.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

#### NOMINATION OF BETH ROBINSON

Mr. LEAHY. Mr. President, the Senate today is going to vote on the confirmation of Vermont's own Justice Beth Robinson, a vote to confirm her to serve as a judge on the Second Circuit Court of Appeals.

As an advocate, Beth Robinson has been rightfully hailed as a tireless

champion for equal rights and equal justice, but more importantly, her record as a Vermont Supreme Court justice clearly demonstrates her fairness, her impartiality, and loyalty to the rule of law above all else.

We Vermonters overwhelmingly support her nomination, including elected officials—both Republicans and Democrats—the entire Vermont Supreme Court, and the Vermont Bar Association; they overwhelmingly support her.

Justice Robinson will fill Vermont's seat on the Second Circuit, and I believe she is the best, strongest candidate for this position. She deserves bipartisan support in this Senate, as she got last week on a vote.

Beth Robinson was appointed to the Vermont Supreme Court by Governor Peter Shumlin in November 2011. To give you some idea of the bipartisan support she has had over the years, the Vermont Senate, Republicans and Democrats, have to vote on her nomination, and they voted unanimously to have her on the Vermont Supreme Court.

All current Vermont Supreme Court justices, appointed by both Democratic and Republican Governors, have signed a letter supporting her nomination to the Second Circuit. For the past decade, she has served on the court honorably. She has also participated in nearly 1,800 decisions.

Now, I am a member of the Vermont bar, and I pay attention to what happens, and I see her tenure as being a display of a commitment to the rule of law. Her unwavering, decade-long dedication as a jurist and her loyalty to the law above all else has made Beth Robinson an outstanding Vermont Supreme Court justice. No Vermonter doubts she will carry that approach to justice with her in the Second Circuit.

Let me talk a little bit about before she was on the bench. Prior to the time on the bench, Justice Robinson dedicated her legal career to pursuing liberty and justice for all. She spent the beginning of her legal career defending workers' rights and advancing discrimination cases. It was during this time that she worked pro bono as co-counsel to the plaintiffs in the case *Baker v. State* that challenged Vermont's then-protection on same-sex marriage.

She successfully litigated this landmark decision in which the Vermont Supreme Court upheld equal protections for same-sex couples and actually led Vermont to become the first State in the Union to enact civil unions in the country.

As a litigator, her work served as a blueprint for LGBTQ advocacy across the country. She successfully represented an employee at the University of Vermont, who sought recognition of his Canadian marriage to a same-sex partner for health insurance purposes; another, a couple seeking recognition of their out-of-State marriage in the context of second-parent adoption; and