

that remain to our freedom and the freedom of other democracies around the world. So there could not be a more appropriate time to plus-up our national defense spending, while at the same time providing additional resources, humanitarian and otherwise, to our friends in Ukraine who are fighting for their very existence.

We know that Ukraine is not a member of the North Atlantic Treaty Organization, so we have no legal obligation to come to Ukraine's defense, but I do believe we have a moral obligation to provide that assistance, both military and humanitarian.

Russia has waged an unmistakable war on that democracy, violated the sovereignty of the Ukrainian people. It has even targeted civilians and brought immeasurable destruction to Ukraine. The only question is, After Putin has miscalculated the will of the Ukrainian people to defend themselves and the commitment of America and our NATO allies and other freedom-loving countries around the world to support Ukraine—now that they are bogged down, Russia is bogged down in Ukraine, the question is, Well, is Putin going to give up? Is he going to try to come up with a face-saving device, or is he going to double down? I am afraid Putin is going to double down, which means we are going to see more attacks on innocent civilians. We are going to see more Ukrainian cities leveled to the ground, indiscriminate killing of men, women, and children. This is all that Putin knows. The question is, How does this end? That is a chilling question, but the answer is even more chilling.

As I said, I believe we have a moral duty to support Ukraine, and this legislation provides \$13 billion in humanitarian, economic, and military assistance. We need to get this money out the door as soon as possible, while the United States and NATO needs to continue to supply the Javelins and other anti-aircraft, anti-tank weapons to help the Ukrainians defend themselves against this existential threat.

The good news is, this is a bipartisan effort. A lot of things we do around here we divide up along party lines—the shirts and the skins, I like to call them—but the fact is, we all support Ukraine, and we are all looking for ways we can help them during their time of need.

Another thing that this Omnibus appropriations bill does is it reauthorizes the Violence Against Women Act. This critical program has been defunct and moribund since 2019. For some reason, this was not a priority of this Chamber or of this Congress for the last 3 years, but thanks to the leadership of Senators ERNST and MURKOWSKI—Senator FEINSTEIN was an essential part of the negotiations—we were able to reach a bipartisan agreement to strengthen and modernize this law.

I am a proud cosponsor of the legislation, and I thank our colleagues on the Appropriations Committee for

prioritizing its inclusion in this legislation. This funding will make critical investments for our country, including critical investments in our own people.

One of the good things about this Omnibus appropriations bill is it does exclude poison pills that included things like taxpayer funding of abortions. Those are not included in this bill.

While it is far from perfect, there is no question that a bill drafted solely by Republicans would look a little different. But the world does not operate on the basis of ideals. The perfect cannot be the enemy of the good. So despite its flaws, despite the crazy process by which we find ourselves here voting on this \$1.5 trillion appropriations bill, notwithstanding all the reasons I could cite why maybe I should vote against it, I think there is enough good in this bill to support it.

#### NOMINATION OF KETANJI BROWN JACKSON

Mr. CORNYN. Mr. President, on another matter, 2 weeks ago, President Biden nominated Judge Ketanji Brown Jackson—and I know I mispronounced her first name; Judge Jackson, let me just call her—to serve as an Associate Justice on the Supreme Court.

During his State of the Union Message, President Biden said that choosing somebody to serve on the Supreme Court is one of the most serious constitutional responsibilities a President of the United States has. Likewise, I believe our responsibilities under the Constitution of evaluating the nominee, going through the advice-and-consent process, is one of the most serious responsibilities we as Senators have, and I don't take that responsibility lightly.

Members of this Chamber are pretty familiar with Judge Jackson's qualifications, as she was confirmed to the DC Circuit Court of Appeals just 9 months ago—sometimes called the second most powerful Federal court in the land, right below the Supreme Court of the United States.

There is no question that Judge Jackson is an incredibly smart person and has all of the sort of pedigree that you would expect: graduated from the best universities, the best law schools, has had a broad range of practice. She received both her undergraduate and law degrees from Harvard. She clerked for a Supreme Court Justice, Justice Breyer. She served on the Federal bench for nearly 9 years.

I could say, as somebody who served on the State court bench for 13 years, I appreciate the President picking somebody who has actually had real-world experience on the trial bench. Too often, I think our Supreme Court nominees are academics and people who have very little real-world experience. But you can't argue that Judge Jackson does not have that kind of real-world experience, serving as a public defender, serving on the trial court,

and serving on the court of appeals for the last 9 months.

We all know that a nomination for the Supreme Court requires a rigorous assessment of far more than just a resume, though. Our Framers set forth the role of the Supreme Court in article III of our Constitution.

Alexander Hamilton noted in Federalist 78 that the judiciary, he said, would have “no influence over either the sword or the purse. . . . [i]t may truly be said to have neither force nor will, but merely judgment.” Now, if I can interpret what Alexander Hamilton was really saying in modern language, it is that judges shouldn't be politicians. They are not policymakers.

That is why we appoint them—they are appointed—for lifetime tenure, to be protected from the pressures of politics or personality, and that is why they have such a critical and important role in our government. But it is not the same role as we serve as elected representatives. We are enmeshed in politics. We are directly responsible to the people—not for the legal correctness of our arguments or our legislation or constitutional interpretation, although I think we do have some responsibility since we take an oath to uphold the Constitution and laws of the United States, but it is different, and I think most people recognize judges are different than politicians. Judges should not be politicians appointed to serve for lifetime tenure and be unaccountable to the public and yet make policy. That is why judges decide individual cases. We don't decide individual cases here; we make policy for broad swathes of the American people. But judges decide cases based on a controversy, a set of facts, and the application of the law to those facts, which is, again, the antithesis of politics. That is what judging is all about.

So the Supreme Court is not just another branch of government that you can go to if you don't get your desired outcome in the political branches. If you don't win the election, if you don't elect your like-minded representative, you are not supposed to just go to the Supreme Court and say: OK, now you give me what I want because I couldn't get it through the political branches.

The Supreme Court is not supposed to be a failsafe to be utilized to deliver results that can't be secured through the legislative process. Our democracy, equal justice under the law—that is what it says right above the door of the Supreme Court of the United States: “Equal Justice Under Law”—can only be accomplished when the same law applies to all of us. Cases are therefore decided based on their unique facts—not on politics, not on personal preferences, not even on strongly held personal beliefs. This is absolutely critical to our system of checks and balances and the health of our democracy.

So I look forward to meeting Judge Jackson in person. I saw her across the hearing room when she was before the Judiciary Committee just about a year

ago. But I want to ask her a little more about her judicial philosophy and how she views her role on the Supreme Court.

Now, some have suggested, since she has been confirmed to the circuit court, that this ought to be a rubberstamp. Well, I don't view it that way. Circuit court nominees and district court nominees have to apply Supreme Court precedent, but when you are a member of the Supreme Court, there is no higher court that dictates the decision or the precedence you need to apply.

Now, ideally, you are applying the statutes and laws passed by Congress and the Constitution itself, but there is admittedly more flexibility for the nominee, which means her philosophy is even more important to know now.

I tried to flesh out Judge Jackson's judicial philosophy during her confirmation hearing for the DC Circuit Court. A number of us submitted questions for the record asking her to clarify her judicial philosophy and the way she interprets the Constitution.

We have heard a lot of testimony over the years about originalists and textualists and different ways people approach their duties as a judge.

I don't think Judge Jackson was particularly forthcoming with her answers when we asked about her philosophy, and I ultimately voted against her confirmation for the circuit court. Now, that vote is not going to determine how I view her nomination to the Supreme Court, but I think the question applies with even greater strength because she will not be bound by Supreme Court precedent.

I know she will have plenty of time and plenty of opportunity to clarify her views during the confirmation process, and I hope to see an unvarnished look, beginning with our conversation tomorrow, on Thursday.

I am also eager to learn more about Judge Jackson's views of the Supreme Court as an institution, which has increasingly come under attack by partisans, again, who don't particularly like the decisions of the Court. But that is not supposed to be the test. The test is whether they apply the Constitution and laws of the United States to the facts found by the finder of fact.

There have actually been a number of calls here on the Senate and in our political system in general to change the makeup of the Supreme Court, to actually add additional Justices to the Court—something that used to be called court packing back in the days of Franklin Delano Roosevelt. But Justice Breyer, to his credit, whose seat Judge Jackson has been nominated to fill, has been a steadfast defender of the Supreme Court as an institution, and I hope soon-to-be-Justice Jackson takes her cues from her mentor.

Justice Breyer echoed the comments of the late Ruth Bader Ginsburg and warned about a potentially dangerous politicalization of the Supreme Court and the consequential loss of public

confidence in its judgments. Well, I would like to know whether Judge Jackson agrees with Justice Breyer and whether she shares Justice Ginsburg's assessment that nine seems to be a good number when it comes to the Supreme Court.

In the coming days and weeks, the Senate will thoroughly review Judge Jackson's qualifications, just as this body has done for every other nominee to the Federal bench. This is a familiar process to most of us. Judge Jackson is the fourth Supreme Court nominee we will have considered in the last 5 years.

But I hope there is something we do differently this time than has been done in the recent past, particularly in the case of Justice Kavanaugh. Frankly, the confirmation process for Justice Kavanaugh was an embarrassment and, I believe, a black mark on this Senate. Conversely, I think we have an opportunity to show the American people how to do it the right way and treat Judge Jackson with civility and dignity, even when we disagree. We know that outside groups launched a full-on character attack against Judge Kavanaugh. Even Justice Barrett, more recently, was attacked based on her religious beliefs.

I can assure you that will not happen this time around. We will meticulously review Judge Jackson's record. We will ask detailed questions to understand her judicial philosophy. We will read and review her opinions and carefully evaluate her ability to serve. Through it all, there is no question that she will be treated with dignity and respect.

I think the confirmation process must be thorough and it must be civil. The American people and, frankly, the nominee deserves nothing less. I am prepared to fulfill my advice and consent duties as a Member of this body and as a member of the Judiciary Committee.

As we know, there is no particular timeline for this process. In some cases, it moves quickly, and in others it has taken significantly more time. Chairman DURBIN has announced that the Judiciary Committee will begin its confirmation hearing in the week of March 21, which doesn't allow much more time for our colleagues to meet with Judge Jackson before evaluating her record, and I know she has prioritized meeting with Members of the Judiciary Committee. I hope she will have adequate time to meet with other Members who are not on the Judiciary Committee, as well.

I know our colleagues are anxious to expedite this process, but we all know Justice Breyer will stay on the Court until the end of this term, which will be the first week or so in July.

Justices do not have term limits. They are not held accountable on elections, but they wield tremendous power under our Constitution. So we have a duty, not necessarily to get it done fast but to get it done right and thoroughly evaluate Judge Jackson's qualifications and ensure that, if confirmed, she

will serve as a fair and impartial member of the Supreme Court.

I yield the floor.

The PRESIDING OFFICER (Mr. VAN HOLLEN). The Senator from Hawaii.

Ms. HIRONO. Mr. President, I was listening very carefully to my friend, my colleague from Texas, on his comments regarding the process by which we give our advice and consent to all of our judicial nominees, but, of course, particularly our responsibility with regard to Supreme Court nominees.

There seems to be some concern that we are rushing the nomination process for Judge Jackson. Nothing could be further from the truth because everybody remembers the speed with which nominee Amy Coney Barrett was put on the Court, from the time of her nomination to the hearings, to her being sworn in.

There will be enough time for all of our Members of this body to consider Judge Jackson's nomination, not to mention that we have already confirmed her twice, once to the district court and another time to the circuit court. It is not as though she is unfamiliar to us.

Also, any connotation that somehow President Trump's nominees were ill-treated—again, nothing could be further from the truth because the whole process, especially with regard to Justice Kavanaugh, was with the utmost desire on the part, particularly, of the Democrats on the Judiciary Committee to get to the bottom of certain allegations against Justice Kavanaugh that were highly serious.

To cast any kind of doubt or aspersions on the work of the members of the Committee—especially the Democrats on the Committee—with regard to President Trump's nominees is not well-taken.

#### ABORTION

Ms. HIRONO. Mr. President, let me move onto why I am here this afternoon. It is not an exaggeration to say that we are at a crisis point. Republican legislatures all across the country are continuing to pass bills that control our bodies and, at the same time, Trump Supreme Court nominees are closer than ever to overturning *Roe v. Wade*.

There are 26 States across the country that are likely, if not certain, to ban abortion if the Supreme Court overturns *Roe v. Wade*. There is no question that these restrictions that have been enacted by States all across the country have an incredibly discriminatory impact and will disproportionately harm those who are already facing far more obstacles when it comes to accessing healthcare, including women of color, women with low incomes, people with disabilities, LGBTQ+ individuals, rural women, and many more.

For over 50 years, *Roe v. Wade* enabled women to make the decision about whether or not they wanted to