

consent that the order for the quorum call be rescinded.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.

BORDER SECURITY

Mr. MCCONNELL. Madam President, here is a quote from Candidate Biden's campaign website in 2020:

The U.S. has a right and a duty to secure our borders and protect our people against threats.

Well, that was then; this is now.

The Biden administration's weak border policies set a new record in 2021. Customs and Border Protection had to make—listen to this—2 million—2 million—arrests, and it doesn't appear that that new record will last long; 2022 is already trending even worse.

CBP is currently seeing about 7,000 encounters every single day, and they fear they could see as many as 18,000 per day—a truly staggering figure.

To put this in perspective, President Obama's former DHS Secretary Jeh Johnson has reflected that a daily count above 1,000—above 1,000—was “a relatively bad number, and I was gonna be in a bad mood the whole day,” reflecting back on his experience.

Now we are at seven times that figure and still climbing. It is a President's responsibility to fix this crisis, but this President is taking major steps to make it even worse.

The Biden administration has announced they will cancel legal authorities that have helped CBP contend with these massive surges. A group of States led by Arizona have explained in court that title 42 is “the only safety valve preventing this Administration's disastrous border policies from devolving into an unmitigated catastrophe.”

The administration's attempts to explain why they are caving to the far left and throwing our borders open make no sense whatsoever. The White House keeps claiming this is a public health decision; they cannot keep title 42—leading you to ask, why?

Democrats don't act like they think COVID is finished. They give speeches daily about the need for more funding. They say we should be sending health assistance around the rest of the world. The only place on the planet where Democrats say COVID is over apparently is at our southern border.

A growing number of House and Senate Democrats have expressed concern and anger over President Biden's awful decision. But press releases are one thing. What matters is how people vote.

Senate Democrats have taken every meaningful opportunity to back the administration's border policies and vote down Republican efforts to improve security. Their votes have helped create this mess. We will see if they finally change course and begin voting to help Republicans end the crisis instead.

BUDGET

Madam President, now on another matter, last week, President Biden re-

leased his budget request for next year. The President got to take a blank canvas and sketch his policy vision for the country. But in the critical area of defending our Nation, the President's vision came up way, way short.

Even amidst a hot war in Europe, bipartisan recognition of threats from China, North Korean nuclear and missile proliferation, and Iran's nuclear, missile, and terrorism trifecta, President Biden proposes to underfund our Armed Forces.

Even if Democrats manage to magically get their runaway inflation under control faster than anyone predicts, their proposal would only flat-fund defense. While China keeps ramping their military spending way up, the Biden budget would have America treading water, at best. More likely, if Democrats' high inflation sticks around, the President's proposal would actually cut the military's purchasing power.

As we speak, Secretary Austin, General Milley, and DOD Comptroller Michael McCord are testifying before the Armed Services Committee to provide some answers about their boss's baffling budget request. These senior leaders have a responsibility to be strong advocates within the administration for the resources that our servicemembers actually need.

When the far-left wanted President Obama to slash military spending, Secretary Leon Panetta waged an impassioned public and private campaign to stick up for our national defense. But if Secretary Austin is advocating for the military's bottom line, he is not doing it very effectively. The administration's proposed defense increase of 4 percent before inflation doesn't come anywhere near meeting our military's requirements to compete with China and preserve peace well into the future.

Yet the same budget lavishes a gigantic—gigantic—14-percent increase on domestic discretionary spending. If our colleague Chairman SANDERS wrote a budget and gave the Pentagon zero input or influence, it might not look much different than the administration's actual product.

So, the world is a dangerous place. China, Russia, Iran, North Korea, and other adversaries remind us of this basic fact every single day. Our Commander in Chief needs to get with the program.

NOMINATION OF KETANJI BROWN JACKSON

Madam President, now, on one final matter. The last few weeks have confirmed a pattern that has played out repeatedly in recent decades. When Republican Presidents make Supreme Court nominations, the far-left and the media melt down. Absurd allegations, conspiracy theories, cheap gimmicks, and apocalyptic rhetoric are all guaranteed. But when Democratic Presidents make nominations, Senate Republicans inquire about past rulings and judicial philosophies, and the country gets the serious process it deserves.

On Tuesday, I explained how 30 years of escalation by Democrats ushered in

this assertive period for the Senate regarding judicial nominations. Now and for the foreseeable future, the Senate views itself as a co-partner in the process.

On Wednesday, I walked through Judge Jackson's long and disturbing record of using judicial activism to go soft on crime. Today, I need to discuss how these disagreements affect the very bedrock of our Republic.

For multiple years now, the Democratic Party has waged an aggressive campaign to bully our independent justice system and attack the legitimacy of their institution. When the plain text of our laws and Constitution disappoint liberals' policy preferences, they mount radical campaigns to wreck the Court itself. This civic cancer began on the fringe, but it has quickly metastasized throughout their party.

Three years ago, sitting Senate Democrats sent the Court an absurd amicus brief, threatening retribution for a certain ruling. Two years ago, the Democratic leader rallied with radicals on the Court's steps and threatened multiple Justices by name if they didn't produce the policy result he preferred.

Last year, when fringe activists wanted to dig up the discredited concept of partisan court packing, President Biden lent it legitimacy with a Presidential commission. Now, just recently, the Senate Democratic whip said that his side's court-packing proposals don't matter because they lack 60 votes to pass the Senate. Well, that was cold comfort considering the Senator just voted to destroy the 60-vote threshold a few months back.

So this nomination has occurred against a strange, strange backdrop. The Senate Democrats, who spent weeks—weeks—fulsomely praising Judge Jackson, have spent years attacking her soon-to-be workplace.

This is why I needed to hear Judge Jackson denounce court packing. Justices Ginsburg and Breyer had no trouble—none—condemning these schemes loudly as sitting Justices. Surely President Biden could find himself an institutionalist in their mold.

But, alas, Judge Jackson was the court packers' favorite pick for the vacancy, and she refused to follow the Ginsburg-Breyer model. She signaled the opposite. She said she would be “thrilled to be one of however many”—“one of however many.”

The left's escalating war against the judiciary is a symptom of a profound misunderstanding. Judicial activism sees the Court as a third legislature. The left wants one policymaking body with 435 Members, one with 100, and one that consists of nine lawyers.

Let me say that again.

The left wants one policymaking body with 435 Members, one with 100, and one that consists of nine lawyers. That isn't what the Founders created, and it is not what the American people signed up for.

We have seen over and over that when judicial activism triumphs over fidelity to the rule of law, our courts mutate—mutate—into clumsy proxy battlefields for arguments that belong in this Chamber and out in 50 State legislatures. This is unfair to the American people, and it damages our institutions, not the least the courts themselves.

So there is only one way to lower the temperature, depoliticize the courts, and protect the rule of law: confirming only judges who will honor the Constitution and not supplant it.

The road to a healthy Court and a healthy country is not striking some balance where some Justices stick to the text and some Justices try to make policy. The solution is for all the Justices to stay in their lane.

There is one right number of Justices who seek to follow the law. The number is nine. Ginsburg said it. Breyer said it. There is one right number of Justices who seek to make policy: zero.

There are jurists and scholars with personal views across the political spectrum who understand that all judges should be textualists and constitutionalists in their day jobs. And that must be the Senate's standard.

I see hallmarks of judicial activism in Judge Jackson's record; and, therefore, I will vote no. Nevertheless, our Democratic colleagues are on track to confirm our next Supreme Court Justice.

And do you know what won't happen? Top Republicans will not imply she is illegitimate. We will not call for court packing. I won't be joining any mobs outside her new workplace and threatening her by name.

Democrats must stop their political siege of the institution that Judge Jackson is about to join. They must stop their assault on judicial independence.

We are about to have a new Justice whose fan club has openly attacked the rule of law. So Judge Jackson will quickly face a fork in the road. One approach to her new job would delight the far left. A different approach would honor the separation of powers and the Constitution. The soon-to-be Justice can either satisfy her radical fan club or help preserve the judiciary that Americans need—but not both.

I am afraid the nominee's record tells us which is likely. But I hope Judge Jackson proves me wrong.

LEGISLATIVE SESSION

SUSPENDING ENERGY IMPORTS FROM RUSSIA ACT

SUSPENDING NORMAL TRADE RE- LATIONS WITH RUSSIA AND BELARUS ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session and proceed to

the consideration of H.R. 6968 and H.R. 7108 en bloc, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 6968) to prohibit the importation of energy products of the Russian Federation, and for other purposes.

A bill (H.R. 7108) to suspend normal trade relations treatment for the Russian Federation and the Republic of Belarus, and for other purposes.

There being no objection, the Senate proceeded to consider the bills en bloc.

The PRESIDING OFFICER. Under the previous order, amendment No. 5021 to H.R. 6968 and amendment No. 5020 to H.R. 7108 are agreed to, and the bills, as amended, are considered and read a third time.

The amendment (No. 5021), in the nature of a substitute, was agreed to.

(The amendment is printed in the RECORD of April 6, 2022, under "Text of Amendments.")

The amendment (No. 5020), in the nature of a substitute, was agreed to.

(The amendment is printed in the RECORD of April 6, 2022, under "Text of Amendments.")

The amendments were ordered to be engrossed and the bills to be read a third time en bloc.

The bills were read the third time.

VOTE ON H.R. 7108, AS AMENDED

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mr. CRAPO. 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 100, nays 0, as follows:

[Rollcall Vote No. 131 Leg.]

YEAS—100

| | | |
|--------------|--------------|------------|
| Baldwin | Hagerty | Portman |
| Barrasso | Hassan | Reed |
| Bennet | Hawley | Risch |
| Blackburn | Heinrich | Romney |
| Blumenthal | Hickenlooper | Rosen |
| Blunt | Hirono | Rounds |
| Booker | Hoeben | Rubio |
| Boozman | Hyde-Smith | Sanders |
| Braun | Inhofe | Sasse |
| Brown | Johnson | Schatz |
| Burr | Kaine | Schumer |
| Cantwell | Kelly | Scott (FL) |
| Capito | Kennedy | Scott (SC) |
| Cardin | King | Shaheen |
| Carper | Klobuchar | Shelby |
| Casey | Lankford | Sinema |
| Cassidy | Leahy | Smith |
| Collins | Lee | Stabenow |
| Coons | Lujan | Sullivan |
| Cornyn | Lummis | Tester |
| Cortez Masto | Manchin | Thune |
| Cotton | Markey | Tillis |
| Cramer | Marshall | Toomey |
| Crapo | McConnell | Tuberville |
| Cruz | Menendez | Van Hollen |
| Daines | Merkley | Warner |
| Duckworth | Moran | Warnock |
| Durbin | Murkowski | Warren |
| Ernst | Murphy | Whitehouse |
| Feinstein | Murray | Wicker |
| Fischer | Ossoff | Wyden |
| Gillibrand | Padilla | Young |
| Graham | Paul | |
| Grassley | Peters | |

The bill (H.R. 7108), as amended, was passed.

VOTE ON H.R. 6968, AS AMENDED

The PRESIDING OFFICER (Mr. BOOKER). The bill having been read the third time, the question is, Shall the bill pass?

Mr. THUNE. 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 100, nays 0, as follows:

[Rollcall Vote No. 132 Leg.]

YEAS—100

| | | |
|--------------|--------------|------------|
| Baldwin | Hagerty | Portman |
| Barrasso | Hassan | Reed |
| Bennet | Hawley | Risch |
| Blackburn | Heinrich | Romney |
| Blumenthal | Hickenlooper | Rosen |
| Blunt | Hirono | Rounds |
| Booker | Hoeben | Rubio |
| Boozman | Hyde-Smith | Sanders |
| Braun | Inhofe | Sasse |
| Brown | Johnson | Schatz |
| Burr | Kaine | Schumer |
| Cantwell | Kelly | Scott (FL) |
| Capito | Kennedy | Scott (SC) |
| Cardin | King | Shaheen |
| Carper | Klobuchar | Shelby |
| Casey | Lankford | Sinema |
| Cassidy | Leahy | Smith |
| Collins | Lee | Stabenow |
| Coons | Lujan | Sullivan |
| Cornyn | Lummis | Tester |
| Cortez Masto | Manchin | Thune |
| Cotton | Markey | Tillis |
| Cramer | Marshall | Toomey |
| Crapo | McConnell | Tuberville |
| Cruz | Menendez | Van Hollen |
| Daines | Merkley | Warner |
| Duckworth | Moran | Warnock |
| Durbin | Murkowski | Warren |
| Ernst | Murphy | Whitehouse |
| Feinstein | Murray | Wicker |
| Fischer | Ossoff | Wyden |
| Gillibrand | Padilla | Young |
| Graham | Paul | |
| Grassley | Peters | |

The bill (H.R. 6968), as amended, was passed.

EXECUTIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume executive session.

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 legislative 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 Hirono, Cory A. Booker, Alex Padilla, Jon Ossoff, Patty Murray, Raphael G. Warnock, Sherrod Brown, Elizabeth Warren, Margaret Wood Hassan, Tina Smith, Ben Ray Lujan, Jacky Rosen.