

as a whole, who spent years pushing extremist judges and spent years confirming far-right Justices to the Supreme Court but who claimed, somehow, this day would never come.

But this day has come, and we will fight it all the way.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.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

U.S. SUPREME COURT

Mr. MCCONNELL. Mr. President, for years, the radical left has attacked the institution of the Supreme Court. Last night, it appears their campaign hit a new low.

Historically, the Justices, clerks, and staff have prized and protected the Court's confidentiality. The Justices must be able to discuss and deliberate in an environment of total trust and privacy. Americans cannot receive a fair trial if politicians, pundits, bullies, and mobs get a say in court. Judicial independence is vital, but the far left has spent years shamelessly attacking it. Democrats in Congress have endorsed plans for partisan Court packing. They have sent the Justices threatening legal briefs. They have scheduled sham hearings to smear judges.

In 2020, the Senate Democratic leader marched across the street to the Court and shouted threats—threats—at multiple Justices by name if they didn't rule how he wanted.

In 2018, activists literally chased Senators around the Capitol.

Now, last night, a shocking—shocking—new breach: Somebody—likely somebody inside the Court itself—leaked a confidential internal draft to the press, almost certainly in an effort to stir up an inappropriate pressure campaign to sway an outcome.

The radical left immediately rallied around the toxic stunt. The cheerleaders for partisan Court packing applauded what they suggested was the work of “a brave clerk” making “a last-ditch Hail Mary attempt” to cause a political firestorm and “cause the Court to reconsider.”

Liberals want to rip the blindfold off Lady Justice. They want to override impartiality with intimidation. They want to elevate mob rule over the rule of law. The same political movement that used a leak to move up the timeline of Justice Breyer's retirement process is trying to use yet another leak to make the Court less secure and less impartial.

Never before—never before—in modern history has an internal draft been leaked to the public while the Justices were still deciding the case. Never before.

Whoever committed this lawless act knew exactly what it could bring about. The Justices already require security. Less than 2 weeks ago, an unbalanced person lit himself on fire on the Court steps. Less than 3 years ago, a liberal mob tried to storm the Court, shoving past law enforcement and pounding on the doors.

Look, everybody knows what kind of climate the far left is trying to fuel: one that is antithetical—antithetical—to the rule of law. Right on cue, top Democrats began publishing wild statements about what the Court might decide, packed with using unhinged rhetoric that could easily incite, light a match.

So what else happened? Activists flocked to the Court. An angry crowd surrounded the Court, chanting Justices' names—their renewed call to smash the institutions of both the Senate and the Court at the same time. One of the Court's most essential and sacred features was smashed just to buy the outraged industrial complex a few extra days to scream nonsense about what the Court might rule.

This lawless action should be investigated and punished to the fullest extent possible—fullest extent possible. I am certain the Chief Justice will seek to get to the bottom of this. If a crime was committed, the Department of Justice must pursue it completely.

So, listen, I want all nine Justices to know there are still principled Senators who have their backs no matter what. There are still some people in this Capitol—and a majority in the Senate—whose support for the rule of law is not conditional, not conditional. The Court should tune out the bad-faith noise and feel completely free to do their jobs. They should follow the facts and the law wherever that leads.

As I have warned in the past, courts bowing to activist pressure would never enhance judicial legitimacy. It could only erode it. And the hostage takers would never settle for half a loaf.

ENERGY

Now, Mr. President, on another matter, an unfortunate routine keeps playing itself out with the Biden administration. First, they implement bad policies that create problems. Then they propose solutions that are really just more bad ideas.

A case in point is inflation. Democrats spent last spring unleashing a deluge of reckless spending on our recovering economy. They spent the rest of the year trying to pull off yet another taxing-and-spending spree. Now they want to pass a massive tax hike while families are already hurting.

Unfortunately, for the American people, the same thing is playing itself out in the world of energy policy. Since day one, the Biden administration has done its best to wage holy war on American domestic energy production. The predictable result, thanks to these policies and the broader inflation that Democrats have fueled, is that Amer-

ican families are hurting badly. Across the board, energy costs have risen nearly 32 percent in a year.

But now comes the third part of the unfortunate routine: a slew of bad, far-left policy choices and proposals that would make the pain for the American people actually even worse. Some Democrats are pushing for a massive new tax on companies involved in developing and exporting American energy. The last time this wrongheaded idea was given legs, President Carter ended up reducing domestic production, increasing our foreign dependence, and raising Americans' prices at the pump.

And over the last few weeks, the Biden administration took two more steps in the wrong direction. After ignoring Federal law by failing to award a single oil or gas development lease for five straight quarters, the administration has shrunk its land offering by 80 percent while jacking up its royalty rate by 50 percent. That is right. Democrats' response to supply shortages and sky-high prices at the pump is to make American energy even less available and even more expensive. Meanwhile, it has begun to tear up the regulatory reforms put in place under the last administration to streamline infrastructure project permitting.

President Biden and his team struck the match on a historic surge in energy prices and are now making it even more—more—expensive for American producers to boost supply. They endorsed a bipartisan infrastructure bill and are now making it harder for American builders to get to work.

And, of course, Democrats are still itching to resurrect their Green New Deal. In the midst of historic inflation, they want to jack costs up even further for consumers while making America wildly dependent on China and other regimes with abysmal environmental and labor standards.

The same Democrats who don't want us responsibly exploring for oil and natural gas also don't want us responsibly exploring for critical minerals either and want to tie up American manufacturing in redtape. So the administration's war on American energy has left destruction in its wake. The only idea they have left to try is the one that would have worked from the beginning: Unleash—unleash—the abundant, affordable, and reliable supply we have got right here at home.

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

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

U.S. SUPREME COURT

Mr. THUNE. Mr. President, I just want to briefly associate myself with the remarks of the Republican leader,

Senator McCONNELL, with respect to the alleged breach of the Supreme Court and reiterate that this is a lawless action. If it turns out to be what we believe to be true, it should be investigated, punished as fully as possible. The Chief Justice has to get to the bottom of this. And, if applicable, the Department of Justice needs to pursue any criminal charges.

Let me just say, too, that I believe, as Senator McCONNELL pointed out, that all nine Justices on the Supreme Court should tune out the bad-faith noise and feel totally free to do their jobs following the facts and the law where they lead. We need an independent Supreme Court, and we should, at every turn, be defending the independence of our Supreme Court.

BORDER SECURITY

Mr. President, the Biden border crisis is still getting worse. In March, U.S. Customs and Border Protection encountered 221,303 individuals attempting to cross our southern border illegally—221,303. That is an average of more than 7,100 individuals per day. As of April, that number had gotten even worse. An April 26 memo from the Secretary of Homeland Security reported:

In the past 3 weeks, CBP [our Customs and Border Patrol] has encountered an average of over 7,800 migrants per day across the southwest border. This is compared to a historical average of 1,600 per day in the pre-pandemic years [2014 to 2019].

Let me just repeat that:

In the past 3 weeks, CBP has encountered an average of over 7,800 migrants per day across the southwest border. [This is] compared to a historical average of 1,600 per day in the pre-pandemic years.

The situation on our southern border is out of control. It is on track to get much, much worse. On April 1, the Biden administration announced the title 42 COVID-19 restrictions, which provided for the immediate deportation of individuals who crossed the border illegally, will end on May 23. It is ironic that even as the President has effectively declared that the COVID emergency to be over at our southern border, his administration continues to advocate to press Congress for more COVID funding.

Once title 42 restrictions are officially lifted, the flood of illegal immigration across our southern border is expected to become a tsunami. The Department of Homeland Security expects as many as 18,000 migrants per day to attempt to cross our southern border after the policy is lifted—18,000 per day. That is more than double the number we are currently experiencing, which is already straining Border Patrol to the limit.

Secretary Mayorkas testified last week that morale in the Border Patrol is low. Not surprising. What will it be like for these men and women when their workload more than doubles?

Title 42 restrictions were never intended to be a permanent border solution and lifting them would not be a problem if it were clear that the Presi-

dent is ready to deal with the resulting immigration surge, but the President hasn't even been able to—or hasn't bothered to—come up with a plan to address our existing immigration crisis. And the plan he has offered to deal with the unexpected surge when title 42 restrictions are lifted is inadequate, to put it mildly.

To give us one example, the administration plans to increase Customs and Border Protection detention capacity to 18,000. The problem with that is, as I said, we could be facing an influx of 18,000 illegal immigrants per day—per day—when title 42 has ended. Given that individuals usually stay in Customs and Border Protection custody for 2 or 3 days, it is clear that a detention capacity of 18,000 is likely to be woefully insufficient.

Even some Democrats have criticized the administration's plan with one noting that: "The administration's plan for the end of title 42 is unrealistic by May 23."

Another Democrat said:

There hasn't been enough preparation . . . we don't have the basics of how you're going to handle 18,000 individuals a day safely and in accordance with our ethics and principles. This plan, I have not seen it yet.

A number of Senate Democrats have criticized the President's decision to end title 42 right now. While I appreciate their speaking up, I wish that they had decided to join Republicans in supporting an amendment to preserve title 42 border policies when we voted on it last August, or the amendment Republicans supported in February of last year to boost funding for security at our Nation's borders. Then, perhaps, we wouldn't currently be in a situation where we expect to see half a million individuals a month attempting to illegally cross our southern border.

Out-of-control illegal immigration represents a serious security threat. Criminals, including human traffickers, drug smugglers, and gang members, regularly attempt to cross our southern border. And the worse the situation at our border gets, the easier it is for these individuals to make their way into our country. Our Border Patrol officers do heroic work, but they are stretched incredibly thin and have been for more than a year now. It is simply common sense to acknowledge that the greater the flood of illegal immigration they have to contend with, the easier it is going to be for bad actors to get across the border.

Just last week, Secretary Mayorkas testified there were more than 389,000 got-aways, which were individuals the Border Patrol saw but was unable to apprehend at our southern border during fiscal year 2021—389,000 got away. How many more are there likely to be if the influx at our southern border more than doubles?

Securing our border—by that, I mean having actual operational control of who enters our country—is a national security imperative. It is unfortunate that President Biden doesn't seem to

realize that. He began his administration by rescinding the declaration of a national emergency at our southern border, halting construction of the border wall, and revoking a Trump administration order that called for the government to faithfully execute our immigration laws. In other words, President Biden immediately gave the green light to those who would exploit our broken immigration system. He has continued to implement measures that have served to convey the message that the U.S. borders are effectively open.

While his title 42 decision has finally forced him to offer a so-called plan to deal with border security, the measures he proposes to take are unlikely to deter the expected surge of illegal immigration once title 42 is lifted. As a result, by the end of this month, our Nation may be facing a security enforcement and humanitarian crisis at our southern border that makes our current crisis look like child's play.

The administration must do more to develop its response plan before the President lifts title 42 restrictions on the 23rd of May. The truth of the matter is, it is almost unquestionably too late for the administration to be adequately prepared for the coming crisis by the end of this month. I hope the President will recognize that and delay the May 23 date until he has an adequate plan for dealing with our current border crisis, as well as any additional influx from lifting title 42 border restrictions.

If he does not move the May 23 deadline, then Congress should step in and do it for him and stop our Nation's current border crisis from becoming a true catastrophe.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

SEMICONDUCTORS

Mr. CORNYN. Mr. President, over recent decades, globalization—and by that, I mean depending on the cheapest producer of a particular good and disregarding the vulnerability of supply chains—has characterized our global commerce. By and large, that has been a good thing, particularly for consumers, if you are talking about toys for your children or an appliance, let's say. Everything from ag products to innovative technologies can find a place in global markets. And that can benefit consumers.

But this interdependence creates serious risks, as well. Over the last couple of years, we have seen how supply chain vulnerabilities can bring an entire industry—or perhaps even an entire country—to its knees.

Some of the clearest examples have surfaced during the pandemic. The U.S. leans heavily on Chinese manufacturing for masks, gloves, gowns, and ventilators, otherwise known as PPE—not the ventilators, but the masks and gloves. For a long time, that didn't seem to be a problem. Then COVID-19 showed up on our front doorstep. China held most of the supply for its own