

that I hope to get included in next year's legislation.

My Conservation Reserve Program Improvement Act, which I introduced in March, would make CRP grazing a more attractive option by providing cost-share payments for all CRP practices for the establishment of grazing infrastructure, including fencing and water distribution.

It would also increase the annual payment limit for CRP, which hasn't been changed since 1985, to help account for inflation and the increase in land value.

I am also working with colleagues from agriculture States on legislation based on my conversations with South Dakota farmers and ranchers. In fact, last week I joined Senator KLOBUCHAR to introduce the Agriculture Innovation Act.

Currently, the U.S. Department of Agriculture collects reams of data on conservation practices. The problem is that a lot of this data is often not analyzed and presented in a way that would be useful for farmers and ranchers.

The legislation Senator KLOBUCHAR and I have introduced would provide for better processing and development of the data that the USDA collects so that farmers and ranchers can evaluate the impact of conservation and other production practices on things like soil health, crop yields, and profitability.

Our bill would make it easier for farmers and ranchers to decide what conservation practices to adopt by, among other things, helping producers identify the ways adopting conservation practices can improve their bottom line.

And Senator KLOBUCHAR and I will be working to get this legislation included in the 2023 farm bill. In addition to farm bill priorities, I have been spending a lot of time focused on agriculture and trade. Our nation's farmers and ranchers already send their products around the globe. But with Russia's war in Ukraine and its devastating impact on Ukrainian agriculture, American ag producers are facing an added responsibility when it comes to feeding the world.

Unfortunately, for some time now I have been hearing reports of ocean carriers refusing to transport American agricultural products. This would be a difficult situation at any time as export markets around the world are critically important to American producers, but it is particularly painful at a time when inflation is soaring and the supply chain is under significant strain and when there is an increased need to get American agricultural products abroad—thanks to the war in Ukraine. And that is why I introduced legislation, the Ocean Shipping Reform Act, to address these kinds of shipping problems and create a more level playing field for American agricultural producers.

My bipartisan legislation would give the Federal Maritime Commission in-

creased authority to respond to unfair ocean carrier practices, whether that involves a refusal to carry certain cargo, like agricultural commodities, or discriminating against certain commodities for export.

It would also provide the FMC with tools to more quickly resolve attention and demurrage disputes, which would bring greater efficiency and transparency to a process that leaves many shippers frustrated, especially agriculture producers and other small businesses.

I was very pleased that the Senate passed my bill at the end of March, and I am working with my colleagues in the House of Representatives to advance this legislation so we can get it to the President's desk.

I also recently led a letter with 23 of my Senate Republican colleagues to the U.S. Trade Representative and the Secretary of Agriculture, urging them to prioritize increased access to foreign markets for American producers, including—and especially—American ag producers.

Unfortunately, the Biden administration has not made market access commitments a priority in its trade agenda, including the proposed Indo-Pacific economic framework. And the administration has failed to pursue any ambitious market-opening initiatives or comprehensive trade agreements.

Trade has played a large part in America's economic success for decades, and it is critical for American ag producers who depend on exporting their products. It is unacceptable that the administration has dropped the ball in pursuing increased market access for American producers.

I am also less than impressed by the President's failure to put forward a confirmable nominee for the post of Chief Agricultural Negotiator at the Office of the U.S. Trade Representative.

And while the President has finally put forward a nominee for Under Secretary for Trade and Foreign Agricultural Affairs at the Department of Agriculture, it has taken him far too long to fill this position, which plays a critical role in advocating for American producers when it comes to world trade.

I pressed the U.S. Trade Representative on the administration's failure to prioritize a meaningful trade and agricultural agenda during a recent Finance Committee hearing, and I will continue to maintain pressure on the administration to expand export opportunities for our Nation's workers, farmers, ranchers, and businesses.

Our Nation depends on our farmers and ranchers, and I am profoundly grateful for all the determined men and women who have chosen and passed on this way of life. I am honored to represent South Dakota's farmers and ranchers here in the Senate, and I will continue to do everything I can to ensure that they have all the resources they need to continue to feed our Nation and the world.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

GUN VIOLENCE

MR. MURPHY. Mr. President, the conventional wisdom is that one of the adaptations that helped humans separate ourselves from all other species is this—the opposable thumb. The theory goes that the transformation of the thumb, able to operate by itself independently from the rest of our fingers, allowed humans to be able to manipulate objects with a level of precision and dexterity that was previously unseen in the animal kingdom, and this newly nimble hand allowed humans to, for instance, more easily catch fish and open fruit, pull out the seeds, this newfound bounty of fats and proteins. It vaulted the human brain into developmental overdrive.

But about 10 years ago, biologist David Carrier, a longtime student of the evolution of the human hand, proposed a different theory. What if the primary utility of the opposable thumb was not to do this, but instead this. The ability to tuck your thumb into the middle of your four fingers immediately gave humans a more effective fighting tool—important, since we lacked tusks or fangs or claws like other animals.

Maybe the development that mattered most to human development was the one that allowed us to become more effective fighters not just with predators but with ourselves because from the beginning, as a species, humans have been drawn to violence. In fact, there are few species, few mammals, that are more violent than humans.

There is a really interesting study of intraspecies violence, meaning when you conduct a violent act against another member of your species, and these researchers looked at over 1,000 mammals.

What is interesting is that 60 percent of mammals actually have zero intraspecies violence—bats and whales, they never attack each other. That tells you something, in and of itself; that it is not endemic to mammals to be violent.

But what the data showed is that right at the top of that list of those 1,000 species, when it came to the rates of intraspecies violence—humans.

Biologists trace our violence back to our earliest days. Without those tusks or fangs, humans could really only survive by grouping ourselves tightly together. We were quickly rewarded socially and materially for joining up in groups.

But with resources scarce in the early human world to survive, you had to find a group, and then you had to defend it—defend it against other humans who were competing with you for those same resources.

Intertribal violence was epidemic in this world in the early days of humans. In the bronze age, estimates suggest that one out of every three humans

died a violent death at the hands of another human.

Records suggest that in pre-Columbian America, as many as one out of four Native Americans died violently. The primary reason? Humans have an in-group bias. To survive in those early days, we needed to group ourselves tightly together and view with fear and skepticism members of other outside groups who were competitors for those scarce resources.

And centuries and centuries of human development have hardwired this in-group bias, this anxiety about out groups into our genetics.

One 2012 study determined that today, when an individual first meets a person who is perceived to be outside of one's defined social group, individuals demonstrate immediate, almost automatic instinct of anxiety and a surge of intention to act on that anxiety. It is not conscious; it is genetic.

And so if humans are hardwired to view out-group members as suspicious and to act on those suspicions, sometimes violently, then America was destined, by design, to be an abnormally violent place.

Now, why do I say that?

First, let's just be totally honest with ourselves. Our Nation was founded through the use of mass-scale violence. There are lots of people who are trying to erase these parts of our history as if there is some weakness in admitting the truth about our past. That is ridiculous. We should just tell the truth about our history, and the truth is that we exterminated Native Americans in order to gain control of this land. We enslaved millions of Africans and used daily epidemic levels of violence—beatings, whippings, lynchings—to keep these people enslaved. From the start, we were a nation bathed in violence, and we became a little immune, a little anesthetized to violence in those early days.

And our decision to build a melting pot of ethnicities and races and religions—it is our genius, right? It is our superpower as a nation. It is why we catapulted the rest of the world to economic and political dominance, but it also set us up as a nation with built-in rivalries, with easily defined groupings and easily exploited suspicions of those who aren't part of your group.

This combination—epidemic levels of violence in our early days that continued throughout our history and built-in tensions between easily defined groups—ensured that America would be a place with a higher tolerance for and a higher risk of violence.

OK. That is the end of the history lesson, but it is important to set this frame because this generation, our generation of Americans—we inherited this history. We can't do anything about that. We were born into and became citizens of a nation with a past—a past that does make us a little bit more prone to violence than other places.

The question really is simply this: What are we going to do? Do we ac-

knowledge this lean toward violence and take steps to mitigate it? That, of course, would be the commonsense approach.

Instead, we have done the opposite. Throughout American history, hateful, demagogic leaders have found political capital to be gained by playing upon people's instinct to fear others who aren't part of their group—again, so easy in a multicultural America. From Orval Faubus to Richard Nixon, to Donald Trump, there is an ugly tradition in American politics of leaders trying to drum up irrational fears of Blacks or immigrants or Muslims, gay people or Hispanics or Jews. Racism, xenophobia, homophobia—they have all been tools of leaders who seek to build followings by convincing people to organize around their fear or hatred of others.

The Buffalo shooter's manifesto is a tribute to this tradition, but he is not alone. The FBI's latest hate crimes report shows a dramatic spike in this country in crimes of bigotry and racism. Most alarming was a 40-percent increase in 2020 in hate crimes against Black Americans, foreshadowing the Buffalo attack.

And this shouldn't come as a surprise to anyone. The most visible political figure in America—Donald Trump—has spent the last decade relentlessly spreading the gospel of fear and anxiety and hate. His campaign rollout in 2015 was centered around hyping the threat to America from Mexican immigrants. His most significant campaign policy proposal was to ban all people from the country who practice a certain religion.

There is a straight line from this embrace of racism and fear to the increase in violence in this country. I know many of my Republican colleagues don't use the same terminology, the same language that Trump does, but they know the danger he poses to this Nation. They know that his movement is egging on violence, and they do nothing about it. They still accept him as the leader of the party, when they had a chance to get rid of him after January 6. Republicans go to Florida to kiss the ring. They appear on FOX shows that spread this message. They empower the message.

Knowing America's natural predilection toward violence, Republicans could have chosen to embrace leaders who seek to unite us, who would choose to push back against this tendency for Americans to be wary of each other. Instead, they did the opposite, and we are paying a price.

The other way that our Nation could have chosen to mitigate our violent instincts is to make sure that when American violence does occur, it does the least damage possible. This is commonly referred to in public health circles as harm reduction. If you can't completely and totally prevent the harm, then make sure that it is glancing rather than catastrophic.

Instead, America, once again, has adopted the opposite strategy—a strat-

egy of harm maximization. We are, as I have told you, a historically violent nation. We know this. And instead of trying to mitigate for this history, we choose to arm our citizenry to the teeth with the most dangerous, the most lethal weapons imaginable, to make sure that when conflict does occur, it ends up with as many people dying as possible. That is a choice that we have made.

The jumping-off point in the choice was in the mid-19th century, when Hartford, CT, inventor Samuel Colt built the first repeating revolver, allowing Americans to hide an incredibly lethal weapon in their coat pocket. All of a sudden, drunken street corner arguments, which used to result in a few awkward punches thrown, became deadly. And nearly every other country in the high-income world at this point, in the mid-1800s, saw this danger, and so they decided to regulate the handgun and the weapons that came after to make sure that those arguments stayed fist fights rather than shootouts.

But America took the other path. We let these weapons spread across the Nation. And then, as much more deadly guns were developed for the military, our Nation decided to go its own way again and let citizens own and operate these weapons too.

The result is, of course, a nation that is awash in guns, with no comparison—no comparison—in the high-income world. We have more guns in this country on our streets than human beings, than American citizens. So it is no wonder that in this Nation, everyday arguments seamlessly turn into gunfights, passing suicidal thoughts result in lives ended, and hateful racists can kill efficiently by the dozens.

I think about September 14, 2012, all the time. That is the day that a gunman, armed with an assault weapon and 30-round magazines, walked into Sandy Hook Elementary School and in less than 5 minutes, killed 20 kids and 6 educators. Think about that. The military weapons that this guy was able to own legally killed 26 people in under 5 minutes. The gun he used was so powerful that not a single child who was shot survived. Those bullets moved so fast, so lethally through their little bodies, it just tore them to shreds.

But on that same day in China, a similarly deranged young man entered a similarly nondescript school and attacked almost the identical number of people, but in that Chinese classroom, every single one of those 23 people who that man attacked survived. Why? Because in China the attacker had a knife, not a military-grade assault weapon.

Like I said, I wish this weren't true, but our Nation has, from the jump, been more violent than other countries. I can't, you can't, none of us can erase this history. And I come to the floor today to be honest about the parts of the American story that lead to these high levels of violence that we

can control and the parts that we can't control. It is up to us whether we want to spend every hour of every day trying to mitigate this predilection toward violence or whether we want to choose to exacerbate it.

Fueling the kind of racist, hateful, fear-your-neighbor demagoguery practiced by Donald Trump exacerbates American violence. Doing nothing year after year about the flow of illegal and high-powered weapons into our streets exacerbates American violence. These are choices we are making.

Kids living in fear that their classroom is the next one to get shot up, that is not inevitable; that is a choice. Black shoppers looking over their shoulder, wondering whether this is the day that they die, that doesn't have to be our reality; that is a choice.

We can look into the flames of American violence, this fire that has been burning since our inception, and we can choose to douse the fire or we can choose to continue to pour fuel on top of it.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

(The remarks of Ms. STABENOW pertaining to the introduction of S. 4257 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Ms. STABENOW. Mr. President, I yield the floor.

JUDICIAL NOMINATIONS

Mr. DURBIN. Mr. President, this week, the Senate will consider three outstanding nominees to the Federal district courts.

All three nominees are eminently qualified for the Federal bench and have the character and judicial temperament to serve with distinction. The nominees likewise represent important progress in ensuring that the Federal judiciary reflects the nation it serves.

First is Jennifer Rochon, who has been nominated to serve on the U.S. District Court for the Southern District of New York.

Today, Ms. Rochon serves as the first general counsel of the Girl Scouts of the United States of America, a role she first assumed in 2013. She provides guidance, strategic insight, and legal counsel on a wide range of issues, and she also advises the Girl Scouts' board of directors on their fiduciary duties.

Prior to joining the organization, Ms. Rochon was a partner at Kramer Levin Naftalis & Frankel LLP and a general commercial litigator, experience that will serve her well on the district court. Notably, she was also elected by Kramer Levin's partnership to be the first woman to serve on the firm's executive committee.

Over the course of her career, Ms. Rochon has advocated for gender equality and the advancement of women in the legal profession. She is yet another example of President Biden's commitment to a professionally diverse, exceptionally qualified judiciary, and I know she will serve the Southern District of New York well.

Ms. Rochon has the strong support of her home State Senators, Mr. SCHUMER and Mrs. GILLIBRAND, and she was unanimously rated "Well Qualified" by the American Bar Association.

Given the depth of her experience and her demonstrated prowess in the law, I am proud to support Ms. Rochon's nomination, and I encourage my colleagues to do the same.

Our next nominee is Judge Trina Thompson. With 14 years as a trial litigator and over 21 years of service to the Alameda County Superior Court, Judge Thompson is unquestionably qualified to serve as a Federal district court judge.

She began her legal career as an assistant public defender at the Alameda County Public Defender's Office, where she tried over 35 cases as sole counsel over the course of 4 years. She then spent 10 years as a criminal defense solo practitioner, trying over 30 additional cases as sole counsel and another eight cases as cocounsel.

Back in 2000, the Alameda County Superior Court Judges appointed Judge Thompson to serve as a juvenile court commissioner on the Dependency and Delinquency Court. Just 2 years later, she was elected as an Alameda County Superior Court Judge, a role she continues to hold to this day.

Throughout her 22 years of judicial service, Judge Thompson has presided over 150 criminal jury trials, thousands of hearings, and hundreds of criminal and civil bench trials.

With her incredible depth of trial experience on and off the bench, it is no surprise that this Bay Area native, who earned both her A.B. and her J.D. from the University of California at Berkeley, has the strong support of her home State Senators, Mrs. FEINSTEIN and Mr. PADILLA.

It is also no wonder that the American Bar Association unanimously rated Judge Thompson as "Well Qualified."

The decades of trial litigation and judicial experience that Judge Thomas has accumulated will be an immense asset to the Northern District of California, which has a number of vacancies that urgently need to be filled by qualified judges.

I strongly urge my colleagues to join me in supporting her confirmation.

Finally, the Senate will vote on Judge Sunshine Sykes, who has been nominated to serve on the U.S. District Court for the Central District of California.

Judge Sykes is an experienced litigator and jurist with a long record of unbiased decision-making. She attended Stanford University and Stanford Law School before beginning her legal career with a focus on civil litigation and juvenile dependency cases. She served as a staff attorney for California Indian Legal Services; worked for the juvenile defense panel in Murrieta, CA; and served as a deputy county counsel in Riverside County.

In 2013, Sykes was appointed to serve as a California Superior Court judge.

As a member of the Navajo Nation, she was the first Native American individual to sit on the Riverside Superior Court. During her time as a Superior Court judge, she has presided over more than 90 cases that have gone to verdict or judgment and over thousands of additional hearings.

Judge Sykes has the strong support of Senator FEINSTEIN and Senator PADILLA, and she was unanimously rated "Well Qualified" by the American Bar Association. If confirmed, she will be the first Native American article III judge to serve in California.

Her record on the bench is deeply impressive, and she will continue to administer justice in a thoughtful, evenhanded manner as a district court judge. I will vote to confirm her to the Central District of California. I hope my colleagues join me in doing the same.

EXECUTIVE CALENDAR

The ACTING PRESIDENT pro tempore. The clerk will report the nomination.

The legislative clerk read the nomination of Jennifer Louise Rochon, of New York, to be United States District Judge for the Southern District of New York.

VOTE ON ROCHON NOMINATION

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

The question is, Will the Senate advise and consent to the Rochon nomination?

Ms. STABENOW. 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.

Mr. DURBIN. I announce that the Senator from Nevada (Ms. ROSEN) and the Senator from Maryland (Mr. VAN HOLLEN) are necessarily absent.

The result was announced—yeas 51, nays 47, as follows:

[Rollcall Vote No. 182 Ex.]

YEAS—51

Baldwin	Hassan	Ossoff
Bennet	Heinrich	Padilla
Blumenthal	Hickenlooper	Peters
Booker	Hirono	Reed
Brown	Kaine	Sanders
Cantwell	Kelly	Schatz
Cardin	King	Schumer
Carper	Klobuchar	Shaheen
Casey	Leahy	Sinema
Collins	Lujan	Smith
Coons	Manchin	Stabenow
Cortez Masto	Markey	Tester
Duckworth	Menendez	Warner
Durbin	Merkley	Warnock
Feinstein	Murkowski	Warren
Gillibrand	Murphy	Whitehouse
Graham	Murray	Wyden

NAYS—47

Barrasso	Capito	Cruz
Blackburn	Cassidy	Daines
Blunt	Cornyn	Ernst
Boozman	Cotton	Fischer
Braun	Cramer	Grassley
Burr	Crapo	Hagerty