

Hawley	McConnell	Scott (SC)
Hoeben	Moran	Shelby
Hyde-Smith	Paul	Sullivan
Inhofe	Portman	Thune
Johnson	Risch	Tillis
Kennedy	Romney	Toomey
Lankford	Rounds	Tuberville
Lee	Rubio	Wicker
Lummis	Sasse	Young
Marshall	Scott (FL)	

NOT VOTING—2

Rosen	Van Hollen
-------	------------

The nomination was confirmed.

The PRESIDING OFFICER (Mr. HICKENLOOPER). Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

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. 847, Barbara A. Leaf, of Virginia, to be an Assistant Secretary of State (Near Eastern Affairs).

Charles E. Schumer, Richard J. Durbin, Brian Schatz, Martin Heinrich, Alex Padilla, Jacky Rosen, Margaret Wood Hassan, Dianne Feinstein, Benjamin L. Cardin, Richard Blumenthal, Angus S. King, Jr., Bernard Sanders, Christopher Murphy, Sheldon Whitehouse, Sherrod Brown, Michael F. Bennet, Christopher A. Coons.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Barbara A. Leaf, of Virginia, to be an Assistant Secretary of State (Near Eastern Affairs), shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative 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.

Mr. THUNE. The following Senator is necessarily absent: the Senator from North Carolina (Mr. TILLIS).

The yeas and nays resulted—yeas 54, nays 43, as follows:

[Rollcall Vote No. 183 Ex.]

YEAS—54

Baldwin	Duckworth	Leahy
Bennet	Durbin	Lujan
Blumenthal	Feinstein	Manchin
Booker	Gillibrand	Markey
Brown	Hassan	McConnell
Cantwell	Heinrich	Menendez
Cardin	Hickenlooper	Merkley
Carper	Hirono	Murkowski
Casey	Kaine	Murphy
Collins	Kelly	Murray
Coons	King	Osoff
Cortez Masto	Klobuchar	Padilla

Paul	Schatz	Tester
Peters	Schumer	Warner
Portman	Shaheen	Warnock
Reed	Sinema	Warren
Romney	Smith	Whitehouse
Sanders	Stabenow	Wyden

NAYS—43

Barrasso	Fischer	Risch
Blackburn	Graham	Rounds
Blunt	Grassley	Rubio
Boozman	Hagerty	Sasse
Braun	Hawley	Scott (FL)
Burr	Hoeben	Scott (SC)
Capito	Hyde-Smith	Shelby
Cassidy	Inhofe	Sullivan
Cornyn	Johnson	Thune
Cotton	Kennedy	Toomey
Cramer	Lankford	Tuberville
Crapo	Lee	Wicker
Cruz	Lummis	Young
Daines	Marshall	
Ernst	Moran	

NOT VOTING—3

Rosen	Tillis	Van Hollen
-------	--------	------------

The PRESIDING OFFICER. On this vote, the yeas are 54, the nays 43.

The motion is agreed to.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2 p.m.

Thereupon, the Senate, at 1:23 p.m., recessed until 2 p.m. and reassembled when called to order by the Presiding Officer (Mr. KING).

EXECUTIVE CALENDAR—(Continued)

The PRESIDING OFFICER. The Senator from California.

JUDICIAL NOMINATIONS

Mr. PADILLA. Mr. President, for many people—not just here in and around the Capitol but across the country—the past few weeks have been a wake-up call—a wake-up call to see the stakes of our fight for a fair judiciary.

From abortion rights to free speech to gun violence, Federal judges make countless decisions that impact our daily lives. We have been reminded of that in a very significant way. But our current Federal bench is not representative of the diversity of our country and our democracy. We have a lot of work to do to rebuild the judiciary in a way that deserves the faith of the American people, to build a judiciary that reflects and represents the diverse Nation that it serves.

I know we have talked about it before. We have been chipping away at it, not just through the Judiciary Committee but through a number of circuit court judges and district court judges across the country, including in California.

I am certainly proud of the significant step that we took recently with the confirmation of soon-to-be Justice Ketanji Brown Jackson. But for all the progress we have made this last year, we still have a lot of work to do, especially at the lower court level, where almost all Federal cases are heard. Many are decided there, and that is it.

That is why I continue to work closely with the Biden administration to recommend and support talented nomi-

nees for California's district courts—nominees who will bring a wide range of professional and lived experiences to the Federal bench.

So, today, I rise to highlight three outstanding nominees to California's district courts.

First, the Senate will soon vote on the confirmation of Judge Trina Thompson to become a judge for the Northern District of California.

Judge Thompson has deep roots serving the community of Alameda County. After earning her undergraduate degree and her JD from UC Berkeley, she began her legal career with the Alameda County Public Defender's Office; and, eventually, she built a successful solo practice in criminal defense.

Over the next decade, she handled dozens of criminal trials, and she continued to work with the county public defender's office to take on pro bono clients in the community. A legal trailblazer, Judge Thompson became the first Black woman to win election to serve as a judge in Alameda County. She has continuously demonstrated her sense of fairness, her commitment to justice, and her dedication to the rule of law. I know that Judge Thompson will continue to pave the road for equal justice on the Northern District bench.

I urge my colleagues to support her nomination.

Second, the Senate will also soon vote on Judge Sunshine Sykes' confirmation to become a judge for the Central District of California.

A member of the Coyote Pass Clan of the Navajo Nation, Judge Sykes is devoted to pursuing justice, especially for those who have too often been left behind by the legal system.

Judge Sykes earned her undergraduate degree and her JD from Stanford University. After law school, she chose to begin her legal career working for the California Indian Legal Services. There, she built a tremendous reputation as a skillful adviser and advocate for Tribes on a wide range of legal matters, from addressing domestic violence to developing Tribal courts and preserving cultural resources. She also developed an important expertise in juvenile dependency cases under the Indian Child Welfare Act.

Recognizing Judge Sykes' outstanding work, then Governor Jerry Brown appointed her to the California Superior Court in 2013. Over the past 9 years, she has presided over nearly 100 cases.

She will bring an impressive legal record, work ethic, and an appropriate sense of empathy to her judgeship in the central district.

If confirmed, Judge Sykes will also be the first Native American to ever serve on a Federal court in California. I will remind us that California is home to more federally recognized Native American Tribes than any State in the Nation.

I look forward to her distinguished service in the central district.

Finally, I would like to speak for a moment, as well, about Judge Sherilyn

Peace Garnett, who was confirmed last month to serve on the U.S. District Court for the Central District of California.

Judge Garnett brings an outstanding record as a lawyer, as a jurist, and a public servant committed to equal justice.

Judge Garnett earned her undergraduate degree from UC Riverside and her JD from Harvard Law School. After starting her career in private practice, Judge Garnett became an assistant U.S. attorney for the Central District of California. She spent 13 years serving that office, earning numerous awards and rising to a number of leadership positions.

Recognizing her hard work and record of excellence as a litigator, Governor Brown appointed Judge Garnett to the Los Angeles Superior Court in 2014.

For 8 years, she served with distinction as a superior court judge and a justice pro tem on the California Court of Appeal. She now brings this experience to the Federal bench as a judge for the central district.

Voices like hers—and the voices like that of Judge Thompson and Judge Sykes—have been left out of the judiciary for far too long. All three of these nominations of outstanding women, women of color, represent important progress. So I celebrate each of these jurists, and I thank them for their willingness to serve.

With each of their confirmations, we take another important step closer to the fair judiciary that this Nation deserves, toward the justice system that our democracy deserves.

Mr. President, I am so proud of the progress we have made in California. I look forward to working with you and our colleagues and with the Biden administration to continue this important work.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

NATIONAL POLICE WEEK

Mr. TILLIS. Mr. President, I rise today to honor our brave, hard-working men and women in law enforcement as we celebrate their service during National Police Week.

This week, thousands of law enforcement officers and their families will visit our Nation's Capitol to honor those who serve and those who have made the ultimate sacrifice to keep our community safe.

Over the past year, North Carolina has tragically lost three law enforcement officers in the line of duty. This doesn't include the numerous law enforcement officers who have also lost their lives over the last year due to other causes, including some due to COVID-19.

But I would like to take a moment to honor the three officers who lost their lives while protecting those they served.

Last October, we lost Ryan Hayworth of the Knightdale Police Department

after his patrol vehicle was hit by a drunk driver.

Officer Hayworth was only 23 years old, and he had already established a distinguished record of service. He was in the U.S. Army and the National Guard.

He answered the call again by becoming a police officer, following in the footsteps of his father, who was a longtime chief of the Zebulon Police Department, and his brother, who is a firefighter.

Last December, only 2 days before Christmas, in my home county of Mecklenburg, we grieved the loss of CMPD Officer Mia Danielle Figueroa-Goodwin.

Officer Figueroa-Goodwin, only 33, tragically was killed when a tractor trailer hit her patrol car as she was working to keep drivers safe following a previous crash.

Officer Figueroa-Goodwin had served CMPD for 6 years. She had a beautiful family, survived by her husband and three young children, including a four-month-old baby.

In January, we lost North Carolina State Trooper John Horton in a tragic accident with another patrol vehicle as the area was faced with icy and dangerous driving conditions. The accident also tragically took the life of another driver.

Trooper Horton had served for 15 years, and he is survived by his wife and 6 children.

The incredible sacrifice of our brave men and women in blue can take many forms. Last month, an act of incredible bravery by North Carolina State Patrol Trooper Cody Thao captivated North Carolinians. When a suspected drunk driver's car was barreling the wrong way down a highway exit ramp, Trooper Thao bravely put himself and his patrol car in the way to stop the driver from hurting or possibly killing others. Instead of speeding the wrong way on the highway, the suspect was stopped by Trooper Thao's split-second decision to angle his car and let the car hit his patrol car.

This act was filmed by Trooper Thao's dashboard camera, and his bravery has been broadcast literally to the world.

Trooper Thao's selfless decision undoubtedly saved lives and serves as a reminder of the danger our law enforcement community faces each and every day to keep us safe.

I am deeply encouraged by the outpouring of support from North Carolina communities for our brave, hard-working law enforcement officers. And I should say that I am happy to see the same across all States in the Nation.

But there are some folks who want to talk about anti-police policies. I don't think people back home in North Carolina or across the United States are buying it. I believe most people back home and across this beautiful country respect and support law enforcement.

The American people understand that law enforcement officers make our

communities safer and stronger. They understand that proposals to abolish and defund the police are out of touch with reality. The reality is that rhetorical attacks on law enforcement only serve to encourage physical attacks on law enforcement.

FBI Director Chris Wray raised the alarm just a few weeks ago when he told the American people that "Violence against law enforcement in this country is one of the biggest phenomenon that I think doesn't get enough attention." I agree with Director Wray.

While attacks on our brave men and women in blue may not get enough attention in the national press, our local communities recognize the tremendous sacrifice given by those who protect and serve.

We must stop the tide of violence against law enforcement in this country. That is why I am proud to have introduced the Protect and Serve Act. This commonsense legislation would make it a Federal crime to intentionally assault a law enforcement officer. This bill has also received bipartisan support in the past and, I believe, would make a strong statement to criminals that assaulting law enforcement is inexcusable.

With the Protect and Serve Act, criminals would be on notice that an assault on law enforcement is an assault on all Americans.

Each year, we take this week to celebrate those who serve and protect public safety.

These heroes deserve our gratitude 24/7, 365. I hope my colleagues will help me fight for the men and women in blue. They need us more than ever.

As I often say when I am back in the State of North Carolina, if you get an opportunity to see a law enforcement officer today, thank them for their sacrifice.

The PRESIDING OFFICER. The Senator from Iowa.

ISSUES FACING AMERICA

Ms. ERNST. Mr. President, etched in marble above the chair you are sitting in is the Latin phrase "E Pluribus Unum," meaning "out of many, one."

Despite our differences, the union among our respective States as a single nation expressed by this motto has endured for nearly 250 years. The principles of liberty and equality upon which our Nation was conceived have not only survived but continued to flourish and expand from one generation to the next.

Many of us who are Members of this body would not have been eligible to cast a vote, much less serve in Congress, not so long ago. We stand here as real, live proof that the American experiment in self-determination has been a success unlike any other in history. This triumph has been made possible by the institutions established by our Founders to serve as guardrails to ensure liberty and maintain order while preventing tyranny.

Today more than ever, those institutions are under attack by the intrusion

of a woke counterculture that has taken over the Democratic Party. They condemn America as culpable rather than exceptional and embrace socialism, a system in which government controls everything.

Under the spell of these radical elements, the Democrats have unleashed a strange multiverse of madness in which reality no longer has meaning and the foundations upon which our Nation was built are being turned upside down and inside out or destroyed altogether.

The left tells us to trust the science and to believe all women—yet they can't even define what a woman is—and that criminals are victims and the law enforcement officers who risk their own lives every day to protect us are somehow the real perpetrators of injustice. Now they want Washington to be the arbiter of truth. That is right, folks. The Department of Homeland Security, which should be focused on securing our borders, is now trying to police what the Biden administration deems disinformation. It sounds like a novel idea, and by that, I mean George Orwell's novel "1984" in which the Ministry of Truth pushed state propaganda which was the exact opposite of truth.

This attempt to control what you can and cannot say is not only an attack on our First Amendment, which guarantees freedom of speech and the press, but an assault on truth itself. We don't need anyone in Washington—especially Joe Biden, who is factually challenged himself—telling us how to think or what to say. That may be how things are run in socialist countries like Russia and China but not in America, the land of the free.

The Senate itself is a prime target of this effort to undermine America's institutions by silencing opposing views. The Democrats are determined to end the Senate's long tradition of unlimited debate that has long guaranteed all voices can be heard. Senator SCHUMER once said that eliminating the filibuster would be "a doomsday for democracy." He then ignored his own apocalyptic warning by voting to nuke the filibuster for executive and judicial nominations. In doing so, the Democrats, minus JOE MANCHIN, threw away the only leverage the minority party in the Senate has to influence Presidential appointments, including life-long terms on the Court.

You would think they would have learned their lesson about how shortsighted that decision was, but they haven't. Now Senator SCHUMER is determined to do away with the legislative filibuster so he can push through the Democrats' radical plan to remake America by giving Washington control of how voters select their representatives and stacking the Supreme Court with liberal Justices who will legislate from the Bench rather than interpret the law through the lens of the Constitution.

Democrats have long been working to discredit and undermine the independence and legitimacy of the Supreme

Court. The Senate majority leader himself has publicly issued personal threats against specific Justices, warning that if they do not rule as he desired, they will "pay the price."

Earlier this month, for the first time ever, a draft opinion of a pending case before the Supreme Court was leaked to the media. Chief Justice John Roberts called the unprecedented breach of the Court's confidential deliberations a "betrayal of the confidences of the Court . . . intended to undermine the integrity of our operations."

Following the cues from the majority leader, radical activists are harassing Supreme Court Justices in an effort to intimidate and influence their verdict.

Folks, this madness has got to end. This woke crowd is living in an alternate universe that is devoid of reality where our Nation and those who founded it are now the enemy. It is all very strange because no serious study of history can look at the impact made by our great Nation, especially in the last century, and conclude that the world is not considerably better off as a result of the American Revolution.

America led the world to end fascism, defeat communism, and counter terrorism. At home, we expanded the right to vote and ended segregation. And there are countless brave men and women from all walks of life who have answered the call of our Nation, who are stationed around the globe at this very moment, ready to sacrifice all to defend freedom and stop tyranny.

Our system of self-government has lived up to and surpassed the promise of our Founders to form a more perfect Union, establish justice, ensure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity.

All of this will be lost if we give in to the demands of the angry woke mob, which seeks to destroy the foundations that have long guided us and held us together as one Nation, indivisible, with liberty and justice for all.

I yield the floor.

The PRESIDING OFFICER (Mr. PADILLA). The Senator from Utah.

U.S. SUPREME COURT

Mr. LEE. Mr. President, the basic purpose and function of the U.S. Constitution is to protect the American people from the dangerous accumulation of power at the hands of the few. You see, that kind of protection is necessary to make us free. In that respect, it is the structure of our government, set forth in the Constitution, that truly makes us free. It is the bulwark against what would rob us of our freedom.

The Framers spent those hot summer days of 1787 in Philadelphia principally debating the structure and role of the Federal Government. Through the centuries of this great American experiment, it has been the structure of our government, not simply the Bill of Rights or other substantive provisions—it has been the structure that

has been the most effective protection from waves of oppression and the whims of dictatorship.

Tragically, under the auspices of CRT, unrestrained progressivism, and a false sense of national destiny, the modern left has embarked on a campaign of sorts to condemn the Founders, to tarnish the Constitution itself, and deface the structure and institutions that protect our liberty. Progressives have been astoundingly, shockingly, effective.

Unfortunately, this effort to seize power to enact a radical agenda, no matter the cost, is not a new tactic of the Democratic Party. President Franklin D. Roosevelt engaged in an institution-shaking campaign to pressure the Supreme Court to consent to and accept with constitutional infirmities his radical New Deal agenda.

He wanted to pack the Supreme Court by increasing the number of Justices to appoint his own political loyalists who would then do his bidding. His threats to the structural Constitution of the United States led to the infamous "switch in time that saved nine."

Now, Roosevelt's plan to pack the Supreme Court failed as a legislative matter. When it got to this body, when it reached the Senate floor, it didn't go anywhere, but it left a lasting mark, and it has not been a favorable one.

Legal scholars, historians, politicians, and people of every stripe and political persuasion have since then condemned this. For example, this Court-packing campaign has been called a "bad idea" just in the last few years by the late Justice Ruth Bader Ginsburg. It was likewise called "a bonehead idea" by then-Senator Joe Biden. And yet today many Democrats are returning to that rejected notion and, like a dog to its vomit, going back to a bad idea that was bad then and remains bad now.

The Supreme Court has consisted of nine Justices since 1869, over 150 years. It is a settled number that most Americans agree should stay. Not one person has argued that we need to increase the number of Justices because of a human resources problem or a workforce problem. No, it is not that; it is rather that they want to influence the outcome of decisions. They want to politicize the Court.

Tragically, the independence of the judiciary is thus being threatened, and it is being threatened, I would add, on several fronts. You have got misguided groups like Ruth Sent Us, along with others, that have attempted to pressure conservative Justices by protesting at those Justices' homes and places of worship.

When you show up to someone's home, the home of a public official, especially if that person is a judge or Justice, it is unlawful; 18 U.S.C. section 1507 plainly prohibits that because you are trying to influence them. You can't do that. It is unlawful. In fact, that is a Federal felony, a serious one in fact.

It is a serious offense because when you show up at the home of a public official like that, regardless of whatever else you might say or what the signs you are carrying might have printed on them, the lasting message, whether these words are spoken or not, is, "We know where you sleep." That is an implicit threat of physical violence.

On other fronts, you have got certain Members of Congress, including some Members of this body, who are willing to place the Court's independence at risk. You have got some Members of this body, including the senior Senator from Massachusetts, who went out and screamed with some of the same protesters in front of the Supreme Court and has written an op-ed for a local paper stating her intent and her desire to pack the Supreme Court, while pioneering the hashtag "ExpandTheCourt." I would venture that the Court is much more popular nationally than is her agenda.

But popular acclaim and the support of the constitutional structure of the United States is, of course, not the goal of the modern left. Their goal is power. Fittingly enough, the ambition of individuals is precisely what the Constitution is designed to restrain.

It is working as intended. James Madison wrote of the Constitution in Federalist 51:

If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and [then] in the next place, oblige it to control itself.

I pray that my colleagues supporting this dangerous effort will exercise the self-control of our constitutional form that our constitutional form of government requires. We have all sworn an oath to that, and that oath requires us to take into account the form and the role that it plays in protecting our freedom.

The current efforts to undermine and delegitimize the Court are multifaceted and have included the unprecedented treatment of Republican-nominated nominees to the Court, including the public high-tech condemnation of Clarence Thomas and the similarly unfounded attacks on Brett Kavanaugh, on Sam Alito, and on other Republican nominees to the Court; Senator SCHUMER's very public attempt to intimidate the Court by standing in front of the Supreme Court Building during oral arguments in a Louisiana abortion case, June Medical, shouting: "I want to tell you Gorsuch, I want to tell you Kavanaugh, you have released the whirlwind and you will pay the price. You won't know what hit you if you go forward with these awful decisions."

The Constitution is a structure. It is a process and an organization. When Democrats threaten another branch of government for political ends, they threaten that structure itself. It is dangerous. It is wrong. And I pray for

the sake of our Nation that it never succeeds.

To that end, every Member of this body should be condemning these efforts and condemning the efforts of those described in the Axios article that ran today explaining that the Department of Homeland Security is now having to investigate serious credible threats of people wanting to burn down the Supreme Court of the United States, people wanting to assassinate Supreme Court Justices and law clerks.

We must all condemn them. And I hereby do so in the strongest terms I am capable of communicating.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BLUNT. Mr. President, in late 2016, soon after the Presidential election of that year, there was a significant portion of the political left that began referring to itself as "the resistance."

Apparently, these people were bent on fighting whatever the new President might try to do, only because of who the new President was. There were signs in yards. There were people who painted their garage door with "the resistance" on the garage door.

They weren't arguing against specific policies; they weren't making a rational effort to win support for their side; they were just trying to throw sand in the gears of the executive branch and interfere with how the government serves the people. One Senator on the floor of the Senate said: "The resistance starts here."

Now, they did it while trying to cloak themselves in maybe the compelling language of "the resistance," as if in their minds they were starring in the World War II movie "Casablanca," where the resistance was the heroes as they were all over World War II.

The damage "the resistance" was willing to do to the executive branch of our government was bad enough. On the floor of the Senate, at virtually every nominee the President nominated, the minority insisted on 30 hours of debate. We finally had to change that rule to 2 hours of debate, which those in the majority now know is a big enough challenge without 30 hours of debate. And I think the average time used was closer to 20 minutes, during that 30 hours, than 30 hours.

But 30 hours still had to be set aside. No other business could occur. People were nominated early on for Ambassadors to countries, for instance, that they eventually got to serve 1 year in because that "resistance" element appeared right here as well.

Then the group of political activists began to insist that we degrade the legislative branch as well, trying to change the Senate to get rid of the motion to proceed. And, frankly, ever since Democrats got control of the Senate, by the smallest margin possible, there has been a constant discussion of why we should change that rule.

Of course, many of us understand the so-called filibuster rule is what makes

the Senate. President Biden said, when he was a Senator:

[A]t its core, the filibuster is not about stopping a nominee or a bill, it is about compromise and moderation.

End the quote that he made at the time that I agree with now.

Many of the people who have been calling to end the filibuster changed their tune, not because something changed in America but because they are now in charge. And without the filibuster, we would see wild swings in policy when different parties would take control of the majority of the Senate, and we see that constantly in the House now. A lot of bills pass, and very few of them get to the President's desk. When the other party gets in control, they pass bills that reverse what the earlier majority passes, and, frankly, very few of them get to the President's desk either because the Senate has to take a little more time to think about what direction the country really wants to go in.

In the last 20 years or so, complete control has happened four times, alternating between Democrats and Republicans. That is a lot of time for the pendulum to swing and the potential for bad ideas to become law without something to make us think about that before we head in that direction.

At a time of razor-thin margins in the House and Senate, activists should be extra careful about getting rid of institutional guardrails. Their efforts have failed so far because there aren't enough Senators from both parties who are willing to make that change, but that doesn't mean they won't keep trying.

In fact, I am confident we will continue to hear that, and I am also confident their position will change as soon as they are in the minority and don't get what they want.

This brings us to the disappointing effort we have seen to damage the third branch of government: the judiciary. For more than a year, we have seen some people on the left try to apply political pressure on the Court to rule in a particular way.

The Senator from Utah just gave us an example of that. I am going to repeat it. It is probably worth repeating. In March of 2020, the Democratic leader of the Senate spoke to a crowd in front of the Supreme Court Building, and he said:

I want to tell you Gorsuch, I want to tell you Kavanaugh, you have released the whirlwind and you will pay the price.

Now, what would that possibly mean? If you are in the Supreme Court you have got a lifetime job, so the price clearly was not losing your job. What price was the Democratic leader suggesting and saying on the steps of the Supreme Court you would have to pay? And this is while the Court was inside hearing arguments on the case.

And the Leader added:

You won't know what hit you if you go forward with these awful decisions.

That kind of language has no place and really no legitimate purpose.

This is not the kind of language that we need to use.

Our colleagues on the other side of the aisle have talked about introduced legislation to add new Justices to the Court to pack the Court.

Judges should rule based on the law, not on their partisan allegiance. That is not a new idea, but countries rarely manage to put it into practice.

The American judicial system became the envy of the world precisely because of its independence. Renowned historian of the American Revolution Gordon Wood has described it as the creation of judges who are “agents of the sovereign people somehow equal in authority with the legislators and executives.”

An independent judiciary is a critical element of the unique balance of power the Constitution created. Justices have frequently ruled against Presidents and parties that put them on the Court. Some of the most prominent, politically sensitive Supreme Court cases in history have involved Justices ruling against the parties that put them in power, including *United States v. Nixon* in 1974. And Harry Truman, who put his name on the desk that I am speaking from, would certainly have preferred not to lose the so-called steel seizure case of *Youngstown Sheet and Tube v. Sawyer*, but he accepted it without threatening any of the Justices, without plotting to increase the size of the Court, even though the vote against it by, for instance, Fred Vinson, the Chief Justice who had been his Secretary of the Treasury and lifelong—in terms of Senate service—friend and his nominee to be the Chief Justice, voted the other way.

The supporters of these changes are calling very loudly, but, just like the damage that they sought with their resistance of the executive branch, their efforts to break the Senate, they could do lasting, even permanent damage to the judiciary. Once the Court has been clearly politicized, it would be hard to ever bring it back.

I am concerned about the anti-institutional fervor we see going on today. I hope it does not produce the stated results and goals.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask unanimous that Senator FISCHER and I be permitted to speak for up to 5 minutes each before the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, when Democrats blew up the filibuster for nominees some 8 years ago, Republicans warned then that they would regret that move when the tables were turned. It seemed like such short-term thinking on the Democrats' part, but I have said before that progressive ideology has many Democrats convinced that they are, so to speak, on the side of history in the long run.

If you believe history is heading only in one direction and that direction is

your way, you don't worry about the pendulum swinging back. That explains why they broke from 200 years of precedent to filibuster conservative judges nominated by President George W. Bush and then expressed shock and outrage when their own precedent was used against them under President Obama. That ideology also explains why Democrats can passionately defend the filibuster one day as a vital protection for the minority and then just months later, after taking control of a 50–50 Senate thanks only to the Vice President's tie-breaking vote, call the filibuster racist.

The phrase “demography is destiny” as applied to politics today is another version of progressive ideology. The assumption with “demography is destiny” is that ethnic minorities who tend to vote Democrat are bound to vote that way forever, so they support an open-border policy, with a push for amnesty, even if it green-lights human trafficking and lets the lethal fentanyl pour into the bloodstreams of young Americans, driving down life expectancy in our country.

Progressive Democrats assume more Hispanic citizens means more votes for them and then, somehow, a permanent majority.

Let me remind you that Republicans thought that, after the elections of 1994 and 2010, that we would have a permanent majority. It didn't work out that way. Just like the Irish and Italians of the late 1800s and early 1900s, Hispanic citizens who have assimilated into the fabric of our Nation do not vote as a bloc.

So, just maybe, that is why the left seems increasingly desperate to stoke identity politics and racial division. Such thinking leads to counterproductive calls to, as an example, defund the police, followed by a desperate attempt to do a 180-degree turn when crime spikes and the very communities they sought to pander then end up suffering.

Remember how so many prominent Democrats felt compelled to defend and justify rioters they deemed to be on their side? Now Democrats insist not just on prosecuting January 6 rioters, as we should with all rioters, but on weaponizing that horrible day for political purposes.

They decry disinformation. They decry conspiracy theories on the right about the election while perpetuating conspiracy theories on the left. Remember the absurd claim that because the Postmaster General supported President Trump, absentee ballots wouldn't be delivered in the 2020 election? It caused a lot of unnecessary worry for many Iowans who vote absentee.

Democrats call for supporting our elections while at the same time tout false claims of systemic voter suppression, deeply undermining faith in our democracy.

Democrats do not seem to support America's democratic institutions for

those democratic institutions' own sake. But if the Democrats are convinced that they are not just right but on the right side of history, institutions are only worth preserving so long as they can be used to advance their own agenda. You cannot have respectful disagreement with someone on the wrong side of history. In fact, you demonize those people.

This kind of thinking pits neighbor against neighbor and drives wedges within our communities. This sense of division comes up in every one of my 99 county meetings in Iowa. I sense Iowans are fed up with this poison.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mrs. FISCHER. Mr. President, I rise today to voice my concern about attempts to undermine American institutions.

There is a difference between constructive efforts to ensure public institutions are accountable and trying to cut down these foundational institutions at their core.

Recently, our country commemorated National Police Week, and it was an opportunity to show our gratitude and appreciation to the men and women who put their lives on the line to keep our people and our communities safe. Yet we continue to see those on the left trying to villainize all law enforcement in this country.

President Biden and Speaker PELOSI, scared about their party's dropping poll numbers, can keep trying to muffle their colleagues' destructive comments, but what the Democrats have already said has harmed our Nation's law enforcement.

We heard “defund the police” from many—too many—Democratic elected officials.

During a CNN interview in June 2021, a Massachusetts Congresswoman said:

I support a radical re-imagining of community safety and public safety, which means reallocating and not further investing in a carceral state.

A New York Congresswoman has called for the Federal Government to apply pressure to disrupt the system in reference to police departments.

Others have said time and time again that we must “completely re-imagine what policing looks like in our country.”

What affect is this antipolice rhetoric having on those who swear to serve and protect? Not surprisingly, we are seeing a drain on law enforcement agencies. Numbers of law enforcement officers rose from 2014 to 2020; however, over the past 2 years, retirements and resignations are climbing while recruitment numbers are down. Many of our law enforcement agencies are receiving far fewer applications.

This is something that I directly discussed with Sergeant Tony Conner, the president of the Omaha Police Officer's Association, when we met recently. Application numbers for some Nebraska law enforcement agencies are down 75

percent or more compared to just a few years ago.

Contributing to these challenges, police officers' jobs have also become increasingly dangerous. Last year, we saw surges in violence and aggression towards officers. Three hundred and forty-six police officers were shot in the line of duty, and 130 of them were targeted and shot in ambush-style attacks. In a recent CBS "60 Minutes" interview, FBI Director Christopher Wray said there had been a 59-percent increase in the murders of police officers, with 73—73—officers killed in 2021. That is a rate of about one officer killed every 5 days.

Without a doubt, Democrats' antipolice rhetoric has diminished morale and eroded public trust in law enforcement. Maybe that was the goal.

But dwindling application numbers to join the force also are contributing to rising crime all across this country. A report by the Council on Criminal Justice found that the national violent crime rate increased 44 percent from 2019 to 2021.

A recent Wall Street Journal editorial discussed efforts to address rising crime in one of our Nation's cities—Seattle. According to the editorial, Seattle city attorney Ann Davison's office found that 118 individuals were responsible for more than 2,400 crimes in Seattle over the past 5 years. Yet, her efforts to hold repeat offenders accountable are being stymied by some.

Because of a 2019 agreement signed by Davison's predecessor, certain classes of misdemeanors in that community go to the community court, and this court releases the accused after referring them to certain support services. The editorial states:

Seattle criminals get four tries in the Community Court before they flunk out. Each can encompass multiple charges. Repeat offenders see the lack of consequences as an invitation to commit more crimes.

Davison is currently trying to renegotiate that deeply flawed 2019 agreement, but despite the rise in crime in Seattle, these negotiations are at an impasse.

Problems like these aren't confined to the Emerald City. In L.A., Minneapolis, Chicago, Washington, DC, and other cities, liberal prosecutors often fail to hold violent criminals accountable.

The impact on public safety is clear. CNN reports the following about the increase in carjackings: In New York City, the number of carjackings has quadrupled in the last 4 years. In Chicago, more than 1,800 carjackings were reported in 2021. Here in the Nation's Capitol, Metropolitan Police confirmed that carjackings have tripled since 2019.

The administration's efforts to address the rise in this violent crime are weak. I am supporting a resolution led by the senior Senator from Louisiana that actually gets at what we should be doing. It demands that the President

work with Congress on a comprehensive strategy that encourages the Department of Justice, the Department of Homeland Security, as well as State and local law enforcement officers to counter the rise in violent crime by reinforcing strong criminal justice policies. The Senate should pass this.

Our law enforcement officers who wear the badge deserve our gratitude and our support. The sacrifices they make and the sacrifices their families make, keep us safe. We stand with our men and women in blue.

I yield the floor.

VOTE ON LEAF NOMINATION

The PRESIDING OFFICER (Ms. BALDWIN). The question is, Will the Senate advise and consent to the Leaf nomination?

Mrs. MURRAY. 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 legislative 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 PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 54, nays 44, as follows:

[Rollcall Vote No. 184 Ex.]

YEAS—54

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

NAYS—44

Barrasso	Fischer	Risch
Blackburn	Graham	Rounds
Blunt	Grassley	Rubio
Boozman	Hagerty	Sasse
Braun	Hawley	Scott (FL)
Burr	Hoeven	Scott (SC)
Capito	Hyde-Smith	Shelby
Cassidy	Inhofe	Sullivan
Cornyn	Johnson	Thune
Cotton	Kennedy	Tillis
Cramer	Lankford	Toomey
Crapo	Lee	Tuberville
Cruz	Lummis	Wicker
Daines	Marshall	Young
Ernst	Moran	

NOT VOTING—2

Rosen Van Hollen

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

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 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. 687, Elizabeth Schoff Watson, of Maryland, to be an Assistant Secretary of Labor.

Charles E. Schumer, John W. Hickenlooper, Jacky Rosen, Jack Reed, Tim Kaine, Kirsten E. Gillibrand, Tina Smith, Tammy Baldwin, Alex Padilla, Benjamin L. Cardin, Margaret Wood Hassan, Ben Ray Lujan, Catherine Cortez Masto, Elizabeth Warren, Debbie Stabenow, Tammy Duckworth, Mazie Hirono.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Elizabeth Schoff Watson, of Maryland, to be an Assistant Secretary of Labor, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

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

The yeas and nays resulted—yeas 50, nays 47, as follows:

[Rollcall Vote No. 185 Ex.]

YEAS—50

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

NAYS—47

Barrasso	Hagerty	Risch
Blackburn	Hawley	Romney
Boozman	Hoeven	Rounds
Braun	Hyde-Smith	Rubio
Capito	Inhofe	Sasse
Cassidy	Johnson	Scott (FL)
Cornyn	Kennedy	Scott (SC)
Cotton	Lankford	Shelby
Cramer	Lee	Sullivan
Crapo	Lummis	Thune
Cruz	Marshall	Tillis
Daines	McConnell	Toomey
Ernst	Moran	Tuberville
Fischer	Murkowski	Wicker
Graham	Paul	Young
Grassley	Portman	

NOT VOTING—3

Markey Rosen Van Hollen

The PRESIDING OFFICER (Mr. HICKENLOOPER). On this vote, the yeas are 50, the nays are 47.