

Over the last several months, the United States has provided Ukraine with unprecedented defense aid—Javelins, Stingers, grenade launchers, small arms, tanks, ammunition, and much more. These weapons have allowed the brave Ukrainians to punch above their weight against the Russian Army, which was once thought to be among the strongest in the world.

Additional American and allied assistance is vital to Ukraine's ultimate success, and we need to reauthorize the Lend-Lease authority as part of the Defense Authorization Act. This provision was included also in the House's NDAA, and I urge my colleagues in the Senate to fight for its inclusion in the final version of the bill.

Given the threats democracies are facing around the world, there could not be a more important time to prioritize America's defense. The National Defense Authorization Act, which I believe has been signed into law for 60-plus years in a row, should have already been signed into law before the end of September. Given the threats we face around the world, it is absolutely crucial that we finish the job as soon as possible.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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 Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

JUDICIAL NOMINATIONS

Mrs. BLACKBURN. Last week, the Senate Judiciary Committee considered several of President Biden's recent judicial appointments.

I would have thought that they would have figured out by now that they hit rock bottom a few months ago with some of these nominees that are not out of the mainstream, but they really are far left.

Here are some examples: Nancy Abudu, she endorsed political violence against conservatives; Todd Edelman used his authority to release a known criminal who then went on to participate in the murder of a child; Marian Gaston opposed residence restrictions for convicted child sex offenders; and DeAndrea Benjamin released violent criminals on bond, only to watch them offend again.

But not to be outdone, the White House has continued this trend with Seth Aframe's nomination to the First Circuit. The White House and Senate Democrats don't have a great track record when it comes to putting a nominee forward for this seat.

Back in February, I came to the floor to oppose Michael Delaney's nomination to the First Circuit bench. You will remember that Mr. Delaney threatened to expose a 15-year-old sexual assault survivor if she came forward with her story. That is right—he

threatened to expose a 15-year-old sexual assault survivor if she went public.

Well, that was a shameful debacle. Everyone saw it. You would think the President's team would have learned their lessons. But I think we were wrong on that, because out of all the talented attorneys and judges that are in the State of New Hampshire, the President has nominated Seth Aframe, who is disturbingly similar to Mr. Delaney in his disregard for victims.

I want to walk you through two of the cases that Mr. Aframe prosecuted. And these cases are things that should disqualify him from ever having a seat on the Federal bench.

Now, the first case that we will go to is U.S. v. Carpentino. This involved a criminal defendant guilty of extreme sexual violence against a 14-year-old girl with a hearing impairment.

Now, this defendant kidnapped this precious child and took her to an abandoned motel in Vermont, and he raped her. This defendant had just been released from a 13-year prison sentence for sexually assaulting minors in particularly violent ways. In one case, he smothered a little girl with a pillow while he raped her. This is a violent repeat offender.

There was no doubt this person was a clear and present danger to the community. Despite all of this, Mr. Aframe, as the prosecutor in this case, recommended a sentence far below the probation officer's suggested guidelines. Can you even imagine hearing this? And then saying: Let's go light on this guy. Let's go light. Let's go easy on him.

Now, what we have learned is that it is clear that Mr. Aframe wanted the low sentence. And I will tell you why, and I am going to use his own words.

And I think when the Presiding Officer hears this, you will see, this is someone who is not qualified for the Federal bench. He wanted the low sentence. He wrote he wanted the low sentence.

And I quote, he said he felt the low sentence will "incapacitate the defendant until he is in his 60s. Hopefully, by that time, the danger that the defendant presents will have subsided."

Now, think about this. He wants the low sentence because at the end of that low sentence, the guy would be in his sixties and, you know, hopefully, by then he won't be such a danger. I tell you, imagine this: "hopefully," using that. Can you imagine telling this little girl's family that, hopefully, this rapist won't do it again? Bear in mind, he had already been in prison for 13 years. He gets out, and he does it again. And Mr. Aframe is the prosecutor. What does he do? He wants a low sentence because the guy is going to be in his sixties and maybe he won't do it. Hopefully, he won't do it again. Hopefully, he won't be a danger. Hopefully, he will be too old and frail to go rape little girls. Unbelievable.

This is sickening. And this case alone should disqualify Mr. Aframe. But

there is more. And let's go to this second case.

Mr. Aframe was the prosecutor in United States v. Smith. And this case, reading this made me absolutely sick to my stomach. It is repulsive.

Mr. Smith was found guilty of conduct connected to the manufacturing of child pornography. He created not one or two, but six videos of himself sexually abusing a 3-year-old girl. Six videos. The details of the case are far too disgusting to repeat aloud. But to be clear: He raped a 3-year-old girl on camera.

As prosecutor in this case, Mr. Aframe said the most poignant evidence of the harm this defendant caused was—and I quote—"the look of fear in the young victim's eyes."

Poignant evidence, the look of fear in a toddler's eyes while somebody is raping her.

Despite this, Mr. Aframe recommended a 60-year sentence, nowhere near what this sick and depraved and disgusting human being deserved. Mr. Aframe noted that the perpetrator was a close friend of the victim's family. He worked to gain their trust for years just to commit these heinous acts, but Mr. Aframe still recommended a lenient sentence.

But what did the sentencing guidelines recommend? Life in prison. Mr. Aframe himself noted this in his sentencing memo, but when I pressed him under oath on why he refused to follow the guideline, he misrepresented the facts.

So let me set the record straight. The sentencing memo, that Mr. Aframe wrote himself, stated that the guidelines recommended a sentence of life in prison. That is what he should have gotten.

Madam President, I ask unanimous consent that a portion of that sentencing memo be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNITED STATES DISTRICT COURT DISTRICT OF NEW HAMPSHIRE: UNITED STATES OF AMERICA V. BRAD SMITH

Crim. No. 1:16-cr-00091-JL

UNITED STATES' SENTENCING MEMORANDUM AND OBJECTION TO DEFENDANT'S MOTION FOR A DOWNWARD VARIANCE

I. Background

On May 26, 2015, defendant Brad Smith created six videos of himself sexually abusing a three-year-old girl. From 12:42 p.m. to 1:47 p.m., the defendant instructed his victim to perform various sexual acts on him and ultimately placed her on her back, pulled her diaper around her ankles, and raped her. The defendant wore Google glasses while he did so in order to surreptitiously film the abuse.

On April 7, 2017, a jury found the defendant guilty of six counts of manufacturing child pornography in violation of 18 U.S.C. § 2251(a), for which the Sentencing Guidelines recommend a sentence of life imprisonment (Total Offense Level 43, Criminal History Category V). For the reasons set forth in greater detail below, the government proposes an incarcerative sentence of sixty years (720 months) to be followed by lifetime

supervised release, a sentence which meets the objectives described in 18 U.S.C. §3553(a) and accounts for the many aggravating circumstances in this case.

Mrs. BLACKBURN. I think it is so important that we include that in this. This should have been a life in prison sentence for what was done.

You know, I will say to my Democratic colleagues what I said about Michael Delaney's nomination: For the sake of men, women, and children around this country who are victims of sexual assault, join me in opposing this nomination if the President refuses to withdraw this nomination.

Someone who has gone light on sentences that affect these children. Someone who has committed crimes against these children and then they have sought to get lesser sentences against these pedophiles and predators, they have no place on the Federal bench.

Now, this week, my Democratic colleagues will have two opportunities to oppose individuals that I feel are unfit judicial nominees. The Judiciary Committee will mark up Mustafa Kasubhai to serve on the district court in Oregon. Now, there is a reason that, in my opinion, Mr. Kasubhai is not fit.

He has displayed a disturbing affinity for Marxism. This is something that we found in his records. Someone who is displaying an affinity for Marxism has no place on our Federal bench. So I would ask that our colleagues vote no on him.

NOMINATION OF KENLY KIYA KATO

Madam President, likewise, the Senate will vote on the nomination of Kenly Kato to serve as a district judge in California. You will remember that in her nomination hearing, she refused to condemn racial discrimination. That should be an easy "no" vote for every Senator.

And you know when we talk about the Federal judiciary, when we look at these nominations—and the Senate's job is to provide advice and consent. What we need to do is make certain that people are going to abide by the Constitution; that they are going to abide by the rule of law; that they have that judicial philosophy; that they are going to stand for equal justice for all.

And when you have individuals with records and writings that are in opposition to that, they are unfit to serve on the Federal bench.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Ms. BUTLER). The majority whip.

LEGISLATIVE SESSION

Mr. DURBIN. Madam President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. DURBIN. Madam President, I move to proceed to executive session to consider Calendar No. 373.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Charlotte A. Burrows, of the District of Columbia, to be a Member of the Equal Employment Opportunity Commission for a term expiring July 1, 2028. (Reappointment).

CLOTURE MOTION

Mr. DURBIN. Madam President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

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. 373, Charlotte A. Burrows, of the District of Columbia, to be a Member of the Equal Employment Opportunity Commission for a term expiring July 1, 2028. (Reappointment)

Bernard Sanders, Catherine Cortez Masto, Jack Reed, Richard J. Durbin, Ben Ray Lujan, Peter Welch, Alex Padilla, Brian Schatz, Robert P. Casey, Jr., Tina Smith, Tammy Baldwin, Jeanne Shaheen, Christopher A. Coons, Patty Murray, Benjamin L. Cardin, Sheldon Whitehouse, Tammy Duckworth.

LEGISLATIVE SESSION

Mr. DURBIN. Madam President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. DURBIN. Madam President, I move to proceed to executive session to consider Calendar No. 310.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Brandy R. McMillion, of Michigan, to be United States District Judge for the Eastern District of Michigan.

CLOTURE MOTION

Mr. DURBIN. Madam President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented

under rule XXII, the Chair directs the clerk to read the motion.

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. 310, Brandy R. McMillion, of Michigan, to be United States District Judge for the Eastern District of Michigan.

Richard J. Durbin, Tammy Duckworth, Mazie Hirono, Richard Blumenthal, Christopher A. Coons, Alex Padilla, Patty Murray, Sheldon Whitehouse, Debbie Stabenow, Tina Smith, Benjamin L. Cardin, Chris Van Hollen, Tim Kaine, Brian Schatz, Christopher Murphy, Peter Welch.

LEGISLATIVE SESSION

Mr. DURBIN. Madam President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. DURBIN. Madam President, I move to proceed to executive session to consider Calendar No. 126.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Monica Ramirez Almadani, of California, to be United States District Judge for the Central District of California.

CLOTURE MOTION

Mr. DURBIN. Madam President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

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. 126, Monica Ramirez Almadani, of California, to be United States District Judge for the Central District of California.

Richard J. Durbin, Brian Schatz, John W. Hickenlooper, Margaret Wood Hassan, Gary C. Peters, Mark Kelly, Jack Reed, Tammy Duckworth, Christopher Murphy, Sheldon Whitehouse, Catherine Cortez Masto, Mazie K. Hirono, Benjamin L. Cardin, Jeanne Shaheen, Tammy Baldwin, Angus S. King, Jr., Alex Padilla, Robert Menendez, Michael F. Bennet.

LEGISLATIVE SESSION

Mr. DURBIN. Madam President, I move to proceed to legislative session.