

this criminal-friendly measure from going into effect.

As we have seen, this effort has broad bipartisan support, starting at the White House. Last month, the House of Representatives passed a resolution of disapproval by a vote of 250 to 173, with more than 30 Democrats crossing the aisle to support it. Thanks to the Senator from Tennessee, Senator HAGERTY's leadership, that resolution will receive a vote on the Senate floor this week. I expect it will pass with strong bipartisan support, as it should, and put a final nail in the coffin of this dangerous and deeply misguided legislation.

Soft-on-crime policies have had a devastating impact on cities across America, and we can't let our Nation's very Capital become a consequence-free playground for lawbreakers. So I appreciate Senator HAGERTY's leadership on this resolution and his work to ensure that it receives a vote in the Democrat-led Senate.

#### FEDERAL JUDICIARY

Mr. President, on another but somewhat related matter, over the last several years, Washington Democrats have waged war on our independent Federal judiciary.

Three years ago, the majority leader of the Senate, the Senator from New York, joined an abortion rally outside the Supreme Court, where he made deeply disturbing comments about two sitting Associate Justices on the Supreme Court of the United States. 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. You won't know what hit you if you go forward with these awful decisions.

That is a quote.

Well, the majority leader certainly did not mince words. The top Democrat in the U.S. Senate threatened two sitting Supreme Court Justices by name based on a case they were considering.

In the year since, the radical left has picked up the sword and carried on the fight. Last summer, as the Supreme Court considered a case on abortion rights, a radical organization released the home addresses of several Supreme Court Justices, and they encouraged protesters to show up at the Justices' private homes to harass and intimidate. It was a disgusting invasion of privacy and a massive security risk, which sadly was met with nothing more than a shrug by many of our Democratic colleagues.

Attorney General Garland himself had an opportunity to address this abhorrent conduct in the Judiciary Committee last week, and he confirmed that, to date, no prosecutions have been brought under a Federal statute making what these protesters did a crime—seeking to intimidate sitting Justices and cause them to change their opinion on legal matters that they were charged with. No prosecutions.

With no real repercussions for such gross behavior, the far left has now ex-

panded its attack to include other Federal judges.

Last month, the liberal news site Vox published a story railing against what it described as "Trump's worst judges," all of whom serve on the Federal courts in my State of Texas. The author of that piece tweeted the article that featured a photo of one of those judges, Matthew Kacsmaryk. The author added that Judge Kacsmaryk is "the single worst villain in the United States of America that most people have never heard of, and I am determined to make him a household name."

This blatant attack on this sitting Federal judge and on the independent judiciary wasn't just limited to a liberal news site; larger mainstream news sources joined in too. The Washington Post recently published an opinion piece that argued that the only way to "rein in Republican judges" is to shame them. These are Federal judges who were given life tenure following Senate confirmation for the very purpose of making them insulated from politics so that they can remain laser-focused on judging the law and interpreting the Constitution and applying it to the case before them.

The Washington Post opinion piece I am referring to says:

Democratic politicians, left-leaning activist groups, newspaper editorial boards, and other influential people and institutions need to start relentlessly blasting Republican-appointed judges.

A former aide to Senator SCHUMER, majority leader of the U.S. Senate, who now serves as the executive director of a dark money group called Demand Justice, shared that article on Twitter and endorsed the idea of referring to judges by "their party affiliation." Again, these are Senate-confirmed judges who serve for life who have basically forsworn politics. But this former aide to the Senate majority leader says: No, you need to refer to them by their party affiliation—presumably the party affiliation of the President who nominated them to the office.

As our country struggles to deal with hate speak online and threats of violence against our leaders and politicians, it is hard to imagine anything getting more dangerous than the rhetoric targeting Federal judges and the independent Federal judiciary.

Last summer, U.S. marshals arrested a man outside of Justice Kavanaugh's home who had traveled all the way from California with the intention of assassinating Justice Kavanaugh. When the man was arrested, he had in his possession a Glock 17 pistol, along with ammunition, a knife, a hammer, a crowbar, and zip ties. He told authorities that it was his plan to break into the house and kill Justice Kavanaugh and then take his own life. Thank God he was caught before anyone was harmed. But we may not be so lucky next time when this reprehensible, irresponsible rhetoric strikes unstable individuals and prompts them to do things that none of us, I hope, would want or endorse.

Blatant attacks against judges and our independent judiciary must come to an end.

Sadly, one of our Senate colleagues has joined the ranks of the angry mob. Last month, the senior Senator from Oregon delivered an incredibly dangerous speech here on the Senate floor advocating for the Biden administration to ignore a potential court order from Judge Kacsmaryk's court. To be clear, this is a U.S. Senator who said that the executive branch should disregard the lawful order of a Federal district judge. He wants the Constitution to be effectively ripped into shreds and thrown out the window if the judge happens to decide a case in a way that he doesn't approve of.

The left's attack on our independent judiciary keeps getting more and more dangerous. It doesn't matter what case is in a Federal court or what ruling is ultimately handed down—Senators must respect the Constitution itself, and with that comes three coequal branches of government.

Judicial independence is the thing that distinguishes our democracy and our Constitution from all other countries on the planet—judicial independence: judges who aren't afraid to call balls and strikes and interpret the Constitution, hopefully, as written and apply the laws that Congress passes. That judicial independence should never be threatened. If a U.S. Senator doesn't realize that, then we have some really, really big problems.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

(The remarks of Mr. COTTON pertaining to the introduction of S. 691 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. COTTON. I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

#### NOMINATION OF PATRICE H. KUNESH

Ms. SMITH. Mr. President, I rise today in support of the nomination of Patrice Kunesh to be the Commissioner of the Administration for Native Americans at the Department of Health and Human Services.

Ms. Kunesh is a descendant of the Standing Rock Lakota and a distinguished lawyer, advocate, and thought leader. She currently works at the Native American Rights Fund, but her career spans from being counsel for the Mashantucket Pequot Tribe to being the director of the Center for Indian Country Development at the Minneapolis Federal Reserve—all in the service of Native communities. Ms. Kunesh also served as the Deputy Solicitor at the Department of the Interior and as Deputy Under Secretary for Rural Development at the USDA.

The Administration for Native Americans at HHS helps Native communities, including Indian Tribes, Native Hawaiians, and Alaska Natives, with financial support and technical assistance for Native language preservation,

economic development, and self-sufficiency.

I know that Patrice is up to the task. She is knowledgeable, experienced, and deeply connected to Tribal leaders and Native communities. She knows how the Federal Government works and how we can best fulfill our trust and treaty responsibilities in Indian Country.

Patrice's nomination is supported by the National Congress of American Indians and numerous Tribal nations. Most importantly, filling this role at HHS is essential to meeting our responsibilities to Tribal nations and Native communities.

I urge my colleagues to vote yes on Patrice Kunesh's nomination.

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

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

NOMINATION OF ARUN SUBRAMANIAN

Mr. DURBIN. Mr. President, today, the Senate will vote to confirm Arun Subramanian to the U.S. District Court for the Southern District of New York.

Mr. Subramanian attended Case Western Reserve University and Columbia Law School. After graduating, he went on to clerk at all levels of the Federal judiciary—first for Judge Dennis Jacobs on the Second Circuit Court of Appeals, then for Judge Gerard E. Lynch on the U.S. District Court for the Southern District of New York, and finally for Justice Ruth Bader Ginsburg on the U.S. Supreme Court.

Mr. Subramanian then entered private practice in Manhattan, where he has focused on complex civil litigation. His work has covered a wide variety of issue areas, including State and Federal false claims, commercial and employment contract disputes, tort actions, securities, antitrust, fraud, and patent litigation. Mr. Subramanian has also dedicated hundreds of hours to his pro bono work, and he also coordinates his law firm's pro bono activities.

He was unanimously rated "well qualified" by the ABA and received a bipartisan vote in committee. In addition, he has the strong support of his home State Senators—Mr. SCHUMER and Mrs. GILLIBRAND—and his Supreme Court co-clerks. His fellow clerks emphasized that they had witnessed Mr. Subramanian's "collegial, candid, and fair-minded temperament."

Given his significant litigation experience and strong ties to the Southern District of New York, Mr. Subramanian will make an excellent addition to the District Court bench. I strongly support his nomination and urge my colleagues to do the same.

Mr. SCHUMER. Mr. President, today, the Senate confirms a first-rate legal

mind, someone I was proud to champion to the President for a lifetime appointment to the Federal bench, Arun Subramanian of New York.

Mr. Subramanian is the epitome of the American dream and a historymaker: The child of hard-working immigrants from India, he will become the first South Asian to preside in the Southern District, which has one of the largest South Asian populations in the country.

Mr. Subramanian's resume tells a very clear story. He is excellent. He is accomplished. He has dedicated his entire career fighting for average Americans. He served as a law clerk to Judge Dennis Jacobs on the Second Circuit, Judge Gerard Lynch in the Southern District of New York, and the late, great Justice Ruth Bader Ginsburg.

He is an expert in consumer protection, with years of experience defending those injured by unfair, illegal practices. He also defended victims of child trafficking and pornography.

Our courts need more people like Arun Subramanian. I am proud to support his confirmation. I thank my colleagues on both sides of the aisle for supporting him today.

Once we confirm Mr. Subramanian, this U.S. Senate majority will have confirmed 114 judges to the bench: 30 circuit court judges, 83 district court judges, and 1 incredible Supreme Court Justice in Ketanji Brown Jackson. Of those 114 nominations, 82 are women, 78 are people of color, and, again, Mr. Subramanian is the first South Asian judge confirmed to the Southern District of New York.

Because of the work done by this majority, our Federal judiciary is far more balanced, far more diverse, far more experienced than the one we just had 2 years ago. It is something every American can be proud of.

I yield the floor.

VOTE ON SUBRAMANIAN NOMINATION

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Subramanian nomination?

Mr. SCHUMER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Pennsylvania (Mr. FETTERMAN), and the Senator from Arizona (Mr. KELLY) are necessarily absent.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Wyoming (Mr. BARRASSO).

The result was announced—yeas 59, nays 37, as follows:

[Rollcall Vote No. 45 Ex.]

YEAS—59

Baldwin	Heinrich	Reed
Bennet	Hickenlooper	Romney
Blumenthal	Hirono	Rosen
Booker	Kaine	Rounds
Brown	Kennedy	Sanders
Cantwell	King	Schatz
Capito	Klobuchar	Schumer
Cardin	Lee	Shaheen
Carper	Lujan	Sinema
Casey	Manchin	Smith
Collins	Markey	Stabenow
Coons	McConnell	Tester
Cornyn	Menendez	Van Hollen
Cortez Masto	Merkley	Warner
Duckworth	Murkowski	Warnock
Durbin	Murphy	Warren
Gillibrand	Murray	Welch
Graham	Ossoff	Whitehouse
Grassley	Padilla	Wyden
Hassan	Peters	

NAYS—37

Blackburn	Hagerty	Rubio
Boozman	Hawley	Schmitt
Braun	Hoeben	Scott (FL)
Britt	Hyde-Smith	Scott (SC)
Budd	Johnson	Sullivan
Cassidy	Lankford	Thune
Cotton	Lummis	Tillis
Cramer	Marshall	Tuberville
Crapo	Moran	Vance
Cruz	Mullin	Wicker
Daines	Paul	Young
Ernst	Ricketts	
Fischer	Risch	

NOT VOTING—4

Barrasso	Fetterman
Feinstein	Kelly

The nomination was confirmed.

The PRESIDING OFFICER (Mr. MARKEY). 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. 45, Patrice H. Kunesh, of Minnesota, to be Commissioner of the Administration for Native Americans, Department of Health and Human Services.

Charles E. Schumer, Bernard Sanders, Alex Padilla, Richard J. Durbin, Tim Kaine, Margaret Wood Hassan, Ben Ray Lujan, Raphael G. Warnock, Tammy Duckworth, Jack Reed, John W. Hickenlooper, Catherine Cortez Masto, Tammy Baldwin, Brian Schatz, Christopher Murphy, Tina Smith, Debbie Stabenow.

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 Patrice H. Kunesh, of Minnesota, to be Commissioner of the Administration for Native Americans, Department of Health and Human Services, shall be brought to a close?

The yeas and nays are mandatory under the rule.