

We have seen over and over that when judicial activism triumphs over fidelity to the rule of law, our courts mutate—mutate—into clumsy proxy battlefields for arguments that belong in this Chamber and out in 50 State legislatures. This is unfair to the American people, and it damages our institutions, not the least the courts themselves.

So there is only one way to lower the temperature, depoliticize the courts, and protect the rule of law: confirming only judges who will honor the Constitution and not supplant it.

The road to a healthy Court and a healthy country is not striking some balance where some Justices stick to the text and some Justices try to make policy. The solution is for all the Justices to stay in their lane.

There is one right number of Justices who seek to follow the law. The number is nine. Ginsburg said it. Breyer said it. There is one right number of Justices who seek to make policy: zero.

There are jurists and scholars with personal views across the political spectrum who understand that all judges should be textualists and constitutionalists in their day jobs. And that must be the Senate's standard.

I see hallmarks of judicial activism in Judge Jackson's record; and, therefore, I will vote no. Nevertheless, our Democratic colleagues are on track to confirm our next Supreme Court Justice.

And do you know what won't happen? Top Republicans will not imply she is illegitimate. We will not call for court packing. I won't be joining any mobs outside her new workplace and threatening her by name.

Democrats must stop their political siege of the institution that Judge Jackson is about to join. They must stop their assault on judicial independence.

We are about to have a new Justice whose fan club has openly attacked the rule of law. So Judge Jackson will quickly face a fork in the road. One approach to her new job would delight the far left. A different approach would honor the separation of powers and the Constitution. The soon-to-be Justice can either satisfy her radical fan club or help preserve the judiciary that Americans need—but not both.

I am afraid the nominee's record tells us which is likely. But I hope Judge Jackson proves me wrong.

LEGISLATIVE SESSION

SUSPENDING ENERGY IMPORTS FROM RUSSIA ACT

SUSPENDING NORMAL TRADE RE- LATIONS WITH RUSSIA AND BELARUS ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session and proceed to

the consideration of H.R. 6968 and H.R. 7108 en bloc, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 6968) to prohibit the importation of energy products of the Russian Federation, and for other purposes.

A bill (H.R. 7108) to suspend normal trade relations treatment for the Russian Federation and the Republic of Belarus, and for other purposes.

There being no objection, the Senate proceeded to consider the bills en bloc.

The PRESIDING OFFICER. Under the previous order, amendment No. 5021 to H.R. 6968 and amendment No. 5020 to H.R. 7108 are agreed to, and the bills, as amended, are considered and read a third time.

The amendment (No. 5021), in the nature of a substitute, was agreed to.

(The amendment is printed in the RECORD of April 6, 2022, under "Text of Amendments.")

The amendment (No. 5020), in the nature of a substitute, was agreed to.

(The amendment is printed in the RECORD of April 6, 2022, under "Text of Amendments.")

The amendments were ordered to be engrossed and the bills to be read a third time en bloc.

The bills were read the third time.

VOTE ON H.R. 7108, AS AMENDED

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mr. CRAPO. 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.

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 131 Leg.]

YEAS—100

| | | |
|--------------|--------------|------------|
| Baldwin | Hagerty | Portman |
| Barrasso | Hassan | Reed |
| Bennet | Hawley | Risch |
| Blackburn | Heinrich | Romney |
| Blumenthal | Hickenlooper | Rosen |
| Blunt | Hirono | Rounds |
| Booker | Hoeben | Rubio |
| Boozman | Hyde-Smith | Sanders |
| Braun | Inhofe | Sasse |
| Brown | Johnson | Schatz |
| Burr | Kaine | Schumer |
| Cantwell | Kelly | Scott (FL) |
| Capito | Kennedy | Scott (SC) |
| Cardin | King | Shaheen |
| Carper | Klobuchar | Shelby |
| Casey | Lankford | Sinema |
| Cassidy | Leahy | Smith |
| Collins | Lee | Stabenow |
| Coons | Lujan | Sullivan |
| Cornyn | Lummis | Tester |
| Cortez Masto | Manchin | Thune |
| Cotton | Markey | Tillis |
| Cramer | Marshall | Toomey |
| Crapo | McConnell | Tuberville |
| Cruz | Menendez | Van Hollen |
| Daines | Merkley | Warner |
| Duckworth | Moran | Warnock |
| Durbin | Murkowski | Warren |
| Ernst | Murphy | Whitehouse |
| Feinstein | Murray | Wicker |
| Fischer | Ossoff | Wyden |
| Gillibrand | Padilla | Young |
| Graham | Paul | |
| Grassley | Peters | |

The bill (H.R. 7108), as amended, was passed.

VOTE ON H.R. 6968, AS AMENDED

The PRESIDING OFFICER (Mr. BOOKER). The bill having been read the third time, the question is, Shall the bill pass?

Mr. THUNE. 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.

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 132 Leg.]

YEAS—100

| | | |
|--------------|--------------|------------|
| Baldwin | Hagerty | Portman |
| Barrasso | Hassan | Reed |
| Bennet | Hawley | Risch |
| Blackburn | Heinrich | Romney |
| Blumenthal | Hickenlooper | Rosen |
| Blunt | Hirono | Rounds |
| Booker | Hoeben | Rubio |
| Boozman | Hyde-Smith | Sanders |
| Braun | Inhofe | Sasse |
| Brown | Johnson | Schatz |
| Burr | Kaine | Schumer |
| Cantwell | Kelly | Scott (FL) |
| Capito | Kennedy | Scott (SC) |
| Cardin | King | Shaheen |
| Carper | Klobuchar | Shelby |
| Casey | Lankford | Sinema |
| Cassidy | Leahy | Smith |
| Collins | Lee | Stabenow |
| Coons | Lujan | Sullivan |
| Cornyn | Lummis | Tester |
| Cortez Masto | Manchin | Thune |
| Cotton | Markey | Tillis |
| Cramer | Marshall | Toomey |
| Crapo | McConnell | Tuberville |
| Cruz | Menendez | Van Hollen |
| Daines | Merkley | Warner |
| Duckworth | Moran | Warnock |
| Durbin | Murkowski | Warren |
| Ernst | Murphy | Whitehouse |
| Feinstein | Murray | Wicker |
| Fischer | Ossoff | Wyden |
| Gillibrand | Padilla | Young |
| Graham | Paul | |
| Grassley | Peters | |

The bill (H.R. 6968), as amended, was passed.

EXECUTIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume executive session.

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. 860, Ketanji Brown Jackson, of the District of Columbia, to be an Associate Justice of the Supreme Court of the United States.

Charles E. Schumer, Richard J. Durbin, Patrick J. Leahy, Dianne Feinstein, Sheldon Whitehouse, Amy Klobuchar, Christopher A. Coons, Richard Blumenthal, Mazie Hirono, Cory A. Booker, Alex Padilla, Jon Ossoff, Patty Murray, Raphael G. Warnock, Sherrod Brown, Elizabeth Warren, Margaret Wood Hassan, Tina Smith, Ben Ray Lujan, Jacky Rosen.

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 Ketanji Brown Jackson, of the District of Columbia, to be an Associate Justice of the Supreme Court of the United States, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 53, nays 47, as follows:

[Rollcall Vote No. 133 Ex.]

YEAS—53

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

NAYS—47

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

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 47.

The motion is agreed to.

The senior Senator from Vermont.

NOMINATION OF KETANJI BROWN JACKSON

Mr. LEAHY. Mr. President, today is a historic day. Today, each Member of the Senate will have the opportunity to cast a vote on the nomination of Judge Ketanji Brown Jackson to be an Associate Justice of the U.S. Supreme Court. I say “historic” because throughout our Nation’s history, only 115 people have served on the Supreme Court. Until now, only five of the Supreme Court Justices have been women. Only two of the Justices have been Black. And none has been a Black woman. So history, indeed, and long overdue.

But I am not going to cast my vote in support of Judge Jackson’s confirmation because she is a woman or because she is Black; I will cast that vote because she is eminently qualified to serve in the position to which she has been nominated.

Her nomination shouldn’t just be welcomed; it should be celebrated. It is a major step forward for our democracy. It is further widening the lens to

help make our Nation more inclusive and more representative with each passing generation.

She is one of the most qualified nominees to the Supreme Court that I have ever considered in my 48 years here: a graduate of Harvard and Harvard Law School; a judicial clerk at the district, circuit, and Supreme Court levels; a Federal appellate judge; a Federal district court judge; a member of the U.S. Sentencing Commission; an attorney in private practice. And she will be the first ever Justice who has served as a public defender, bringing that much needed perspective to the Court. No one—no one—can argue that Judge Jackson is not objectively qualified to be confirmed.

The manufactured accusations that were thrown at her by some of our committee during our hearings not only fell flat, but they have been refuted and debunked by serious voices across the political spectrum. They hold no water. They serve only to showcase the vitriol and the contempt with which some Members of this body approach their sacred constitutional role of advice and consent.

I said it during the hearings, and I will say it again: It is distressing, it is disheartening, and as the dean of the Senate, it is saddening. Yet I find hope in the fact that Judge Jackson’s confirmation to our highest Court will have the bipartisan support it deserves and it commands. I commend the Republican Senators who have lauded her qualifications and staked their support of her nomination. Judge Jackson has earned the President’s nomination, and she has earned confirmation from the Senate.

Each and every day, millions of American families are living their lives, and how they live those lives—from the salaries they make to the education their children receive and scores of issues in between—is directly impacted by the decisions made at the Supreme Court.

The Supreme Court—in fact, all of our courts can’t be ivory towers, accessible only to and bending to the will of a select few in our society. They have to be accountable to all—all—all Americans. To do so, they must reflect the diversity of our Nation, the diversity that is at the foundation of our democracy—diversity of gender, of race, of creed, of education and history—but also diversity of thought and life experiences. Judge Jackson brings that and more to the Bench.

Mr. President, I am proud to be the President pro tempore of the Senate, and I was proud to chair the Senate Judiciary Committee in the past. In that regard, I voted for the first woman to ever serve on the Supreme Court. I voted for the first Latina to serve on the Supreme Court. I voted on thousands of judicial nominations, nominees of both Republican and Democratic Presidents. I voted for nominations to the Supreme Court who were put forward by Republican Presidents.

I have long lamented the increasing political gamesmanship that has infected our current confirmation process, and many times on this floor, I have warned about the dire consequences for our courts and for our democracy of converting our confirmation process into a zero-sum game where one party wins and one party loses. But to change that gamesmanship requires that we have some adults in the room, that we all come here to the floor of the U.S. Senate not to score a headline or a trending tweet but simply to do our jobs. There are only 100 of us to represent this whole country. So who is going to do that today, simply do their job?

I have taken a clear look at Judge Jackson’s record. I heard her testimony 2 weeks ago. I met with her. I read opinions that she has written. I spent hours listening to her. I saw her intellect, her humility, and her temperament on full display.

Mr. President, she is the Justice we need now. For America today, for the generations to come, for our children and our grandchildren, for all of us, I will cast my vote to confirm Judge Jackson, and I will do it proudly.

I hope the Senate can rise to this moment. I hope it can be the deliberative body the Founders envisioned when they conceived of this great experiment. Our independent judiciary—in fact, our democracy—demands it of us.

Mr. President, history will remember the votes cast here today. I will proudly vote aye.

I yield the floor.

The PRESIDING OFFICER (Mr. SCHATZ). The Senator from Georgia.

Mr. WARNOCK. Mr. President, I rise today to express my joy in voting to confirm Judge Ketanji Brown Jackson to the U.S. Supreme Court.

What a great day it is for the United States of America, for our system of government and the grand march toward the fulfillment of the sacred covenant we have with one another as an American people—“e pluribus unum”: out of many, one.

Ketanji Brown Jackson’s improbable journey to the Nation’s highest Court is a reflection of our own journey, through fits and starts, toward the Nation’s highest ideals. She embodies the arc of our history. The very fine product of public schools, both her parents attended segregated primary schools before graduating from historically Black colleges and universities.

She is a two-time graduate of Harvard; a former clerk to Supreme Court Justice Breyer, to whom the Nation owes enormous thanks for his decades of public service; a former Federal public defender who would be the first of her kind to serve on the Supreme Court; a jurist who has gone before the Senate on three separate occasions and each time has garnered strong bipartisan support; a judge who has heard cases both in the U.S. district court and our Federal court of appeals; a judge who has the strong endorsement