Today we have five judicial branch nominees, one executive branch nominee, six U.S. Attorneys, and three bills on the agenda. The five judicial branch nominees, Assistant Attorney General for Antitrust, and two of the bills – the *False Claims Amendments Act* and the *Driving for Opportunity Act* – are ripe for consideration. Because the other nominees and bill are on the agenda for the first time, our side would like for them to be held over for a week per Committee rules.

S. 2428, the *False Claims Amendments Act* of 2021 is ripe for consideration. It makes changes to the government's most powerful tool in fighting fraud so that it can better protect the taxpayer.

FCA has brought back $64 billion dollars since 1986, but this bill isn't about fighting an abstract thing called fraud. It is about making sure that the taxpayer is getting what he pays for. Every dollar that is stolen from the government by fraud is a dollar that should have been spent on another good or service.

I think everyone that was here for the last markup knows that I am passionate about the FCA. I will go into more detail when we begin discussing the bill in a few moments, but I wanted to quickly highlight the good work of my cosponsors on this committee, including the chairman, as well as Senators Leahy and Kennedy.

Several of my other colleagues, including Senator Cornyn, have also been helpful in bringing this to a conclusion by helping us iron out some of the details in the manager's amendment. Thank you all.

We're also marking up S. 998, the *Driving for Opportunity Act*, which I cosponsor. Thank you Senators Coons and Wicker for leading this bill. This bill is bipartisan and enjoys wide support from law enforcement and criminal justice reform advocates alike.

For most Americans, driving a car is essential. This is particularly true for rural Americans. The ability to drive a car is how folks get to work, attend church, buy food, go to medical appointments, and take kids to school.

Millions of Americans have suspended or revoked driver's licenses solely because they haven't paid court fines, not for public safety reasons. This system is flawed. If the government wants people to pay fines, then the government shouldn't prevent them from getting to work. This catch-22 is tough on rural states, and also those with criminal records trying to reenter society by having gainful and lawful employment. The ability to drive is often critical for successful reentry and very well could play a role in reducing recidivism.

S. 998 encourages states to end counterproductive, fine-based driver's license suspensions. I'm proud to cosponsor this bill and support its advancement out of committee.

I'd also like to say a few words about yesterday's oversight hearing with Attorney General Garland.

While I appreciate him appearing before the Committee, unlike when he and his deputies outrageously ignored the Nassar hearing, it would be an understatement to say that I found his answers to be less than satisfactory across the board.

And I say that with special emphasis with respect to what he said about his infamous school board memo.

What's clear to the country is that the Biden administration has weaponized the Justice Department and its component agencies against parents.

The same Department that engaged in widespread FISA abuse for years – and almost got away with it. As I said yesterday, these parents are trying to protect their children. They're worried about divisive and harmful curricula based on critical race theory. They're speaking their mind about mask-mandates. This is the very core of constitutionally protected free speech. And free speech is deadly to the tyranny of government and is the lifeblood of our constitutional republic.

I also wanted to discuss Judge Koh. I voted Judge Koh out of this Committee in 2016. Consistent with that, and with what I've told Senator Feinstein and Senator Padilla, I'm going to do so again today.

But I want to note that I have a reservations about her approach and reasoning in a number of cases. Judge Koh served as a prosecutor and has been a judge for a number of years. But she has also had a number of cases recently reversed by the Supreme Court. For example, she ordered the Census Bureau to continue collecting data after the Commerce Secretary's deadline. The Supreme Court stayed that order with only one noted dissent. Her decision in *Tandon* about the ability to worship at home during the pandemic was also concerning.

But there is an important difference between Judge Koh and other nominees we've recently seen from this administration.

Judge Koh showed she is actually willing to admit when she makes a mistake. She answered our questions about statements she made in the past. When asked whether she agreed with a comment she had made in law school about how nominees should pretend to be objective, Judge Koh said "Not at all. I disagree with that 100%." She also said, "That is completely wrong, our rule of law absolutely depends on impartiality, fairness, and I completely disagree with that statement."

That is a far cry from a nominee who is unwilling to recant saying that Justice Kavanaugh's conservatism means that people will die.

I plan to look closely at her record before I decide whether to support Judge Koh on the floor.