

was designed to do the exact opposite: to promote cooperation between government and innovators. This time around, the latest chapter of prescription drug socialism would send all the wrong signals to would-be innovators behind future lifesaving cures. It would tell them not to take risks; not to build new things; and not to invest their time, resources, and creativity to develop more of the greatest medical achievements the world has ever seen.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. LUJÁN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

CELEBRATING THE 247TH ANNIVERSARY OF THE CREATION OF THE FLAG OF THE UNITED STATES AND EXPRESSING SUPPORT FOR THE PLEDGE OF ALLEGIANCE

Mr. BRAUN. Mr. President, I rise today—I have done this several times since I have been here in the Senate. It is always an honor to do it. When something is that important, I think it is worth repeating. I am rising today to offer a resolution expressing support for the Pledge of Allegiance as an expression of patriotism and honoring the 247th anniversary of the introduction of our U.S. flag.

Tomorrow, we celebrate Flag Day, which was established over 100 years ago by President Woodrow Wilson. As we pause to recognize all that our flag represents, let us also honor those who have sacrificed everything to defend it.

In 2002, Senator Tom Daschle raised a similar resolution with unanimous support from the Senate. It passed on the floor uneventfully. Today, I ask this body to reaffirm our support for the Pledge of Allegiance, also bringing into account somebody from Indiana—Red Skelton.

In 1969, the American entertainer, who was well known for his program “The Red Skelton Hour,” wrote a speech on the importance of the pledge. Reflecting on his time in Vincennes, IN, he spoke about the values instilled by one of his high school teachers.

After the performance of the speech, CBS received 200,000 requests for copies. I wonder if that would occur in this day and age. This speech would go on to be sold as a single by Columbia Records and performed at the White House for President Nixon.

I think it would honor Mr. Skelton's memory and the importance of the Pledge of Allegiance if it were recited again today on the Senate floor like I have done several times since I have been here.

Red Skelton:

When I was a small boy in Vincennes, Indiana, I heard, I think, one of the most out-

standing speeches I ever heard in my life. I think it compares with the Sermon on the Mount, Lincoln's Gettysburg Address, and Socrates' speech to the Students.

We had just finished reciting the Pledge of Allegiance, and Mr. Lasswell, the Principal of Vincennes High School, called us all together. He says, “Uh, boys and girls, I have been listening to you recite the Pledge of Allegiance all semester, and it seems that it has become a little monotonous to you. Or, could it be, you do not understand the meaning of each word? If I may, I would like to recite the pledge, and give you a definition of each word:

I—Me; an individual; a committee of one.

Pledge—Dedicate all of my worldly goods to give without self-pity.

Allegiance—My love and my devotion.

To the Flag—Our standard. ‘Old Glory’; a symbol of courage. And wherever she waves, there is respect, because your loyalty has given her a dignity that shouts, ‘Freedom is everybody's job.’

of the United—That means we have all come together.

States—Individual communities that have united into 48 great states;—

Forty-eight because of when it was done—

48 individual communities with pride and dignity and purpose; all divided by imaginary boundaries, yet united to a common cause, and that's love of country—

Of America.

And to the Republic—A Republic: a sovereign state in which power is invested into the representatives chosen by the people to govern; and the government is of the people; and it's from the people to the leaders, not from the leaders to the people.

For which it stands

One Nation—Meaning ‘so blessed by God.’

[Under God]

Indivisible—Incapable of being divided.

With Liberty—Which is freedom; the right of power for one to live his own life without fears, threats, or any sort of retaliation.

And Justice—The principle and qualities of dealing fairly with others.

For All—For All. That means, boys and girls, it's as much your country as it is mine.”

Afterwards, Mr. Lasswell asked his students to recite the Pledge of Allegiance together, with newfound appreciation for the words.

I pledge allegiance to the Flag of the United States of America

and to the Republic for which it stands; one nation, indivisible, with liberty and justice for all.

Red Skelton concluded his speech by saying:

Since I was a small boy, two states have been added to our country, and two words have been added to the Pledge of Allegiance: Under God. Wouldn't it be a pity if someone said “That is a prayer”—and [it should] be eliminated from our schools [as well]?

Just as those students that day—Mr. Red Skelton included—recommitted to the meaning of the words of the Pledge of Allegiance, I call upon the U.S. Senate to recommit to the meaning of these words.

There are times today that the words of the Pledge of Allegiance are tossed around without care. Other times, they are altered to remove what today is deemed offensive or antiquated. But Americans should not misuse or abuse our Pledge of Allegiance. The pledge is

meant to remind Americans of our guiding principles and inspire adherence to those ideas that made our country great: equality under the law; recognized rights to life, liberty, and the pursuit of happiness. That is why, in honor of Flag Day tomorrow, I am requesting unanimous consent from my colleagues that my resolution expressing support of the Pledge of Allegiance be passed.

Mr. President, as if in legislative session and notwithstanding rule XXII, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 732, which is at the desk; further, that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 732) celebrating the 247th anniversary of the creation of the flag of the United States and expressing support for the Pledge of Allegiance.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BRAUN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 732) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under “Submitted Resolutions.”)

EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. The Republican whip.

U.S. SUPREME COURT

Mr. THUNE. Mr. President, Democrats made their latest move yesterday in their yearslong campaign to undermine the legitimacy of the Supreme Court. Their failed attempt to gain unanimous consent on a so-called Supreme Court ethics bill was yet another attempt to bully the Court into ruling the way Democrats want.

With decisions in multiple controversial cases coming from the Supreme Court over the next few weeks, including today, I expect this was just the prelude to yet another dramatic Democrat temper tantrum if things don't go Democrats' way. I say “if things don't go Democrats' way” because it is a funny thing—when the Supreme Court decides things Democrats' way, we hear a lot less about the legitimacy of the Supreme Court.

Take the Court's decision in Consumer Financial Protection Bureau v. Community Financial Services Association of America, Ltd., in which most

of the Court's Republican appointees sided with all of the Court's Democrat appointees to deliver a decision that Democrats supported.

Congresswoman MAXINE WATERS, the Democrat ranking member of the House Financial Services Committee, had this to say:

With this decision, our nation's justices have decided to put consumers first and reject the baseless attacks led by extreme MAGA Republicans and greedy payday lenders to hamstring the work of the CFPB and put consumers in harm's way.

Or take the Court's decision in *Moore v. Harper*, in which half of the Court's Republican appointees sided with the Court's Democrat appointees to deliver a decision that was embraced by the Democrat leader here in the U.S. Senate.

Here is what he had to say:

Today, those who support democracy, fair elections, and the rule of law can stand a bit taller. Today's ruling reaffirms the longstanding precedent that respects our constitutional system of checks and balances.

Again, that is from the Senate Democrat leader. Funny how he didn't mention anything in that statement about how the Court had been captured by, in his words, "the fanatical MAGA right."

I could go on, but all of this leads to one inevitable conclusion, and that is that, to Democrats, the only legitimate Court and the only legitimate Court decisions are the ones that line up with Democrats' policy preferences.

It has become clear that Democrats are willing to do whatever it takes, up to and including intimidation, delegitimization, and Court packing, to ensure that the Court rules in line with where Democrats want it.

This isn't about ethics or legitimacy or concern for our democratic institutions, as Democrats would have you believe; this is about power. Democrats are apparently perfectly willing to undermine a fundamental part of our system of government for their political ends, because, let's be very clear, it is not the Supreme Court that is undermining the legitimacy of this essential institution; it is Democrats with their unhinged campaign against a duly-constituted Court composed of nine duly-confirmed Justices nominated by a duly-elected President; a Court, it is worth pointing out, that in its last term ruled unanimously—that is right, unanimously—roughly half of the time and 90 percent of the time—let me repeat that: 90 percent of the time—had at least one Democrat-appointed Justice in the majority.

Mr. President, it would be nice if we could just dismiss Democrats' hysteria as the tantrums of a party that has discovered that sometimes in a democracy, you don't get your way, but Democrats' concerted effort to undermine the legitimacy of the Court is deeply troubling because of the widespread consequences it could have.

The last thing we should be doing at a time of deep political divisions is to be shaking Americans' faith in the le-

gitimacy of our institutions and the impartiality of the Court. Do Democrats really want a public with less faith in the government?

Perhaps they do or perhaps they don't care, as long as their policies are ascendant and they can maintain a hold on power. But they should care.

As I said, should things not go entirely the Democrats' way in the coming weeks of Supreme Court decisions, I expect we are going to hear a lot. We will hear a lot more hysteria about the Court's supposed hijacking and illegitimacy.

But I hope the Justices and the American people will tune it out, because the Democrats' baseless and irresponsible attempts to delegitimize the Court do not deserve to be given the time of day.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The Senator from Texas.

Mr. CORNYN. Mr. President, I want to join my friend and colleague from South Dakota in decrying the relentless smear campaign that is being directed at the Supreme Court of the United States.

Of course, many of these attacks have come from expected sources—liberal activist groups and people, for example, who leaked the Justices' addresses so protests could occur on their lawns, lodging threats against these judges and their families—all because they disagreed with the decisions that the Court has made in one case or another.

And, of course, there is one instance where a person who was determined to assassinate Justice Kavanaugh was thankfully stopped by law enforcement. That demonstrates the dangerousness of some of these political attacks against the Court.

Sadly, these aggressors aren't limited to a small group of outsiders though. Attacks are being waged by elected Members of Congress. Some men and women in this building have sworn an oath to support and defend the Constitution but have repeatedly targeted the Court over supposed ethics concerns.

Last year, 15 of our Democratic colleagues recommended slashing the Supreme Court's budget, which actually would be unconstitutional, but they threatened to slash the Supreme Court's budget if it failed to meet their demand to implement a code of ethics which they had proscribed.

A few years ago, five of our Democratic colleagues threatened the Court could be restructured if it failed to rule a certain way in a case involving the Second Amendment.

And, of course, we can't forget the time when the majority leader, the Senator from New York, stood on the front steps of the Supreme Court and threatened two Justices by name if they didn't reach a preferred ruling in an abortion case.

Well, these are unprecedented attacks against the Court. They are inappropriate at best, and they are unconstitutional at worst. They show a complete lack of respect for the three separate but equal branches of government that comprise our constitutional Republic.

And they know that, but they are using these attacks to undermine public confidence in the Court.

They demonstrate a willingness to do whatever it takes to secure a partisan win, even if that means shredding the U.S. Constitution and undermining the separation of powers.

The partisan political attacks on the Supreme Court have varied, but the underlying objective has always been the same. It is about control. It is about power.

Democrats want to control the institution, control the Justices, and, thus, direct the outcomes. In other words, they want to make the judicial branch not an independent branch of government—a nonpolitical branch. They want to make it another political branch of government because they don't like some of the outcomes that the courts have decided.

Forget fair and impartial courts. That is not their objective. They want judges to fall in line and obey orders. In short, they want to politicize the independent judiciary. And if there is a threat to our democracy today, it is the politicalization of some of our most basic institutions—like the FBI, the Department of Justice—and now the left is targeting the Supreme Court of the United States.

So far, they haven't been successful, but that doesn't mean they are going to stop trying any time soon.

Last month, the New York Times published a piece by Congressman JAMIE RASKIN where he advised, as a supposed constitutional scholar, self-proclaimed. He wrote an article about forcing two Supreme Court Justices to recuse themselves from a case involving President Trump. The piece is literally entitled: "How to Force Justices Alito and Thomas To Recuse Themselves in the Jan. 6 Cases."

Here is a prominent Member of Congress—a Democratic Member of Congress, a self-proclaimed constitutional scholar—talking about how to force an independent branch of government to commit to a certain outcome and force the recusal of two sitting Justices. He argued that the Department of Justice has the authority to compel that. He is wrong, but that is his argument.

The decision on whether or not to recuse is reserved not for Members of Congress, not for the Department of Justice, or for anyone else. The Code of Conduct for U.S. Judges provides clear

guidelines on recusal, and it is ultimately up to the individual Justices.

Unfortunately, there is a full-fledged pressure campaign to blur the lines that separate the Supreme Court from other branches of government. For years, liberal activists and dark money groups have been on a warpath to destroy public confidence in the high Court's independence.

One of these groups is called Demand Justice, an organization whose highest goal is to pack the Supreme Court and install a permanent liberal majority. A couple of years ago, one of the co-founders of Demand Justice said:

It's time for [the Democrats] to see the Court as a political opponent, just as much as any GOP elected official, and run against it.

That is the type of people and the type of agenda we are dealing with here.

Demand Justice and other liberal groups recently sent a letter to Senator DURBIN, chairman of the Senate Judiciary Committee, urging him to use his power to investigate these so-called ethics concerns. They want the Senate to craft a law to dictate to the Supreme Court what their code of ethics should look like.

Forget about the fact that they already have a code of ethics. Democratic Senators want to dictate what that code of ethics should look like.

And, last night, Chairman DURBIN tried to force a vote on this bill, but it was blocked. His unanimous consent request was blocked by the ranking member, Senator GRAHAM.

As my Republican colleagues and I have said for months, any decisions about the Supreme Court's practices or procedures should come from the Court itself, not from Congress. The Senate has a limited but important role where it concerns the Supreme Court, and that is through the confirmation process. And we are all familiar with that.

All nine Justices underwent a rigorous background check. They endured hours and hours of questioning from members of the Judiciary Committee, met with Senators one on one, and ultimately were confirmed by majority vote of the U.S. Senate.

That is where the Senate's role starts and ends. We don't have the authority to drag the Supreme Court Justices before Congress in pursuit of some political agenda. There are clear limits to Congress's power under the Constitution—and for good reason.

The independent judiciary has been justly described as the crown jewel of our democracy. We have our fights. We have elections. But ultimately the Supreme Court gets to decide what the law is. That has been the case since 1804 in the case of *Marbury v. Madison*.

Our Founders deliberately designed a Federal Government with three separate but equal branches. A system of checks and balances sought to prevent any one branch from forcing its will on another.

If Chairman DURBIN and our Senate colleagues on the Judiciary Committee

respect the separation of powers, they will resist this latest attempt to hijack the Court. The Supreme Court is a separate and coequal branch, and its operations squarely fall outside of the authority of the legislative branch.

I often think back to a statement issued by Chief Justice Roberts in 2018, when he said:

We do not have Obama judges . . . [we do not have] Trump judges, Bush judges or Clinton judges. What we have is an extraordinary group of dedicated judges [who are] doing their level best to do equal right to those appearing before them."

It was true then, and it is true now. The men and women on the Supreme Court should not be pawns or players for either political party. The suggestion that judges are likely to apply perceived political views to cases is dangerous and disingenuous. We have been embroiled in the last few years with the hijacking of our justice system, including the FBI and the Department of Justice, for partisan political purposes, and it is very, very dangerous, because we know what goes around comes around.

Once a precedent is set around here, when the shoe is on the other foot, when the majority is in the minority, when the minority is in the majority, that same precedent will be applied in the future.

Public trust is absolutely vital to the health of our democracy, and the surest way to destroy that trust is by turning the Court into a political football. That is what our Democratic colleagues are risking.

It doesn't matter what case is before a court or what ruling is ultimately handed down, elected officials need to lead by example and support judicial independence. Members of this body must show faith in the judiciary and in our constitutional system of separation of powers, and that includes letting the judges do their job.

Look, the Court is going to hand down decisions that I don't like and that the Presiding Officer doesn't like, but that is not the point. The point is there is a fair and impartial process of applying the law and the Constitution to deciding what the outcome is.

I can't count the number of times I have been disappointed by a Court ruling, but I have certainly never advocated for restructuring the Supreme Court to ensure a preferred outcome of mine the next time. And I have never suggested cutting funds if judges failed to deliver my preferred ruling. That would be wrong.

And certainly, certainly, I have never threatened Justices with violence if they reached a decision I disliked.

And I never have and I never will use the power of Congress to try to subpoena a sitting member of the Court or force Justices to recuse themselves contrary to their decision, using the rules that exist—the code of conduct that exists for Federal judges.

So an independent judiciary is absolutely essential to our democracy, and

I hope Chairman DURBIN and our Democratic colleagues will show a little self-restraint and resist the far left's latest push to destroy public confidence in the Supreme Court or in the Court's independence.

I yield the floor.

VOTE ON CHANG NOMINATION

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the Chang nomination?

Ms. HASSAN. 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 California (Ms. BUTLER), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Vermont (Mr. SANDERS), and the Senator from Arizona (Ms. SINEMA) are necessarily absent.

The result was announced—yeas 63, nays 33, as follows:

[Rollcall Vote No. 196 Ex.]

YEAS—63

Baldwin	Grassley	Reed
Barrasso	Hassan	Risch
Bennet	Heinrich	Romney
Blumenthal	Hickenlooper	Rosen
Booker	Hirono	Rounds
Brown	Hyde-Smith	Schatz
Cantwell	Kaine	Schumer
Cardin	Kelly	Shaheen
Carper	King	Smith
Casey	Klobuchar	Stabenow
Cassidy	Lujan	Tester
Collins	Manchin	Tillis
Coons	Markey	Van Hollen
Cortez Masto	McConnell	Warner
Cramer	Merkley	Warnock
Crapo	Murkowski	Warren
Duckworth	Murphy	Welch
Durbin	Murray	Whitehouse
Fetterman	Ossoff	Wicker
Gillibrand	Padilla	Wyden
Graham	Peters	Young

NAYS—33

Blackburn	Fischer	Mullin
Boozman	Hagerty	Paul
Braun	Hawley	Ricketts
Britt	Hoeven	Rubio
Budd	Johnson	Schmitt
Capito	Kennedy	Scott (FL)
Cornyn	Lankford	Scott (SC)
Cotton	Lee	Sullivan
Cruz	Lummis	Thune
Daines	Marshall	Tuberville
Ernst	Moran	Vance

NOT VOTING—4

Butler	Sanders
Menendez	Sinema

The nomination was confirmed.

The PRESIDING OFFICER (Mr. OSSOFF). The majority leader.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. SCHUMER. Mr. President, I ask unanimous consent that the motions to reconsider with respect to the Rosner, See, and Chang nominations be considered made and laid upon the table and the President be immediately notified of the Senate's action.

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