

Schiff Van Hollen Warren
Scott (FL) Warnock Whitehouse

NOT VOTING—1

Moran

The motion was agreed to.
The PRESIDING OFFICER (Mr. HUSTED). On this vote, the yeas are 77, the nays are 22. The motion is agreed.
The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

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

The clerk will report the pending nomination.

The senior assistant legislative clerk read the nomination of Kasdin Miller Mitchell, of Texas, to be United States District Judge for the Northern District of Texas.

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. 830, Kasdin Miller Mitchell, of Texas, to be United States District Judge for the Northern District of Texas.

John Thune, Tim Sheehy, John Barrasso, Pete Ricketts, Thom Tillis, Rick Scott of Florida, John Cornyn, Steve Daines, Bernie Moreno, John R. Curtis, Chuck Grassley, Jim Banks, Mike Crapo, James Lankford, Kevin Cramer, Mike Rounds, Ted Budd.

The PRESIDING OFFICER. Under the previous order, the mandatory quorum call under rule XXII has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Kasdin Miller Mitchell, of Texas, to be United States District Judge for the Northern District of Texas, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. BARRASSO. The following Senators are necessarily absent: the Senator from Tennessee (Mr. HAGERTY), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Kansas (Mr. MORAN), and the Senator from Alabama (Mr. TUBERVILLE).

The yeas and nays resulted—yeas 49, nays 47, as follows:

[Rollcall Vote No. 237 Ex.]

YEAS—49

Armstrong Britt Cornyn
Banks Budd Cotton
Barrasso Capito Cramer
Blackburn Cassidy Crapo
Boozman Collins Cruz

Curtis Kennedy
Daines Lankford
Ernst Lee
Fischer Lummis
Graham Marshall
Grassley McCormick
Hawley Moody
Hoeven Moreno
Husted Murkowski
Hyde-Smith Paul
Johnson Ricketts
Justice Risch

NAYS—47

Alsobrooks Hickenlooper Rosen
Baldwin Hirono Sanders
Bennet Kaine Schatz
Blumenthal Kelly Schiff
Blunt Rochester Kim Schumer
Booker King Shaheen
Cantwell Klobuchar Slotkin
Coons Lujan Smith
Cortez Masto Markey Van Hollen
Duckworth Merkley Warner
Durbin Murphy Warnock
Fetterman Murray Warren
Gallego Ossoff Welch
Gillibrand Padilla Whitehouse
Hassan Peters Wyden
Heinrich Reed

NOT VOTING—4

Hagerty Moran Tuberville
McConnell

The PRESIDING OFFICER (Mr. MORENO). On this vote, the yeas are 49, the nays are 47. The motion is agreed to.

The motion was agreed to.

The PRESIDING OFFICER. I recognize the Senator from Florida.

CONSTITUTION DAY

Mrs. MOODY. Mr. President, today is Constitution Day. Two hundred thirty nine years ago, our Founders signed the Constitution of this United States. Every Senator in this room has taken an oath to support and defend the Constitution of the United States against all enemies, foreign and domestic. And every one of us swore that oath. I did it at the same time as Senator HUSTED, who is on the floor today.

Our Founders understood the danger of concentrated power; they had just fought a revolution against it. And they understood something about human nature: Power will always want more power.

So they put limits on it. They divided power among three branches. They built in checks and balances. They preserved the authority of the States. And with the Bill of Rights, they made one thing unmistakably clear: There are some places government simply cannot go. Government cannot silence you because it doesn't like what you say. Government cannot take away your right to keep and bear arms. It cannot search your home whenever it pleases. It cannot take away your liberty without due process. These aren't suggestions. They are hard limits on government power.

Yet today there is a growing movement on the left that treats safeguards within our Constitution as obstacles to overcome. You don't like a decision from the Supreme Court? Pack the Court, add Justices until you get the decisions you want. You don't like the laws of the people that are enacted through their representatives? Just have an Executive, a rogue prosecutor,

refuse to enforce the people's laws. Don't like what Americans are saying? Pressure private companies to silence them and call it fighting misinformation.

Again and again, we will see the same pattern when constitutional guardrails stand between you and what you want: Simply move the guardrails. And that is dangerous. It is the greatest threat to a constitutional republic.

The greatest threat to a constitutional republic is not disagreement. It is the belief that your cause is so important that the Constitution should get out of your way.

And today we are seeing something even more fundamental: this movement that I referenced to dismantle the institution the Constitution created. Right now, democratic socialists are calling for a far-reaching change to the very foundation of American Government, our Constitution. They want to abolish the Supreme Court, replace the Presidency, abolish the electoral college.

And at some point, we have to admit this stops being an argument about policy. It becomes an argument about the very foundation of this country, the United States of America. It becomes an attack on the Constitution that we all swore an oath to protect and defend because when you start dismantling institutions designed to keep power in check, the next question has to be: Who keeps power in check then?

I have had the rare opportunity to see the balance of power, the separation of power, from all three branches now. I have served as a Federal prosecutor; I have served as an attorney general in the great "Free State of Florida"; I have served as a judge for over a decade; and now I serve on behalf of the people, making their laws in the legislative branch.

I have seen firsthand why the Founders drew those lines and why we must protect them. And that brings me back to our oath to support and defend the Constitution of the United States against all enemies, foreign and domestic.

We know what a foreign enemy looks like. But a threat to our constitutional system doesn't have to come from beyond our shores. It can come from within the very institutions the Constitution created. And what happens when those that have sworn the oath to protect and defend the Constitution, what happens when they themselves start advocating to dismantle it?

Right now, we have Members of Congress that have sworn to protect the Constitution, but they are coming out and supporting organizations and policies and advocacies that would attack and dismantle the things that protect people's rights.

An oath means the most when keeping it becomes inconvenient. Just ask the officers, the deputies in my home county of Hillsborough County, who took the oath to protect and serve and went into live fire in order to do their jobs and uphold their oath.