

with the solar industry in a country that cheats time after time?

It is that simple. If you love this country, you fight for the people who make it work.

I ask my colleagues to join me in standing up for workers in Ohio and around the country.

TRIBUTE TO ANNA GOKALDAS

Mr. President, I rise today to recognize and honor a longtime member of my staff, Anna Gokaldas.

Anna has been with our office almost a decade—working on veterans affairs, foreign policy, and defense—making a difference for so many Ohioans and so many of our veterans.

Anna's last day with our office is a couple of days from now. She moves on for a new opportunity at Millennium Challenge, where she will be working on something she cares so passionately about: to reduce poverty around the world.

They are lucky to have her. Her dedication to public service and public good is unwavering.

One of her greatest successes happened last summer when we passed the PACT Act, comprehensive expansion of benefits for veterans who faced toxic exposure in our country's history. Because of Anna and the veterans and advocates she worked with, the PACT Act is law today, named after an Ohioan, Heath Robinson. Thousands of veterans have access to the healthcare they deserve.

Because of her work and because this place did it right, this bill passed in August. I remember the President signing it. By January, several hundred thousand veterans—tens of thousands in my State of Ohio—were already getting additional care from the VA because they had one of these 23 illnesses from exposure to these football-field-size burn pits in Iraq and in Afghanistan, especially.

That exposure can cause any of these 23 illnesses. If you are diagnosed with one of those illnesses, you immediately get care from the Dayton VA or in Cleveland or in Cincinnati or in Chillicothe or at the Columbus or Mansfield CBOC.

It is one example of why Anna is so effective. Veterans brought this issue to her and my staff. She took their concerns seriously. She approached every conversation with care. She went to work. We worked with Members of both parties to find a solution, especially Senator TESTER and Senator MORAN. Anna never gave up. We got it done.

Among staff, Anna is known for problem-solving skills and her ability to connect with Ohio veterans.

When the VA recommended closing the Chillicothe VA, Anna fought to ensure it stayed open so veterans in Southwest Ohio could continue to receive care. Anna helped plan roundtables and coordinated with the VA. She got me to spend a lot of time in Chillicothe, talking to Jessica Fee, the head of the union there and others. Together, we got it done.

Every year, Anna guided our office through the NDAA process—the bill that funds national defense—with special attention to military bases in Mansfield, Youngstown, Toledo, and Springfield, and special attention to the Wright-Patterson Air Force Base in Dayton.

She has long fought for better mental health services and suicide prevention. She made veterans' issues—that is an area that is, very often, an overlooked priority for the Senate. And one of the reasons that I sit on the Veterans' Affairs Committee and the Ag Committee is because these two committees are the least partisan committees in the Senate. You can always reach across the aisle in those two committees—with Senator THUNE on agricultural issues, with Senator TILLIS on veterans' issues, and others. We get things done, and you know how important that is.

On the foreign policy side, Anna always stood up for human rights and democracy and justice around the world. She fought for global health, leading our office's efforts on tuberculosis, which still kills more than a million people a year around the world. We know how to deal with it. We made progress, just not enough.

Anna's legacy in our office extends far past her countless legislative wins, making all of this work better.

She has pushed every member of our staff to do their best work for the people with whom we serve. Her determination, dedication, and commitment to public service have made a difference for so many.

On behalf of everyone in my office and the committee and all those who have had the honor of working alongside of Anna Gokaldas, we will miss you, and we thank you for your service.

The PRESIDING OFFICER. The Senator from Texas.

THE JUDICIARY

Mr. CORNYN. Mr. President, as we all have observed in recent years, we have witnessed a deeply concerning string of attacks, verbal and otherwise, against Federal judges. I am not talking about fiery speeches or statements by activists and organizations that happen to disagree with a particular ruling. That is their right under the First Amendment to the Constitution. What I am talking about are physical threats, including those from elected officials who want to control another branch of government and because they don't like the decisions that the judiciary is handing down in a given case.

A few years ago, five of our Democratic colleagues filed a friend of the Court brief in the Supreme Court on a case involving gun rights. These Senators made a not-so-subtle threat to the Justices that unless the Court ruled in a certain way, the entire institution could be, quote, "restructured." Some might call that coercion or intimidation.

Last year, one of our Democratic colleagues took another jab, calling the

Supreme Court's conservative majority "stolen," "illegitimate," and "far right."

But without a doubt, one of the most shocking and reckless examples of what I am talking about occurred 4 years ago with New York's senior Senator, now the majority leader of the United States Senate. As the Supreme Court considered an abortion case, the Democratic leader went to the steps of the Supreme Court and threatened two Supreme Court Justices by name if they did not rule a certain way. 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.

Now, it might be more understandable if these words were said by some person on the street who didn't have the sort of education and background and responsibilities of the majority leader of the United States Senate, but coming from the leader of this institution, those words were shocking and reckless and even dangerous.

I hope it doesn't come as a surprise to the majority leader that when he talks, people listen. That is true for Senators in this Chamber. I know sometimes we think nobody is listening to what we say, but when we say something like that, people do listen. I have no doubt that some heard Senator SCHUMER issue unveiled threats against Supreme Court Justices, and they viewed that as permission to take action on their part—for example, the individual who was prepared to assassinate Justice Kavanaugh. No doubt this person of unstable mental mind heard some of the rhetoric and was moved to action. Thank goodness for the law enforcement officials who were able to interdict him.

Last summer, as the Supreme Court considered another case involving abortion rights, an organization released the home addresses of the Supreme Court Justices, some of whom still have young, school-age children at home. They encouraged protesters to show up at the Justices' homes to harass and intimidate them, which just so happens to be a Federal crime. It was a disgusting breach of privacy and a massive security risk for these members of the Court and their families.

It was sadly met with nothing more than a shrug by some of our Democratic colleagues. The Senate majority leader said he is comfortable with protests happening outside of the Justices' homes, even though it is a Federal crime.

The White House confirmed that President Biden believes this is a constitutional right, to protest, even though it is a Federal crime. President Biden and Attorney General Garland have not seen fit to bring any charges against these protesters for their attempts to intimidate members of the Supreme Court at their homes at all times of the day and night. In fact,

some sources indicate that the Garland Department of Justice was discouraging U.S. marshals, who were ostensibly there to protect the Justices and their families, discouraging them from actually making arrests.

For the Justices and their families, this was not a peaceful exercise of these protesters' First Amendment rights; these were moments of complete fear.

A few weeks ago, Justice Alito—one of those members of the Court—spoke to the Wall Street Journal about this period of intimidation, saying that Justices who were believed to be in the majority were what he called “targets of assassination,” no doubt referring to what happened or what nearly happened to Justice Kavanaugh. He said: “It was rational for people to believe that they might be able to stop the Supreme Court decision in *Dobbs*—that is the abortion decision involving the Mississippi law. He said: “It was rational for people to believe that they might be able to stop the decision in *Dobbs* by killing one of us.” As we know, there was an incredibly close call.

When the man who said he intended to kill Justice Kavanaugh was arrested, he had a Glock 17 semiautomatic pistol. He had ammunition. He had a knife. He had a hammer, crowbar, and zip ties. He told authorities that his plan was to break into the house, kill Justice Kavanaugh, and then commit suicide. Thank God he was caught before anyone was harmed.

This should serve as a clear warning that it is time to lower the temperature. When angry mobs gather on the Justices' front lawns and members of the High Court feel like there is a bounty on their heads, something needs to change. But instead of backing off, some of our colleagues appear to be doubling down.

Earlier this year, the senior Senator from Oregon delivered an incredibly dangerous speech here on the floor of the Senate advocating that the Biden administration actually ignore a potential court order that he disagreed with. This was a senior Member of the legislature, the Senate of the United States—the world's greatest deliberative body—instructing the executive branch to disregard an expected order from a sitting Federal judge. That is, in effect, ripping the Constitution into shreds and throwing it out the window. The remedy for a decision that a judge hands down that you disagree with is to appeal that decision. That is the remedy.

But now some of our colleagues have escalated their threats beyond mere rhetoric. Fifteen of our Democratic colleagues recently wrote a letter to the chairman and ranking member of the Appropriations subcommittee that is responsible for funding the Supreme Court. They recommended cutting the Supreme Court's budget if it fails to meet their demands to implement a preferred code of ethics. In short, they

wanted to use the power of the purse to, frankly, coerce a coequal and separate branch of government. The Founders must have been rolling over in their graves.

The threat doesn't just raise separation of powers concerns; it also raises serious security risks. It has been less than a year since Justices watched mobs of angry protesters assemble on their front lawns and an assassination attempt on Justice Kavanaugh was narrowly averted.

In light of those security threats, the Senate unanimously passed a bill that I introduced, along with Senator COONS of Delaware, to extend security protection to the Justices' families. We unanimously passed that.

How quickly some of our colleagues seem to have forgotten the dangers that Supreme Court Justices face every day. Threatening to defund the Supreme Court and its police protection in an enhanced threat environment is incredibly irresponsible.

Sadly, the attacks on America's independent judiciary, our crown jewels, doesn't end there. Last week, the majority leader sent a letter to the chief judge for the Northern District of Texas to try to intimidate him into doing what the majority leader wants. The Senator from New York, Senator SCHUMER, is unhappy with the way some of those judges have ruled in recent cases in the Northern District of Texas, so he believes he should determine how cases are assigned in the Northern District of Texas.

This new approach certainly is more nuanced than going to the steps of the Supreme Court to issue direct threats that “you won't know what hit you,” but his demand is the same: Do what I want or there will be consequences.

Of course, this was made without any consideration for what is best for the functioning of the courts, access to justice for private litigants and indigent defendants, and the importance, again, of protecting the independence of the judiciary.

Years ago, Justice Scalia wrote that it is one thing to have a parchment Constitution, one that offers all sorts of protection. He said that, in fact, the former Soviet Union had one of the best Constitutions on paper of any country in the world. But the difference between the Soviet Union and the United States of America is that we have an independent judiciary, a coequal branch of government.

I am reminded of something Chief Justice John Roberts said a few years ago about our independent judiciary. He said:

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

I agree with the Chief Justice, but apparently the majority leader does not agree. He wants the chief judge for the Northern District of Texas to somehow reassign cases in a way to

make sure that Biden judges or Obama judges get those cases and certainly not Trump judges or Bush judges. This turns the whole idea of an apolitical judiciary on its head, and it undercuts the legitimacy, in the eyes of most people, of what that separate branch of government is doing.

We need an independent branch of government to enforce the Constitution and to say, as Chief Justice Marshall said in *Marbury v. Madison*—I think it was 1804—that it is emphatically the duty of the Supreme Court to say what the law is, and they do that by interpreting the Constitution.

The majority leader has even threatened congressional action if the chief judge fails to meet his demands. But I would encourage the chief judge of the Northern District to do what Chief Justice Roberts did when he was invited to attend the circus that was the Senate Judiciary Committee hearing this morning; that is, respectfully decline.

We are not here to bully any judge into doing what the majority leader wants or what any of us want, which would ultimately undermine the legitimacy of the court because they don't like some of the rulings. Again, the remedy for a ruling and a decision you don't like is an appeal. It happens every day across the country.

Our Founders deliberately designed the Federal Government with three separate but coequal branches. Through this system of checks and balances, they sought to prevent any one branch from forcing another to bend to its will.

Unfortunately, many in today's Democratic Party are trying to blur the line between the legislative and judicial branches and act as if the judges are supposed to be partisan players. It doesn't matter what case is before a court or what the ruling ultimately is. Elected officials must lead by example and support the independence of the judiciary and, certainly, not actively attempt to undermine and subvert the legitimacy of the courts.

I can't count the number of times I have disagreed with a court ruling, but I have never suggested that the judge or judges deciding the cases were illegitimate. I have never threatened judges with violence if they reach a decision I don't like, and I certainly have never advocated for defunding the judiciary if a judge fails to deliver my preferred outcome.

As Justice Scalia said, an independent judiciary is the crown jewel of our Constitution and is absolutely essential to our democracy.

And, while judges' decisions may not always be popular, they should be given due respect. The defamations and intimidation of Federal judges is dangerous both to the judges themselves and to the health of our constitutional democracy.

It is time to lower the temperature and show respect for our Constitution, which means to show respect for the independence of the Federal judiciary.

I yield the floor.

NOMINATION OF ROBERT KIRSCH

Mr. DURBIN. Mr. President, today, the Senate will vote to confirm Judge Robert Kirsch to the U.S. District Court for the District of New Jersey.

A graduate of Emory University and Fordham University School of Law, Judge Kirsch clerked for U.S. District Judge William J. Zloch on the Southern District of Florida before devoting his entire legal career to public service.

Judge Kirsch was selected for the prestigious U.S. Attorney General's Honors Program, in which he served as a trial attorney in the civil division.

Thereafter, Judge Kirsch spent over a decade as an Assistant U.S. Attorney in the U.S. Attorney's Office for the District of New Jersey, defending the United States in civil actions and prosecuting a range of criminal cases including financial and corporate fraud, as well as drug trafficking, weapons offenses, and bank robbery.

Since 2010, Judge Kirsch has had a distinguished career as a judge on the New Jersey Superior Court, serving as a criminal division judge, a civil division judge, and a family division judge.

The American Bar Association rated Judge Kirsch as unanimously "well qualified." In addition, he has the strong support of his home State Senators—Mr. MENENDEZ and Mr. BOOKER—as well as the New Jersey legal community.

Judge Kirsch's significant courtroom experience, as both a longtime litigator and on the bench, makes him well-positioned to serve on the District of New Jersey with distinction. I urge my colleagues to support Judge Kirsch's nomination.

VOTE ON KIRSCH NOMINATION

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

Mr. HEINRICH. Mr. President, 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 executive clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN) is necessarily absent.

The result was announced—yeas 57, nays 42, as follows:

[Rollcall Vote No. 105 Ex.]

YEAS—57

Baldwin	Fetterman	McConnell
Bennet	Gillibrand	Menendez
Blumenthal	Graham	Merkley
Booker	Hassan	Murkowski
Brown	Heinrich	Murphy
Cantwell	Hickenlooper	Murray
Cardin	Hirono	Ossoff
Carper	Kaine	Padilla
Casey	Kelly	Peters
Collins	King	Reed
Coons	Klobuchar	Rosen
Cortez Masto	Luján	Rounds
Duckworth	Manchin	Rubio
Durbin	Markey	Sanders

Schatz	Stabenow	Warnock
Schumer	Tester	Warren
Shaheen	Tillis	Welch
Sinema	Van Hollen	Whitehouse
Smith	Warner	Wyden

NAYS—42

Barrasso	Ernst	Mullin
Blackburn	Fischer	Paul
Boozman	Grassley	Ricketts
Braun	Hagerty	Risch
Britt	Hawley	Romney
Budd	Hoeven	Schmitt
Capito	Hyde-Smith	Scott (FL)
Cassidy	Johnson	Scott (SC)
Cornyn	Kennedy	Sullivan
Cotton	Lankford	Thune
Cramer	Lee	Tuberville
Crapo	Lummis	Vance
Cruz	Marshall	Wicker
Daines	Moran	Young

NOT VOTING—1

Feinstein

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 bill 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. 123, Orelia Eleta Merchant, of New York, to be United States District Judge for the Eastern District of New York.

Charles E. Schumer, Richard J. Durbin, Brian Schatz, John W. Hickenlooper, Margaret Wood Hassan, Gary C. Peters, Mark Kelly, Jack Reed, Tammy Duckworth, Christopher Murphy, Sheldon Whitehouse, Catherine Cortez Masto, Mazie K. Hirono, Benjamin L. Cardin, Jeanne Shaheen, Tammy Baldwin, Angus S. King, Jr., Alex Padilla, Robert Menendez, Michael F. Bennet.

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 Orelia Eleta Merchant, of New York, to be United States District Judge for the Eastern District of New York, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN) is necessarily absent.

The yeas and nays resulted—yeas 51, nays 48, as follows:

[Rollcall Vote No. 106 Ex.]

YEAS—51

Baldwin	Cardin	Durbin
Bennet	Carper	Fetterman
Blumenthal	Casey	Gillibrand
Booker	Coons	Graham
Brown	Cortez Masto	Hassan
Cantwell	Duckworth	Heinrich

Hickenlooper	Murphy	Sinema
Hirono	Murray	Smith
Kaine	Ossoff	Stabenow
Kelly	Padilla	Tester
King	Peters	Van Hollen
Klobuchar	Reed	Warner
Luján	Rosen	Warnock
Manchin	Sanders	Warren
Markey	Schatz	Welch
Menendez	Schumer	Whitehouse
Merkley	Shaheen	Wyden

NAYS—48

Barrasso	Fischer	Paul
Blackburn	Grassley	Ricketts
Boozman	Hagerty	Risch
Braun	Hawley	Romney
Britt	Hoeven	Rounds
Budd	Hyde-Smith	Rubio
Capito	Johnson	Schmitt
Cassidy	Kennedy	Scott (FL)
Collins	Lankford	Scott (SC)
Cornyn	Lee	Sullivan
Cotton	Lummis	Thune
Cramer	Marshall	Tillis
Crapo	McConnell	Tuberville
Cruz	Moran	Vance
Daines	Mullin	Wicker
Ernst	Murkowski	Young

NOT VOTING—1

Feinstein

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 51, the nays are 48.

The motion is agreed to.

EXECUTIVE CALENDAR

The ACTING PRESIDENT pro tempore. The clerk will report the nomination.

The bill clerk read the nomination of Orelia Eleta Merchant, of New York, to be United States District Judge for the Eastern District of New York.

The ACTING PRESIDENT pro tempore. The majority leader.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to legislative session and be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FRANCISCO MAESTAS v. GEORGE H. SHONE AND THE BOARD OF EDUCATION

Mr. BENNET. Mr. President, I rise today to recognize an important part of Colorado history and of our Nation's history, the case of Francisco Maestas et al. v. George H. Shone et al. (1914)—"Maestas"—one of the Nation's oldest school desegregation cases.

In 1848, at the end of the Mexican-American War, the Treaty of Guadalupe Hidalgo ceded most of present-day Colorado from Mexico to the United States. The resulting influx of Mexican settlers brought major economic, industrial, political, linguistic, and cultural challenges to the region, including questions regarding public education.