

President of the Louisiana State Bar Association, the former president of the New Orleans Bar Association, six former opposing counsels, and the treasurer of the New Orleans Chapter of the Federal Bar Association.

The reason I read that in detail is that, if I went back home to Illinois, like I did last week, and told people we are considering judges before the Senate Judiciary Committee, which I chair, their first reactions are, can't you find a judge that both Democrats and Republicans agree on?

Here is one. He wouldn't be here before us today but for the fact that the two Republican Senators from Louisiana reached an agreement with the Biden White House for this man to have a lifetime appointment to the Federal bench.

Now, in case that sounds like front page news, it happens, and it happens more often than not. And the reason I come to the floor at this moment is to make sure it is a matter of record.

During the Trump administration, Democrats approved what we call blue slips for 120 nominees for Federal court. Some of those were with two Democratic Senators, in a State like Illinois, but there was a level of negotiation and cooperation. As the senior Senator from Illinois, I had to sit down with the legal counsel from President Trump's White House and put nominees on the table, saying: Here is one that we want, and here is one that you want. I think we can agree on those two. Let's move forward.

And we did it. That happened, as I said, over 120 times with Democratic Senators working with the Trump White House. We filled all of the vacancies of Illinois—virtually all of them—during the Trump administration with that bipartisan agreement.

Today, we have another one, two Republican Senators with a Democratic President. It happens. And for it to happen, you need two things: the will for Members to move, to put nominees on the bench; and, secondly, a person so qualified that both sides don't feel they will be embarrassed by them. There are more judges and attorneys than there are politicians, and, in this case, I think we found just that kind of nominee.

Now, we have a lot more to go. There are roughly 87 pending vacancies in the district courts across the Nation. Almost half of them are in States with two Democratic Senators, and the other half in States with at least one Republican, maybe two Republican Senators.

We are trying to reach a point where we have an agreement on this, and I think we can do it. I could list some other Senators whom I am working with on the Republican side to fill those vacancies as well. I think that is what the American people are looking for—more evidence that we are trying to find some common ground, despite the obvious political differences in this Nation.

This is an issue that I think is timely, and I wanted to bring it to the attention of the Senate and do it on the floor this afternoon.

U.S. SUPREME COURT

Mr. President, when I went home to Illinois, I can't tell you how many people who know that I chair the Judiciary Committee asked me: What is going on with the U.S. Supreme Court?

It is an obvious question because, in the last few weeks, there have been disclosures about at least one Justice on the Court that have raised some serious questions.

Justices have an important job to fill as one of the major branches of our government. They will be issuing their remaining decisions for this term, and they will recess soon, until they reconvene in October.

But the debate is still going to continue, even if they are not sitting in the Court across the street. How will the Justices spend their time during these several months when they are not in session? That is really the question.

Rest up? Possibly. Or spend time with their family? Possibly. Or maybe take a trip or two. There, we have a question that is timely.

We have learned through recent investigative reporting that some Supreme Court Justices on the highest Court in the land have enjoyed lavish travel during the summer months. That travel was often paid for by others, and the Justices, in some cases, did not disclose this free travel as is required by law.

These are the Justices on the highest Court in the land, and the question is whether they are following the law. They impose legal obligations on citizens across the America. Are they living by the same legal obligations that affect them as Justices? It is a pretty obvious question.

Most notably, ProPublica recently found that in June 2019, after the Court issued its final opinion that term, Justice Clarence Thomas boarded a private jet and flew to Indonesia. Then the Justice and his wife spent 9 days island hopping through the South Pacific on a yacht that was 162 feet long.

ProPublica estimated the cost of chartering the plane and yacht at more than half a million dollars, but Justice Thomas didn't pay for that. The travel and trip were provided by billionaire real estate developer Harlan Crow and several corporate entities in Crow's business empire. This is just one example of the largess provided to Justice Thomas by Mr. Crow and his businesses.

It has also been reported that the Justice has regularly spent time at a luxury retreat in the Adirondacks owned by one of Mr. Crow's companies—again, free of charge.

Mr. Crow has also bought real estate owned by Justice Thomas, including the home in which his mother lives. And Mr. Crow even paid for private school tuition for one of the Justice's relatives.

Justice Thomas did not disclose any of these gifts or travel or lodging or other benefits.

Let me say at the outset that Justice Thomas is not the only Supreme Court Justice, past or present, who has accepted gifts of free travel and failed to disclose them in a timely manner. But the scope and scale of the undisclosed Justice Thomas gifts have gone far beyond anything we have ever seen, and this highlights the enormous gap in the ethical standards for the Supreme Court Justices.

We have known this for years. In February of 2012, 11 years ago, I first wrote to Chief Justice Roberts and urged him to adopt a code of ethical conduct to bind the Justices, just like the code that binds every other Federal judge in America. Chief Justice Roberts failed to act when I wrote to him 11 years ago. Since then, the Court's ethics problems have just gotten worse.

Last month, after ProPublica published its first report on Justice Thomas's undisclosed travel, I renewed my call for Chief Justice Thomas to clean up the ethical mess across the street, and I invited him—I personally invited him—to testify at a hearing before our Senate Judiciary Committee so he could speak directly to the American people.

You say: Wait a minute. How many times does a Supreme Court Justice come across the street and formerly appear before Congress?

Well, it turns out, 92 different times since the year 1960—92 different times.

So they come across the street when they have something to tell us. I think they should be coming across the street to discuss the ethics of the Court. This would have been an opportunity for the Chief Justice to reassure the American people and start to restore trust in the High Court.

I watch some of those news programs on Sunday morning—I am a typical politician—and they have the polling data of what people think of the Supreme Court. The numbers are bad. They are almost as bad as Congress. The fact is, they can do something about it, and they should. Trust in this Court has fallen to the lowest level in 50 years, and, unfortunately, the Supreme Court's Chief Justice didn't accept my invitation to walk across the street.

Time and again, I have made clear one point that I want to make clear today: The Chief Justice, John Roberts, has the ability right now, the authority right now to impose higher ethical standards on his fellow Justices—standards that would be transparent and enforceable. Wouldn't that be refreshing? He could take that action today, but, for some reason, so far, he has declined the opportunity.

If he won't act, Congress must. We cannot tolerate a system in which the highest Court in America has the lowest ethical standards in the Federal Government. And we certainly should not begin another Supreme Court summer recess where Justices can take free

trips and travel under an inadequate set of ethics rules.

Last week, Chief Justice Roberts gave a speech, and he said something encouraging. He said:

I want to assure people that I'm committed to making certain that we as a court adhere to the highest standards of conduct.

He said:

We are continuing to look at things we can do to give practical effect to that commitment.

While I appreciate the Chief Justice's commitment, the fact is that we need action, and he doesn't need to look far away for solutions. We have known for years what the Court needs: binding rules and enforcement mechanisms, just like every other Federal judge has operated under for decades.

If every other Federal judge has ethical standards and disclosures, why does the Chief Justice for the highest Court in the land not have at least those levels of ethical standards but even higher?

The Senate Judiciary Committee has the responsibility to exercise oversight over the Federal judiciary. We take it seriously. We have held two ethics reform hearings so far this year, and soon we will consider legislation to restore trust in the High Court.

When billionaires and other people with interests before the Court try to make friends with the Justices through gifts and luxury giveaways, and when they obtain special, private access to these Justices for themselves and others or their friends, it is a serious problem. At a minimum, it creates an appearance of undue influence that erodes the public's trust in the Court's impartiality.

We don't yet know the full extent of the benefits that Harlan Crow and his company gave to Justice Thomas and his family, nor do we know yet how many other people and companies with interests before the Court may have gotten special, private access to Justice Thomas or some other Justice through trips and lodging that people like Harlan Crow have sponsored.

My Democratic colleagues on the Senate Judiciary Committee and I sent a letter to Mr. Crow and the three companies that we think sponsored the trip for Justice Thomas. We asked him: Tell us about the gifts. Tell us about the access of people to Justice Thomas during this hospitality extravaganza. The information would be valuable for us in writing a law for the ethics standards of the Court.

Mr. Crow responded through his attorney last week with a letter that took some astonishing legal positions. He basically claimed that Congress lacks the authority to either legislate or conduct oversight when it comes to the Supreme Court's ethics. He also tried to assert separation of powers as an excuse not to answer our questions.

Of course, Congress has enacted many ethics laws that apply to the Justices, including a law we passed just last year—a bipartisan law, sponsored

by a Democratic and a Republican Senator, on stock transaction reporting. The Justices have announced they are going to follow those laws.

Mr. Crow is a private citizen, not a branch of government. He can't claim separation of powers as a reason not to provide information pursuant to a congressional oversight request. He is a businessman. He is not a branch of government. If Mr. Crow is convinced he has done nothing wrong, what does he have to hide?

Senator WHITEHOUSE, the chair of the Federal Courts Subcommittee, and I responded to Mr. Crow last week and informed him that he still has until next Monday, June 5, to provide the information we requested. As I mentioned, we will soon be considering legislation in the committee, and his information could be helpful in our legislative effort.

Let me close by reiterating that Chief Justice Roberts does not have to wait on Harlan Crow or Congress. He can clean up this mess today by adopting a resolution binding the Justices to higher ethical standards.

This is the Roberts Court. History is going to write the history of the Supreme Court in the name of this Chief Justice. It happens all the time. He is going to be known as the Chief Justice who ignored an ethical challenge that went to the heart of the integrity of the Court or as a Chief Justice who finally responded, in a historic manner, to do the right thing by disclosing to the American people exactly what the conduct is of his Justices.

Chief Justice Roberts has known for more than 10 years that this is a problem, and the solution is within his authority. He should act before the end of this Supreme Court term.

Don't leave this hanging. Don't leave town, leave Washington, with the issues of the Justices of the Court unresolved.

I honestly believe, whether I voted for them or not, that there are Justices in that Court who are uneasy and uncomfortable with the current state of affairs. They are trying their level best to follow the law, and they can't explain why others are not. They want to have an opportunity to prove their own reputations and their own integrity, and they should. The Chief Justice should be listening to them, and I hope he is. It is the Chief Justice of the Court's time to act. If they don't, we will.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

TEXAS

Mr. CORNYN. Mr. President, we are back in session today after a week or so of being out of session. We have a habit of calling that a recess although it doesn't necessarily feel like a recess. Some people like to call it a home State work period, which seems a little awkward. Nevertheless, it was good to be back home, but it is also good to be back here in the Nation's Capital to do

the work our constituents sent us here to do.

The term "recess" implies a restful and relaxing break from work, but for me and most of my colleagues, those recess weeks are some of the busiest ones of the year. Since the Senate gavelled out about 2 weeks ago, I have traveled across Texas to meet with my constituents, including time in Austin, Fort Worth, San Antonio, Pasadena, and Dallas. When you have the privilege of representing 30 million Texans, it takes a little bit of effort just to get around the State, but we do it on a regular basis, and I am always invigorated by the interaction with the folks I work for.

Yesterday, of course, we celebrated Memorial Day. We did so in San Antonio yesterday with an incredible group of students who have been selected to attend America's military service academies. These young people are among the best and brightest in our State, and they have chosen to pursue a challenging and honorable career in our Nation's military.

Each Memorial Day, my office hosts a sendoff for these students, and it is far and away my favorite event of the year.

Now, these aren't just students I have recommended to the service academies; they are the ones—they include those recommended by any member of the Texas delegation.

We had about 500 people there in San Antonio yesterday, including about 100 students, and it was a great event. It is always inspiring to see these students answer the same call to serve that generations before them have answered. They are the next generation of military leaders. But, as we know, it is not just military leaders because, eventually, many of those folks will get into the private sector, as my parents and others did after World War II, and they become leaders in their own right in other capacities other than military. But it was a pleasure to spend the day celebrating the incredible journey that they are about to embark on.

I had a lot of fun kidding the parents because I said: Well, your son or daughter is getting a full ride to a service academy that is worth hundreds of thousands of dollars. And that always brings a big smile. Of course, that is not the main reason they go. The main reason they go is because they are young patriots and they work hard and demonstrated a lot of ability and self-discipline to get to where they are. But it was a delightful event.

Last week, I also had the chance to hear about how legislation that we passed last year called the Bipartisan Safer Communities Act actually was being implemented. As you will recall, this legislation was introduced in the wake of the shootings in Uvalde, TX, about a year ago, which claimed the lives of 19 students and 2 adults—2 teachers. There was, obviously, a need for more mental health and school safety resources, and that is in large part what that legislation provided.