

These cases happened because the Court disregarded rules about proper factfinding, ignored mountains of evidence that Congress and that lower courts had assembled, and made up facts—just made up their own facts—that helped them strike down the laws, delivering those big wins for Republican donor political interests.

This free-range factfinding problem at the Court is going to get worse after the Court's recent move in cases like *Dobbs* and *Bruen* to base constitutional decisions under their new theory of history and tradition. This new theory opens whole new fields to judicial factfinding knight-errantry, cherry-picking historical facts to get the outcomes that they want to reach.

Dobbs, the case that overruled *Roe v. Wade*, stood on dubious historical sources—like a 1600s treatise by someone who sentenced accused witches to death and defended marital rape—to subject women's reproductive autonomy to the whims of State legislatures.

Bruen, the guns case, stood on an NRA-funded version of history that one historian called an “ideological fantasy” to put the proliferation of guns on our streets behind constitutional protection.

When the Supreme Court goes on these last-minute, no-argument, “made it up in our chambers,” “no chance of correction” factfinding expeditions, there is no one to tell them: Hey, you got some stuff wrong. There is no one else the parties can appeal to. The factual errors slipped in at the end are protected from correction, and then the zombie cases march on.

I wrote my law review article because this factfinding trickery hasn't gotten the attention it deserves either here in Congress or by professors and judges. There is no shortage of mess to clean up at the Supreme Court, whether it is the Court's ethics crisis or the phony front group amici curiae, who often show up to offer those false facts to the Court without any transparency or vetting themselves. My Supreme Court Ethics, Recusal, and Transparency Act would clean up a lot of the mess. But even if we passed that law and it helped clean up the ethics mess and even if we managed to unpack the Court that dark money built, these zombie decisions standing on false facts would remain effectual unless—unless—we have the legal theory to address them. My article proposes one way to scrub away these tainted decisions—by returning to the historic, basic, well-established factfinding principles of the American system of justice.

Why should we in Congress not confront the false facts of this stubbornly wrong Court? Why should lower court judges be expected to blindly adopt false facts that never went through proper factfinding procedures? Why should Congress honor decisions that are, on their face, founded on false facts?

Remember in *Marbury v. Madison* that the Supreme Court famously gets

to say what the law is, but it is not the last word on what the facts are. Nothing in the Constitution says: We in Congress have to pretend that we really live in the alternative bizarre world of the Supreme Court's false facts. Congress need not be an idiot and accept rulings that we plainly see could not stand without indisputably false facts propping them up. The fact that the Supreme Court won't go back and clean up its false facts mess should not disable us from addressing the zombie decisions. If this requires circumscribing the Court's authority, as far as I am concerned, too bad. Better that than to have citizens have to obey flawed decisions founded on false facts just because the Court liked who the winners were.

This should not even be an issue. These factfinding rules have stood for centuries. It is only this politically driven Court that has stepped outside the bounds of history and tradition to go on these false factfinding galivants that have no proper role in judicial factfinding and that violate the boundaries of separation of powers. Reining it back in, in that circumstance, is a proper response, and if the Court doesn't like this, I would say: Heal thyself; quit breaking the historic process of factfinding, and quit finding obviously false facts, and go back and clean up those false-fact decisions.

That is one option. They could do it, but, of course, the Federalist Society Justices won't because this is a captured Court, and the false fact outcomes are the outcomes the billionaires who pack the Court want.

To be continued.

I yield the floor.

The PRESIDING OFFICER (Ms. HASSAN). The Senator from Rhode Island.

MORNING BUSINESS

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

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

ADDITIONAL STATEMENTS

TRIBUTE TO OFFICER MATT DAVIS

• Mr. PAUL. Madam President, today I rise to honor Officer Matt Davis from the Bowling Green Police Department. On July 6, 2023, Officer Davis responded to a call of a disturbance at a used car dealership in Bowling Green, unknowingly stepping into an incredibly volatile and dangerous situation.

Upon entering the establishment, Officer Davis encountered an armed suspect. Without hesitation, he raised his voice, alerting and instructing others to take cover. The assailant fired at Officer Davis, resulting in multiple gunshot wounds and severe, life-threatening injuries. Despite his injuries, Of-

ficer Davis was able to neutralize the assailant, and no one else was injured.

Thankfully, Officer Davis survived the shooting. However, he has had to endure a long road of surgeries and rehabilitation. He plans to one day make it back to the force, and I look forward to the day that he returns to work.

Despite the grave risks, Officer Davis put his life on the line and likely saved the lives of many of the patrons in the car dealership that day. His bravery exemplifies the dedication and sacrifice of those who serve and protect our communities. Officer Davis' actions that day are a testament to the resilience and valor exhibited by members of law enforcement and first responders across Kentucky and our Nation.●

TRIBUTE TO OFFICER ANTHONY ROACH AND OFFICER RICHARD ISAACS

• Mr. PAUL. Madam President, today I rise to honor Officers Anthony Roach and Richard Isaacs of the Louisville Metro Police Department. On August 16, 2023, Officers Roach and Isaacs responded to a call of a woman screaming for help from a home in West Louisville. Upon arriving at the scene, the officers saw a woman in distress on the second floor but discovered that all the windows and doors on the first floor were barricaded. Fortunately, neighbors lent a ladder to the officers, and they were able to enter a window on the second floor that had been shattered.

Once inside the house, Officers Roach and Isaacs found the woman with a chain around her neck that was bolted to the floor. The officers sprang into action with a hatchet found in the room, and they freed her from the floor. Once outside, first responders used bolt cutters to remove the chain and finally free the victim. Within 2 days, Louisville Metro police officers were able to make an arrest in the case.

Officers Roach and Isaacs are to be commended for their heroic and life-saving actions. Despite the potential risk to themselves, the officers put the life of victim before their own. Louisville is fortunate to have these brave men serving our communities and protecting Kentuckians. May the actions of each of these officers be forever remembered as a clear display of heroism in action.●

TRIBUTE TO LIEUTENANT GENERAL BRUCE “ORVILLE” WRIGHT, USAF (RET.)

• Mr. WICKER. Madam President, today I congratulate Lt. Gen. Bruce “Orville” Wright, USAF (Ret.), upon his retirement as president and chief executive officer of the Air and Space Forces Association, or AFA.

Not satisfied with serving only 34 years in the Air Force, General Wright continued his service to our airmen, guardians, their families, and our Nation's veterans by leading the AFA and

its 113,000 plus members for another 5 years, through a dramatic period of growth and transformation for the storied association.

In fact, for this latest period of service, General Wright was recognized by the Secretary of the Air Force for distinguished public service and was presented the highest award issued by the Air Force to a non-employee civilian.

Retiring as a three-star general, General Wright's last assignment was commander of 5th Air Force and U.S. Forces Japan. During his time in the Air Force, he was extensively involved in joint and coalition combat operations. He led 65 combat missions as an F-16 squadron commander during Operation Desert Storm and was awarded the Distinguished Flying Cross in 1991 during that conflict. He also commanded a composite operations group during Operation Provide Comfort in northern Iraq and Operation Deny Flight in Bosnia-Herzegovina.

He also commanded the U.S. Air Force Intelligence Agency and then rose again to become vice commander of Air Combat Command. In this role, General Wright successfully fielded the F-22, the Sniper targeting pod, which was critical to the close air support mission for the next 15 years, and the Predator UAV capabilities into combat operations.

General Wright earned a bachelor of science degree in aerospace physiology from the U.S. Air Force Academy and a master of arts degree in public administration from Golden Gate University. He is also a graduate of Syracuse University's Senior Executives in National Security Course, the Air War College, the U.S. Air Force Weapons School, and MIT Seminar XXI.

On a personal note, I would like to add that I know of no one who cares more about achieving the Air Force's mission and taking care of our airmen, guardians, their families, and veterans than General Wright. I know I join the entire Senate in wishing him well in this next phase of his life and extending our heartfelt thanks to him. We give special thanks to his wife Kerri and their daughters for all the support they have shown General Wright over the years.●

MESSAGES FROM THE HOUSE

At 11:15 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 498. An act to amend title V of the Public Health Service Act to secure the suicide prevention lifeline from cybersecurity incidents, and for other purposes.

H.R. 3277. An act to amend the Department of Energy Organization Act with respect to functions assigned to Assistant Secretaries, and for other purposes.

H.R. 3385. An act to direct the Secretary of Commerce to submit to Congress a report containing an assessment of the value, cost, and feasibility of a transAtlantic submarine

fiber optic cable connecting the contiguous United States, the United States Virgin Islands, Ghana, and Nigeria.

H.R. 3391. An act to extend the Gabriella Miller Kids First Pediatric Research Program at the National Institutes of Health, and for other purposes.

H.R. 3836. An act to facilitate direct primary care arrangements under Medicaid.

H.R. 3838. An act to amend title III of the Public Health Service Act to reauthorize Federal support of States in their work to save and sustain the health of mothers during pregnancy, childbirth, and the postpartum period, to eliminate disparities in maternal health outcomes for pregnancy-related and pregnancy-associated deaths, to identify solutions to improve health care quality and health outcomes for mothers, and for other purposes.

H.R. 4403. An act to amend the Homeland Security Act of 2002 to make improvements to the Securing the Cities program, and for other purposes.

H.R. 4467. An act to direct the Under Secretary for Management of the Department of Homeland Security to assess contracts for covered services performed by contractor personnel along the United States land border with Mexico, and for other purposes.

H.R. 5969. An act to direct the Secretary of Homeland Security to revise certain regulations to permit certain children to accompany their parents or legal guardians through Global Entry airport lanes, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 93. Concurrent resolution providing for a joint session of Congress to receive a message from the President.

The message also announced that pursuant to 22 U.S.C. 276h, clause 10 of rule 1, and the order of the House of January 9, 2023, the Speaker appoints the following Members on the part of the House of Representatives to the Mexico-United States Interparliamentary Group: Mrs. CHAVEZ-DEREMER of Oregon, Mr. MIKE GARCIA of California, Mr. VICENTE GONZALEZ of Texas, Ms. ESCOBAR of Texas, and Mr. CARBAJAL of California.

At 4:49 p.m., a message from the House of Representatives, delivered by Mrs. Alli, one of its reading clerks, announced that the House agreed to the amendment of the Senate to the bill (H.R. 4366) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2024, and for other purposes, with an amendment in which it requests the concurrence of the Senate.

At 5:24 p.m., a message from the House of Representatives, delivered by Mrs. Alli, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 94. Concurrent resolution directing the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 4366.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 498. An act to amend title V of the Public Health Service Act to secure the suicide prevention lifeline from cybersecurity incidents, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 3385. An act to direct the Secretary of Commerce to submit to Congress a report containing an assessment of the value, cost, and feasibility of a trans-Atlantic submarine fiber optic cable connecting the contiguous United States, the United States Virgin Islands, Ghana, and Nigeria; to the Committee on Commerce, Science, and Transportation.

H.R. 3836. An act to facilitate direct primary care arrangements under Medicaid; to the Committee on Finance.

H.R. 4403. An act to amend the Homeland Security Act of 2002 to make improvements to the Securing the Cities program, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4467. An act to direct the Under Secretary for Management of the Department of Homeland Security to assess contracts for covered services performed by contractor personnel along the United States land border with Mexico, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5969. An act to direct the Secretary of Homeland Security to revise certain regulations to permit certain children to accompany their parents or legal guardians through Global Entry airport lanes, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 6976. An act to amend the Immigration and Nationality Act to provide that aliens who have been convicted of or who have committed an offense for driving while intoxicated or impaired are inadmissible and deportable; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 3838. An act to amend title III of the Public Health Service Act to reauthorize Federal support of States in their work to save and sustain the health of mothers during pregnancy, childbirth, and the postpartum period, to eliminate disparities in maternal health outcomes for pregnancy-related and pregnancy-associated deaths, to identify solutions to improve health care quality and health outcomes for mothers, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3716. A communication from the Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Reauthorization of Dairy Forward Pricing Program" ((RIN0581-AE27) (Docket No. AMS-DA-23-0085)) received in the Office of the President of the Senate on February 28, 2024; to the Committee on Agriculture, Nutrition, and Forestry.