

apply to the Justices sitting on the highest Court of the land?

We will continue to push for legislation to create a binding code of conduct and recusal standards that the American people can see. Last year, the Judiciary Committee reported to the floor the Supreme Court Ethics, Recusal, and Transparency Act. Importantly, this legislation's ethical and recusal requirement would apply equally to every Justice of the Supreme Court regardless of the party or the President who appointed them. The Supreme Court has failed to act to address the ethical crisis that has engulfed it, and so the Senate must do so.

This is a simple fact: There is a Chief Justice of the Supreme Court, John Roberts. It is within his power to resolve this ethical issue tonight—to have it done by the morning—to make it clear that the Supreme Court is taking a different course, one that is credible to the American people.

Justice Alito cannot stand in judgment of himself. The fact that we have to come to the floor of the Senate to plead this case makes it clear that there are no avenues to be followed for ethical consideration for the Court today. That can change. The bill that is pending on the calendar is a step in the right direction, and I totally support it.

Madam President, I close by asking unanimous consent that the letter sent to me by Justice Alito be printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUPREME COURT OF THE UNITED STATES,
Washington, DC, May 29, 2024.

Hon. RICHARD J. DURBIN,
Hon. SHELDON WHITEHOUSE,
U.S. Senate, Washington, DC.

DEAR SENATORS DURBIN AND WHITEHOUSE: This is in response to your letter of May 23 to the Chief Justice requesting that he take steps to ensure that I recuse in *Trump v. United States*, No. 23-939, and any other cases “related to the 2020 presidential election” or “the January 6th attack on the Capitol.” As the Court has pointed out, “[i]ndividual Justices, rather than the Court, decide recusal issues.” I am therefore responding directly to your letter. In it, you claim that two incidents involving the flying of flags created an appearance of impropriety that requires my recusal.

The applicable provision of our Code of Conduct states as follows:

“B. DISQUALIFICATION.

(1) A Justice is presumed impartial and has an obligation to sit unless disqualified.

(2) A Justice should disqualify himself or herself in a proceeding in which the Justice's impartiality might reasonably be questioned, that is, where an unbiased and reasonable person who is aware of all relevant circumstances would doubt that the Justice could fairly discharge his or her duties.” Code of Conduct for Justices of the Supreme Court of the United States, Canon 3(B)(1)–(2).

The two incidents you cite do not meet the conditions for recusal set out in (B)(2), and I therefore have an obligation to sit under (B)(1).

The first incident cited in your letter concerns the flying of an upside-down American flag outside the house in Virginia where my

wife and I reside. In considering whether this event requires recusal, an unbiased and reasonable person would take into account the following facts. As I have stated publicly, I had nothing whatsoever to do with the flying of that flag. I was not even aware of the upside-down flag until it was called to my attention. As soon as I saw it, I asked my wife to take it down, but for several days, she refused.

My wife and I own our Virginia home jointly. She therefore has the legal right to use the property as she sees fit, and there were no additional steps that I could have taken to have the flag taken down more promptly.

My wife's reasons for flying the flag are not relevant for present purposes, but I note that she was greatly distressed at the time due, in large part, to a very nasty neighborhood dispute in which I had no involvement. A house on the street displayed a sign attacking her personally, and a man who was living in the house at the time trailed her all the way down the street and berated her in my presence using foul language, including what I regard as the vilest epithet that can be addressed to a woman.

My wife is a private citizen, and she possesses the same First Amendment rights as every other American. She makes her own decisions, and I have always respected her right to do so. She has made many sacrifices to accommodate my service on the Supreme Court, including the insult of having to endure numerous, loud, obscene, and personally insulting protests in front of our home that continue to this day and now threaten to escalate.

I am confident that a reasonable person who is not motivated by political or ideological considerations or a desire to affect the outcome of Supreme Court cases would conclude that the events recounted above do not meet the applicable standard for recusal. I am therefore required to reject your request.

The second incident concerns a flag bearing the legend “An Appeal to Heaven” that flew in the backyard of our vacation home in the summer of 2023. I recall that my wife did fly that flag for some period of time, but I do not remember how long it flew. And what is most relevant here, I had no involvement in the decision to fly that flag.

My wife is fond of flying flags. I am not. My wife was solely responsible for having flagpoles put up at our residence and our vacation home and has flown a wide variety of flags over the years. In addition to the American flag, she has flown other patriotic flags (including a favorite flag thanking veterans), college flags, flags supporting sports teams, state and local flags, flags of nations from which the ancestors of family members came, flags of places we have visited, seasonal flags, and religious flags. I was not familiar with the “Appeal to Heaven” flag when my wife flew it. She may have mentioned that it dates back to the American Revolution, and I assumed she was flying it to express a religious and patriotic message. I was not aware of any connection between this historic flag and the “Stop the Steal Movement,” and neither was my wife. She did not fly it to associate herself with that or any other group, and the use of an old historic flag by a new group does not necessarily drain that flag of all other meanings.

As I said in reference to the other flag event, my wife is an independently minded private citizen. She makes her own decisions, and I honor her right to do so. Our vacation home was purchased with money she inherited from her parents and is titled in her name. It is a place, away from Washington, where she should be able to relax.

A reasonable person who is not motivated by political or ideological considerations or

a desire to affect the outcome of Supreme Court cases would conclude that this event does not meet the applicable standard for recusal. I am therefore duty-bound to reject your recusal request.

Sincerely yours,

SAMUEL A. ALITO, Jr.

Mr. DURBIN. I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

TEXAS STORMS

Mr. CORNYN. Madam President, here we are, back in the Nation's Capital, doing the people's work. But over the last couple of weeks, I have been traveling across the State of Texas, where our communities have been battered by extreme weather of one kind or another. From Houston up to the Metroplex and Valley View, and all the way over to Lubbock, storms have caused severe damage and widespread power outages.

A couple of weeks ago, 100-mile-per-hour winds ripped through Houston, toppling transmission lines, power lines, and trees, and ripping windows out of skyscrapers.

Last week's storms in West Texas brought hail so large that the National Weather Service issued a warning with a novel descriptor. They called the hail “DVD-sized.”

The Dallas area saw baseball-sized hail and 80-mile-an-hour winds, which led to several days without power for many of my constituents.

And five tornadoes touched down in North Texas during a 6-hour span last Saturday. One of those tornadoes, an EF3, traveled roughly 48 miles through three counties for over an hour, with speeds peaking at 140 miles an hour. Tragically, it led to 7 deaths and an estimated 100 injuries.

So far this year, the National Weather Service has recorded more than 1,300 heavy weather events in Texas, and more than 100 of those reports came on a single day last week.

Many of our communities are still clearing debris, restoring power, and assessing damage. I have spoken with leaders throughout these regions about the recovery process and offered a helping hand.

I appreciate everything that has been done and continues to be done to keep our communities safe and support those who have suffered the damage caused by this severe weather.

In many areas, the level of destruction far exceeds the capabilities of the city or county, and there is a need for Federal support. Governor Abbott has worked quickly to ensure Texas receives the resources and support it needs from the State, and he requested assistance from the Federal Government too. He has submitted major disaster declaration requests to President

Biden for the counties impacted by severe weather and flooding. Senator CRUZ and I have been in communication with the administration to emphasize how critical these resources are, and we have urged the President to grant the Governor's request for all of the affected counties. Many counties are still waiting for that critical declaration, and I urge the administration to move expeditiously to grant those requests as soon as possible to unlock critical assistance. I appreciate the Biden administration working with us to support these counties and these constituents who were impacted by the recent string of storms.

There is a lot of partisan disagreement here in Washington, DC, that underpins what we do day to day, but those divisions have never extended to critical emergency relief.

With the start of hurricane season officially upon us and experts predicting an active season, I know I join all Texans in hoping for an expeditious recovery for impacted communities.

MEMORIAL DAY

Madam President, as I was able to travel around the State and dodge the severe weather that seemed to pop up instantaneously, I was able to spend time with many of my constituents. For example, I kicked off the week in San Antonio at my favorite annual event. It is where all of the students who have been admitted to service academies gather with their parents and are sent off to their service academy with a rousing speech and best wishes by everyone there.

We had VADM Joe Maguire provide a speech—somebody who was 36 years in the Navy SEALs and now is the director of the Clements Center in Austin, TX, working with the Strauss Center and other University of Texas institutions to try to help educate the next generation of our Nation's leaders.

My office hosts this Memorial Day event to celebrate young Texans who will attend military service academies, and this year, we had the joy of hosting more than 100 students, plus their families and friends, along with several elected officials, community leaders, and representatives from various veterans groups. As I mentioned, our keynote speaker was VADM Joe Maguire.

As we honor the lives of those who died in service to our country, it is very powerful to celebrate the next generation of leaders who are committed to protecting their Nation. These are some of the smartest and most accomplished young people in the country, and they have chosen to pursue their education at our service academies, but they made the decision to take their talents to these service academies and pursue an honorable career that will be full of challenges and sacrifices. They could have gone to some elite school in the Northeast, with the hopes of making millions of dollars over their lifetime, but these students have made a different choice—a choice that puts service above self,

and I applaud all of them. It was great to meet with these young men and women because it gives me hope for the future of our country.

I am grateful to the families as well, who were there cheering their students on, who traveled from across Texas to help us celebrate in San Antonio.

I am incredibly proud of these young men and women for answering the call to serve. I wish them the best of luck.

Last week, I also had the chance to spend some time out in West Texas at the Goodfellow Air Force Base near San Angelo, TX. That is one of the principal training sites for our entering airmen, sailors, soldiers, and now the Space Force, called the guardians. All of these folks who are training to become intelligence specialists come to San Angelo for some of their most basic training.

I got a chance to see them in action and learn about how they are evolving their training missions to match the threat of an evolving landscape. I also had a chance to meet with some of the base's senior leaders and recognize some of the incredible servicemembers who were stationed there.

May, of course, was Military Appreciation Month, and it was great to spend some time celebrating some of our country's past, present, and future military leaders last week. These young men and women are the reason the United States continues to be the greatest, most powerful country on Earth, and they deserve our deepest gratitude for their enduring commitment.

Texas is the proud home to many servicemembers and veterans and their families, and it also serves as a home to the facilities that produce the equipment and the ammunition they use on the battlefield. From F-35 Joint Strike Fighters in Fort Worth to the Pantex Plant near Amarillo, which assembles, disassembles, and evaluates nuclear weapons, we have many of these sites located throughout the State.

Last week, I had a chance to visit the newest addition to Texas's defense industry. General Dynamics just opened its new heavy artillery manufacturing facility in Mesquite, just outside of Dallas. This facility will increase production of 155-millimeter shells, which are crucial to Ukraine's defense against Russia and our preparation for other conflicts around the world. This new factory will expand domestic manufacturing to produce more than 30,000 shells each month, which amounts to one-third of all U.S. production of 155-millimeter artillery shells.

One of the things that the war in Ukraine has exposed is our defense industrial base, which has not been prepared to meet the needs and demands not only of the United States but also of our friends and allies around the world. This is the first new ammunition plant since the start of the Ukraine war, and I am glad that investment was made in the Lone Star State.

Texas is critical to America's national security, and it was good to spend time with the Secretary of the Army, Christine Wormuth, seeing the incredible work being done to support our Nation's security as well as our friends and allies around the world.

My final stop last week on my across-the-State travels was the new Driscoll Children's Hospital in the Rio Grande Valley. Until recently, many families had to travel 150 miles just to receive the specialized care their children needed. With the opening of this new, state-of-the-art facility, that has finally changed. This hospital offers nearly 150 patient beds, 8 operating rooms, sophisticated technology, and even a therapy dog by the name of "Tesla." This is the type of facility that is life-changing for countless families in the region, and I was glad to join elected officials and community leaders to celebrate the newest addition to healthcare delivery in the Rio Grande Valley.

Madam President, it was a busy week in Texas. We have 254 counties. As I like to tell people, it is closer to the Pacific Ocean from El Paso than it is from El Paso, far west Texas, to the eastern tip of our State. Everybody knows Texas is a big place, and I can attest to that again after my travels this last week.

I am grateful to many of my constituents and friends who shared their ideas and feedback with me. It is amazing how different their agenda and their priorities are from what we hear emanating from Washington, DC.

It is the honor of a lifetime to serve 30 million Texans in the U.S. Senate, and I am ready to get back to work.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

INDEPENDENT AND COMMUNITY PHARMACIES

Mr. MORAN. Madam President, I am here on the Senate floor today to call attention to my colleagues. I want them to recognize—and, really, Americans to recognize—the significant crisis that is happening not only in my home State of Kansas but across the country. All of us face this in our home States. The independent and community pharmacies in our Nation have been struggling for years to survive, and their situation, unfortunately, is deteriorating rapidly.

Independent and community pharmacies play an invaluable role in the healthcare of our country and especially in rural communities, like those in my home State. For many Americans, the local pharmacist is not just a convenient healthcare provider, but it is also someone with whom they feel