

that we are still willing to stand with them.

We could pass the National Defense Authorization Act, which our colleagues on the Armed Services Committee reported overwhelmingly nearly a month ago. We could, but we won't because the Democratic leader has other plans. As important allies visit the Halls of the Senate, the clearest sign of our resolve to lead will instead continue to collect dust.

Rather than taking up the NDAA, the Senate Democrats have decided to spend precious floor time on performative stunt votes and more of President Biden's unfit judicial nominees, beginning with Judge Nancy Maldonado. There is a particular irony in our colleague's decision to put off urgent work like the annual Defense authorization in favor of giving lifetime tenure to a judge with a staggering backlog of her own.

With the eyes of the world on Washington, this week offers the Senate an opportunity to demonstrate the credibility of America's commitments. It is an opportunity we can ill afford to miss.

#### U.S. SUPREME COURT

Now, on another matter, last week, the Supreme Court concluded its term with a number of consequential decisions. Three of these rulings and the reactions they triggered on the left illustrate just how differently Republicans and Democrats view the Court's role.

As I have explained before, Republicans want a government that is accountable to the people, as the Constitution prescribes. Democrats, on the other hand, want government that is insulated from the democratic process.

Here is the Democratic ideal of how to govern: If Congress has not spoken on an issue, let unelected bureaucrats manipulate statutes, fill in the blanks, and make new law. Then, if anyone violates these new bureaucratic-made laws, let the bureaucrats take them to a bureaucratic court—not to a jury or a real judge, but to a kangaroo court of other bureaucrats who answer to still more bureaucrats.

And, finally, if the President—the one actor in the executive branch who answers to the people—dares to interfere in this process in ways that bureaucrats don't like, let him face criminal charges from yet another group of bureaucrats.

It is dystopian. It is something you find in the law books of the old Soviet Union.

And the Supreme Court said they would have none of it. In what might be the most consequential decision in my time here, the Supreme Court held that bureaucrats do not get the benefit of the doubt when they write new laws.

Congress writes laws, and the way the bureaucrats apply those laws is subject to a full judicial review. There is no "get out of legislation free" card, no Chevron deference—period.

The Court also held that, when the Constitution says you have the right to

a jury trial, it means just that. Just because bureaucrats decide to pursue someone for ruinous fines, they don't get to try the case themselves. When bureaucrats go after someone—potentially, for violating rules that Congress never even contemplated—the case has to go to a real, Senate-confirmed judge and a jury of one's peers.

Lastly, the Court clarified something that careful readers of the Constitution have known forever: Bureaucrats can't criminally charge a President for his official actions. The Constitution vests in the President executive powers that cannot be circumscribed—not by Congress and not by inventive prosecutors.

Democrats seem to want to turn Washington into The Hague. Their problem with the Supreme Court isn't that they won't be able to prosecute a President for unofficial criminal activities—because they still can. Their problem is that they won't be able to prosecute official actions that they don't like.

Prominent Democrats seem to look at the successful criminalization of political disagreement in places like Europe and South America and think: They might just be onto something.

It is not hard to imagine what is coming. We have already seen hints in the reports of the inspector general investigating entirely appropriate conduct by Attorney General Barr that Democrats simply disagree with.

But why should Democrats stop there? As the Chief Justice explained, "without immunity . . . prosecutions of ex-Presidents could quickly become routine. The enfeebling of the Presidency and our Government that would result from such a cycle of factional strife is exactly what the Framers intended to avoid."

I certainly agree. The people elect the President. He is responsible to them for his official conduct, not to bureaucrats with law licenses.

So we are not just talking about two sorts of reactions to the Supreme Court's latest rulings. We are talking about two very different visions of America: a Democratic vision in which bureaucrats decide our policy disputes and have the power to punish those elected officials who dare—dare—to disagree, and a constitutional vision in which policy is entrusted broadly to the people through representative democracy.

Suffice it to say that Republicans prefer the latter.

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. GRASSLEY. 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.

The Senator from Iowa.

NATO

Mr. GRASSLEY. Madam President, this week officials from all 31 of our

NATO allies are going to be here in Washington for what is referred to as the NATO summit. At that summit, we will be celebrating 75 years of the most successful military alliance in modern history. And why do I call it the most successful military alliance? I mean that after two devastating world wars about 20 years apart—and those wars brought incredible bloodshed and destruction to Europe—now, we have had almost 80 years of relative peace in Europe. No European NATO member has been invaded.

Now, we take it for granted that most of Europe is peaceful, but that was not the case before NATO arrived. Remember that the Soviet Union, after World War II, quickly exerted domination over the countries that it occupied at that time. But the U.S.S.R. wasn't satisfied with that situation.

So many people expected war to break out in Europe at some point during the Cold War, but it did not. Thank God, no war happened.

The Soviet Union helped launch wars in Asia and violent revolutions in Africa and Latin America. The Soviets invaded Afghanistan, but the U.S.S.R. did not dare touch those countries that were under the NATO umbrella. The strongest defense resulted in peace.

NATO was not the result of some idealistic dream. Rather, NATO was a very practical response to the hard lessons learned of two World Wars that the United States tried its best to stay out of those wars as long as it could.

Now, we all remember from history that World War I was supposed to be the "war to end all wars."

Woodrow Wilson, you will remember, proposed the League of Nations in a very naive belief that an international forum could prevent war through diplomacy and international condemnation. Obviously, the League failed.

By contrast, NATO is a working military alliance of Nation States, not some debating society, as the League turned out to be.

After World War II, the United States realized that minding our own business and letting Europe sort out its messes wasn't working. We, eventually, got dragged into World War II anyway, by which time it took an incredible amount of resources and over 400,000 American lives to bring that war to an end.

NATO grew out of the realization that U.S. leadership was essential to preventing World War III. NATO prevented a war by being prepared for war. Strength equaled peace. We know that deterrence works, but deterrence must be credible.

Our defense must be strong enough that would-be aggressors would think twice before attacking. As Ronald Reagan said:

NATO's strategy for peace has always been simple: Prevent aggression before it starts. Be strong enough, be determined enough so that no adversary should think, even for a moment, that war might pay.

At the 2008 NATO summit in Bucharest, Romania, NATO members said

that Ukraine and Georgia could join sometime in the future, but made clear that that membership would not be offered anytime soon.

Now, just 4 months later, Russia invaded and occupied parts of the Republic of Georgia. Now that happens to remind me of when Secretary of State Dean Acheson gave a major speech in 1950 outlining the U.S. defense perimeter in the Pacific. It very clearly did not include the Korean Peninsula. Less than 6 months later, North Korea invaded the south.

So signals you send as a nation or as leaders of a nation make a difference sometimes. And that statement by Acheson led to the Korean war.

So just like Acheson's speech in 1950 did to Korea, the weak statement at the 2008 Bucharest summit made it clear that Georgia and Ukraine were on their own. That was seen as a green light by Putin. The perception of weakness led to war.

How did the United States react to this aggression against the sovereign, pro-American Republic of Georgia? There happened to be some stern words that didn't accomplish much.

Then, 6 months later, the Obama-Biden administration announced the infamous reset to patch up relations with Russia. That reset sent a very dangerous message. The Obama policy was almost the opposite of peace through strength. No wonder that Putin felt emboldened, 6 years later, to invade neutral Ukraine in both the Crimean Peninsula and in Ukraine's east.

President Obama responded by refusing defensive weapons to Ukraine and, at the same time, urging negotiations. Now, you can't have fair negotiations when someone has invaded your home and has a gun at your head.

Estonian Prime Minister Kaja Kallas often cites former Soviet Foreign Minister Andrei Gromyko's rules for negotiations. This Russian says:

No. 1, demand the maximum. Do not meekly ask but demand that which has never been yours.

No. 2, present ultimatums. Do not hold back on threats, since you will always find people in the West who are willing to negotiate.

No. 3, do not give one inch of ground in negotiations. They themselves will offer you at least part of what you are asking for, but do not take it. Demand more because they will go along with it, and in the end, you will get a third or even half of that of which you had nothing previously.

Those are the rules of a Soviet Foreign Minister.

Now, we should remember all of that when we hear Putin's demands today. The full-scale Russian invasion of Ukraine, starting in February of 2022, was the result of a failure of deterrence. We could have avoided additional aggression had the West shown more strength.

What about the argument that it was provocative to let countries that Russia used to dominate join NATO?

Well, here are some key facts about NATO that ought to put those arguments to an end:

No. 1, NATO is a defensive alliance.

No. 2, NATO membership is open to sovereign democracies that want to join, but it does not seek expansion for its own sake.

No. 3, it is the right of all sovereign countries to choose their alliances. There is no neighbor veto to joining a defensive alliance.

Now, let's look at the Baltics. You remember that they were, at one time, called Soviet Republics. Actually, the United States never recognized the illegal Soviet occupation of the Baltic States that started in 1940. We maintained, during that next 50 years, uninterrupted diplomatic relations with all three countries throughout the Cold War.

Here is a little-known historical fact. Upon the founding of NATO, the U.S. Secretary of State received a letter from the acting consul general of Estonia welcoming the signing of the North Atlantic Treaty on behalf of his country.

Here is what the Estonian diplomat wrote:

Estonia is still under the illegal occupation and domination of the Soviet Union and is, therefore, prevented from manifesting openly its keen interest in this pact.

But I want to further quote this Ambassador.

I have the honor to offer my best wishes to the signatories of the North Atlantic Pact, and to express my confidence that they, inspired by the ideals of democracy, of individual liberty, and of the rule of law, will strive relentlessly for peace with justice, which excludes peace at any price.

Therefore, I express the belief that countries, which were forcibly deprived of self-government and independence will benefit by this noble endeavor.

That "noble endeavor" is the establishment of NATO.

The Estonian diplomat was right all those 75 years ago. His country, which is now free and a great NATO ally, has, in fact, benefited from the North Atlantic Treaty.

While the Baltic States have been officially NATO members for 20 years now, they would have signed the Washington Treaty in a second had they not been illegally occupied by the Soviet Union. So I consider the three Baltic countries honorary founding members of NATO.

I have explained that the United States learned after two World Wars that it is better to prevent World War III than to get dragged in once that future war could be raging.

But we ought to ask again: Why the NATO alliance?

The United States, with its powerful military and nuclear arsenal, would respond to defend an ally if article 3 were invoked. That has certainly played a big role in deterring the Soviets and now the Russians.

But that could be accomplished simply by giving a one-way security guarantee to Europe. While that might still

serve our national interest in preventing World War III, it would put a burden on all of our shoulders.

So the real benefit of the NATO alliance is that it leverages American leadership to bolster the ability of our European allies to defend themselves. If every country had different defense plans and weapons that used different ammunition, an aggressor would be able to pick them off one by one, even if they tried to join forces.

In theory, the Europeans could do some of this on their own. In fact, some European leaders have suggested that the European Union ought to develop an independent military capacity.

Now, I would say: If they want to do that, more power to them. However, most Europeans accept that American leadership has been indispensable to date. It has been to our benefit that NATO militaries are interoperable with the U.S. military.

The only time article 3 of the NATO treaty has been invoked was after the United States was attacked on 9/11. Many of our NATO allies sent men and equipment to fight and die alongside the U.S. military in Afghanistan.

It is true that there is a minority of countries in NATO that are further from potential threats and do not spend enough on their own national defense or their contribution to NATO. Then there are countries like Poland and Estonia that take national defense seriously and spend more as a percentage of GDP than even we do in the United States.

Keep this in mind: It is the existence of NATO that sets the 2-percent spending expectation, makes common defense plans, and helps to determine what capabilities are needed for a credible defense.

Without NATO, Europe would be weaker, and the chances of the United States getting dragged into another war would be even greater. A strong national defense is an instrument of peace more than an instrument of war.

In fact, we could call our Defense Department the "Department of Peace." That is really what its main function is—being strong to prevent war.

We must make sure our military and our allies' militaries are strong enough to fight a war, precisely so we don't have to go to war.

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. DURBIN. 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.

NOMINATION OF NANCY L. MALDONADO

Mr. DURBIN. Madam President, in a few minutes, the Senate is going to vote on the confirmation of Judge Nancy Maldonado to serve on the U.S. Court of Appeals for the Seventh Circuit, which the Acting President pro tempore and I know very well.