

have now met or exceeded the alliance's 2 percent defense spending target. Just as important, many are committing 20 percent of their defense budgets to procuring new weapons and capabilities.

But the latest data did more than confirm the end of our "holiday from history"; they also prove what I have been explaining to our colleagues for years: When America leads by example, allies invest right here in America. A full two-thirds of our allies' spending on new defense procurement is going to buy American-made weapons and systems. Right now, U.S. industry is filling more than \$140 billion in contracts booked by European allies.

Many allies also are expanding their own defense industrial capacity—an encouraging and necessary step that will make NATO even more resilient.

Of course, one of the most encouraging developments since the last NATO summit has been the addition of two strong, new allies with highly capable militaries and cutting-edge industrial bases of their own. It was a tremendous honor to work closely with the leaders of Finland and Sweden throughout their accession to the alliance, and I am proud to join the Democratic leader in hosting them on Capitol Hill this week.

Today, the enemies of Western peace and prosperity are giving us good reason—good reason—to take the strength of our alliances and partnerships even more seriously. The authoritarians and rogue states seeking to undermine us are working together, and we can't afford not to do the same. That is why all NATO allies need to take hard power more seriously; why the 2-percent defense spending target is a floor but is not a ceiling; why these spending increases must be built into base budgets, not treated as one-off emergencies; and why contracting and procurement have to move at the speed of relevance, not the speed of bureaucracy.

These lessons apply as much to America as they do to our European allies, and they apply even more so to our neighbor to the north. Canada is one of the only allies without a plan to reach the 2-percent spending target.

It is encouraging that as NATO members address the deficiencies of our own collective security obligations, we are joined this week by essential non-NATO partners who are taking increasingly clear-eyed approaches to their own security.

The presence of leaders from the Indo-Pacific is an especially powerful reminder of our shared stake in the future of a Western order that preserves the freedom of navigation, territorial integrity, and the right to self-determination.

I will have more to say as the week goes on, but I am grateful for the opportunity to welcome America's friends to Washington at this critical time, and I am hopeful that together, the alliance will make headway on the serious business before us.

ENERGY

Mr. President, on one final matter, last week, a Federal judge in Louisiana blocked the Biden administration's de facto ban on new permitting for the export of America's abundant liquefied natural gas.

As I have said before, the administration's so-called pause is bad policy for a whole host of reasons. It endangers good-paying American jobs and could drive high prices for energy and consumer goods through the roof.

Of course, when the flow of clean American LNG slows down, it also presents close allies and trading partners with the prospect of increased reliance on dirtier energy from less savory places.

The overwhelming majority of U.S. exports go to consumers in Europe and Asia, but as the Biden administration tries to choke off American market dominance, Russian export capacity is actually surging to meet demand. Russia is lining its war chest with the spoils of its energy exports, and it is quite literally fueling the war in Ukraine with the proceeds of what the President's own Energy Secretary has described as "the dirtiest form of natural gas on Earth."

It is a dizzying move from an administration that has, until now, put green activists in the driver's seat of its energy policy. As we learned last week, it doesn't pass muster in Federal court, where a judge ruled in favor of the 16 States that sued to block this ridiculous—ridiculous—moratorium. The judge agreed with the plaintiffs that the Department of Energy failed to justify the pause on LNG exports and that they failed to consider the "impact on national security, state revenues, employment opportunities, funding for schools and charities, and pollution allegedly caused by increased reliance on foreign energy sources."

Well, there you have it—the courts have slapped down the Biden administration's disregard for the law. Now it is time to release American energy projects from the regulatory purgatory where they have been trapped for far too long.

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

The PRESIDING OFFICER (Mr. PADILLA). Without objection, it is so ordered.

U.S. SUPREME COURT

Mr. THUNE. Mr. President, the Supreme Court recently concluded its term, and, as predicted, Democrats met the decisions they didn't like with howls of outrage. "We will fight to rein in the outrageous abuses of this brazen Court," one Democrat offered temperately. "We must expand the Court now," another cried, before it "destroy[s] our democracy and our

planet." Yet another announced that she would be filing impeachment articles against a Supreme Court Justice or Justices, presumably for the high crime of ruling in a way that she didn't like.

For years now—since at least the last administration—Democrats have been engaged in a concerted campaign to paint the Supreme Court as illegitimate and extreme. We have heard about "stolen seats" and "MAGA justices" and other melodramatic statements meant to persuade the American people that the Supreme Court has somehow been hijacked. But what it all boils down to is this: Democrats think that the only legitimate Supreme Court is a Supreme Court that rules in line with Democrats' policy preferences. That is it. That is what all of this boils down to.

Democrats can dress things up any way they like with a host of invented reasons for why this Court is illegitimate, but the truth of the matter is, Democrats' real problem with this Court is that a number of the Justices have had the temerity to periodically deliver rulings with which Democrats disagree. If this Court were universally delivering the outcome the Democrats want, they would have no problem with the Court or its Republican nominees.

I could spend time debunking Democrats' wild claims. I could point out just how often this Court delivers unanimous decisions. Yes, contrary to what you might think from Democrats' lurid statements, the Democrat nominees and the Republican nominees are frequently in unanimous agreement. Or I could talk about just how often some of the Court's more conservative Justices and some of the Court's more liberal justices agree. But I am not going to do that today because I would like to spend a minute talking about the profound irresponsibility Democrats are displaying.

We hear a lot from Democrats about their concern for our institutions, and yet they are attempting to delegitimize a bedrock American institution, all for the crime of periodically daring to deliver decisions with which Democrats disagree.

At a time of deep political division, I can think of few things more irresponsible than attempting to shake Americans' faith in the impartiality of the Court and the legitimacy of our institutions.

I realize that Democrats don't like it when a decision doesn't go their way, and I completely understand that. I have disagreed with a few Supreme Court decisions in my time. But it is one thing—a legitimate thing—to disagree with a decision; it is another thing entirely to let your disagreement lead you into attempting to delegitimize a duly constituted Court composed of nine duly confirmed Justices.

I hate to tell Democrats, but in a democratic republic such as ours, you don't always get your way, and the

proper response when you don't get your way is not to attempt to tear down institutions or pack the Court so that you always get the outcome you want.

Before I close, there is one other thing I would like to address, and that is the disturbing anti-religious sentiment that has cropped up in recent Democrat attacks on the Court. It is not a new thing for Democrats, of course.

We all remember the Democrat ranking member of the Senate Judiciary Committee telling then-circuit court nominee Amy Coney Barrett that "the dogma lives loudly within you," with the implication that anyone who takes his or her religious faith seriously can't be trusted to hold public office.

Another judicial nominee faced scrutiny for his membership in the Knights of Columbus—a Catholic organization that participates in such disturbing activities as serving veterans, raising money for the needy, and providing young people with scholarships.

Of course, during the last Presidential election cycle, a Biden staffer stated that she would prefer that orthodox Catholics, Muslims, and Jews not sit on the Supreme Court.

Now it would appear that that anti-religious sentiment is back, with more than one Senate Democrat suggesting that certain members of the Supreme Court can't be trusted because they happen to take their religious faith seriously. These Democrats take the fact that these members of the Court have periodically ruled in ways that Democrats don't like as evidence that they are attempting to impose their faith instead of the law, with the implication that religious people are incapable of distinguishing between the two.

The Constitution is very clear on whether being a person of faith can disqualify you from public office. From article VI:

[N]o religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

Let me just repeat that.

[N]o religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

It is becoming clear that that isn't a section of our Constitution that Democrats agree with or at least understand, and that in and of itself is deeply disturbing.

I shouldn't have to tell Democrats that religious people are as capable as any other of distinguishing between their beliefs and the law or that our Founders did not intend for religious people to be second-class citizens or that a Supreme Court Justice disagreeing with a Democrat does not mean that the Supreme Court Justice is attempting to impose his or her faith. It likely means that he or she is trying to impose the law and the Constitution.

I am a little tired of members of the Democratic Party promoting the un-American idea that taking your faith

seriously makes you less qualified to participate in the public square.

If Democrats really cared about protecting our democracy and American institutions, they would stop trying to undermine the legitimacy of the Supreme Court. But with Democrats' inability to deal with not getting their way—and with an upcoming election this November—I am not going to be holding my breath.

I yield the floor.

The PRESIDING OFFICER. The majority whip.

Mr. DURBIN. Mr. President, it was 11 years ago that I wrote a letter to John Roberts, the Chief Justice of the Supreme Court—11 years ago—asking him a basic question: Mr. Chief Justice, why is it that you believe the nine Justices that sit on the Supreme Court should be treated differently than any other person in Federal Government when it comes to a code of ethics?

I didn't receive a reply to that letter. We know what has happened since. Through private investigations and investigations by journalistic organizations, we have come to discover that at least one sitting Supreme Court Justice—Clarence Thomas—has received more than \$4 million in gifts from billionaires. What kind of gifts? Travel, jet airplane travel, travel on yachts, long-term vacations—worth more than \$4 million, largely undisclosed to the American public.

What is going on here? A Justice on the Supreme Court receives over \$4 million in gifts from billionaires and doesn't disclose it to the public? What about other Federal judges in like circumstances? Do they have requirements when it comes to the gifts they can accept and what has to be disclosed? Of course they do—in detail. It is only the nine Supreme Court Justices that exempted themselves from the basic, enforceable, transparent code of ethics that applies to every other Federal judge in America.

So when my friend from South Dakota comes to the floor and says we are being too critical of the Supreme Court—\$4 million in gifts? If any Member of the Senate received that kind of largesse, they would be held responsible for it under the law—and should be.

Secondly, this notion that being critical of the Supreme Court is somehow critical of the institution, I do raise questions—and I will in the statement I am about to make this morning—as to some of the most recent decisions. I think they are terrible. I think that in terms of their impact on the future of the Court and the future of the Constitution, we have legitimate concerns that should be raised. But to raise those questions is not to attack the integrity of the institution of the Court but the process and the decisionmaking that the Court has made.

Of course, throughout history, there have been times when the Court just plain got it wrong—*Plessy v. Ferguson*, a case which dominated for decades and

said that separate but equal was acceptable under the law. It wasn't until *Brown v. Board of Education* in the 1950s that they finally reversed that. For decades, *Plessy*—this terrible, wrongheaded decision—governed the administration not only of justice but of education in America. It damaged and destroyed lives right and left. Were people critical of it? Yes. And they should have been.

We are living in a democracy with freedom of speech, and we should be able to express ourselves when we have serious misgivings about decisions by the Court.

I want to address two recent decisions by this Court that I think really deserve special attention.

The Court recently finished its term with a series of disastrous decisions that once again upended our constitutional landscape.

The Court's radical, conservative supermajority discarded decades of longstanding precedent to protect rich and powerful interests. The Court's decisions will immunize Presidents who commit crimes. Let me repeat that. The Court's decisions will immunize Presidents who commit crimes, make it harder to prosecute corrupt politicians, and make it easier for corporate special interests to overturn Federal protections that Americans need to remain safe and healthy.

Meanwhile, the Court's conservative supermajority failed to protect some of the most vulnerable, upholding laws that criminalize homelessness and denying Americans the right to challenge the government when their immigrant spouses are denied a visa.

The far-right Justices responsible for these decisions may claim they are guided by "textualism" or "originalism"—we hear those terms frequently—but the reality is that they are engaged in judicial activism, pure and simple.

The Justices are cherry-picking their way through constitutional text and history to impose their own ideological agenda on the American people. In doing so, the majority has not only further damaged the Court's institutional integrity, they have undermined our democracy.

Start with the Court's rulings in *Loper* and *Relentless*. In these cases, the Court overruled *Chevron v. Natural Resources Defense Council*, a landmark, 40-year-old decision holding that courts must provide deference to an Agency's reasonable interpretation of ambiguous Federal law.

With authorization from Congress, scientists, engineers, and other experts at these Agencies use their expertise to establish rules that help to ensure that our food is safe, that medications are effective as promised, that we have clean air and water, stable financial markets, fair working conditions, and more. But after the Court's decision to overrule *Chevron*, unelected judges with no expertise will be empowered to

overturn rules issued by Agency experts when they are challenged by corporations.

In another case, *Ohio v. EPA*, Justice Neil Gorsuch inadvertently demonstrated how ill-equipped the Justices on the Court are to substitute their judgement for Agency experts. In an opinion siding with Republican States that challenged an EPA pollution control plan, Justice Gorsuch repeatedly—and incorrectly referred to nitrous oxide, which is laughing gas, as we know, rather than nitrogen oxide, the pollutant the EPA is seeking to control. So the Court was arguing that the Agencies didn't have the power to make these decisions in detail and failed to describe properly the entity that was being regulated by the EPA.

The Court's decision giving Justices like Justice Gorsuch the power to second-guess these Agency experts is a body blow to our government's ability to protect the health and safety of the American people.

In another misguided opinion, the Court's six Republican-appointed Justices ruled in *Trump v. United States* that a President may be immune from criminal prosecution for abusing the power of government for personal or political gain.

This case is unimaginable.

Specifically, the Court held:

[T]he nature of Presidential power entitles a former President to absolute immunity from criminal prosecution for actions within his conclusive and preclusive constitutional authority. And he is entitled to at least presumptive immunity from prosecution for all his official acts.

Not only does the decision bar prosecuting a President for any official act, it prohibits prosecutors even from using any official act as evidence to help prove a President engaged in illegal unofficial acts.

And, in ruling that Donald Trump is "absolutely immune from prosecution for the alleged conduct involving his discussions with Justice Department officials," the Court has given a green light to a future President to use the Justice Department for corrupt purposes.

The Justice Department, whose mission is to enforce the law, defend the interests of the United States, and ensure public safety, will no longer enjoy its traditional independence. It could, instead, serve as a weapon to be wielded by a corrupt President.

So what does all of this mean?

It means that a corrupt President may hide behind their office for protection from prosecution, under the law, for even the most egregious wrongdoing.

It means the Supreme Court's conservative majority has effectively endorsed Richard Nixon's infamous claim that "when the president does it . . . that means that it is not illegal." In fact, much of the conduct at the heart of Nixon's Watergate scandal could, arguably, be considered official acts, making them presumptively immune under the current interpretation.

And, in the aftermath of *Trump v. United States*, a court would not even have been allowed to question Nixon's motives in order to have determined whether he acted unlawfully.

The Court's ruling has also left Congress and the judicial branch with limited options when dealing with a delusional or a corrupt executive.

The minority leader stated during the second Trump impeachment trial:

We have a criminal justice system in this country. We have civil litigation, and former presidents are not immune from being accountable by either one.

Unfortunately, this is no longer the case because the Court's conservative majority has demolished the ability to hold any President accountable for abuses of power.

It was not long ago that then-Judge Roberts sat before the Senate Judiciary Committee and told me directly and personally:

No man is above the law.

Then-Judge Gorsuch also testified, and he said:

Nobody is above the law in this country.

And then-Judge Kavanaugh told the committee:

No one is above the law. And that is just such a foundational principle of the Constitution and equal justice under the law.

But now they seem to think that a corrupt President is, in fact, above the law.

When the American people head to the polls this November, they should keep this case, *Trump v. United States*, in mind. We must ensure that our next leader is a person who will respect the rule of law even though he is now, because of this Supreme Court decision, immune from prosecution.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

NATO

Mr. CORNYN. Mr. President, today, world leaders are descending on our Nation's Capital for an important NATO summit, the 2024 NATO summit—the North Atlantic Treaty Organization. It is fitting that this gathering is taking place in our Nation's Capital because this is where the story of NATO began.

In April of 1949, leaders of the United States and our closest allies gathered here in the Nation's Capital to sign the North Atlantic Treaty. With the stroke of a pen, those 12 countries became the founding members of the North Atlantic Treaty Organization.

The core mission of NATO can be summed up in only two words: collective defense. An attack against one ally is considered an attack against all allies. Of course, Europe had been through two devastating world wars, and the hope was, by creating the North Atlantic Treaty Organization, that aggression could be deterred and, thus, the peace maintained.

Seventy-five years ago, this commitment aimed to deter the Soviet Union from expanding its influence into West-

ern Europe. Nearly 23 years ago, the collective defense clause was invoked for the first and only time in history in the wake of the attacks on the United States on 9/11. America's NATO allies were there when we needed them—an act of friendship and support that we should never forget.

Today, the collective defense clause continues to serve as a firewall that safeguards NATO member states and underpins global security. And in the 75 years since NATO was founded, its membership has grown from 12 to 32 countries, and its influence continues to grow with the recent additions of Sweden and Finland.

Beyond ensuring the security of its members, NATO plays a key role in maintaining peace and stability around the world. Suffice it to say, NATO leaders have a big job ahead of them this week. Conflicts are unfolding around the globe, and democracy is under attack by the world's leading aggressors.

Nearly 2½ years have passed since Russia invaded Ukraine, and the fighting has not let up. Yesterday, Russia fired missiles at a children's hospital in Kyiv and other sites across Ukraine—killing at least 38 people and injuring more than 100.

In addition to the fighting in Europe, a war is also raging in the Middle East, as we know. More than 9 months have passed since the horrific terrorist attacks by Hamas against civilians in Israel, but Israel is not only defending its sovereignty against Hamas. It is also battling direct fire from Hezbollah and Iran. Just to be clear, Iran is the head of the snake here. Hezbollah and Hamas are proxies for Iran, committed to the ultimate destruction of Israel.

In addition to the conflicts in Europe and the Middle East, tensions are growing in the Indo-Pacific as well. The Chinese Communist Party continues to bully and threaten China's neighbors in the region. Just last week, China anchored one of its Coast Guard ships off the coast of the Philippines in a clear act of intimidation. This came after another incident last month when Chinese Coast Guard crewmen attacked Filipino sailors trying to resupply the Sierra Madre. One sailor lost his thumb, and a Philippine Navy boat was left in tatters. Clearly, China is testing America's commitment and the commitments of democracies around the world to protect a treaty ally in the Pacific.

While the Senate was in recess last week, I had the privilege of traveling to Romania, Armenia, and Malta with a bipartisan delegation of Members led by our friend, Senator ROGER WICKER—the ranking member of the Armed Services Committee and one of the principal delegates to the Organization for Security and Co-operation in Europe.

Our conversations with our allies around the world affirmed a key point that cannot be overlooked: None of these conflicts that are playing out today are occurring in a vacuum—not