



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 117th CONGRESS, SECOND SESSION

Vol. 168

WASHINGTON, TUESDAY, MAY 3, 2022

No. 73

Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. LEAHY).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, when we look to the heavens and see the works of Your fingers in the moon and stars, we feel astonished that You care about us. You are the High and Holy One who inhabits eternity, but You have promised to never forsake us, even when we go astray.

Today, help our lawmakers to remember Your declaration in Luke 14:11, which states:

For those who make themselves great will be humbled and those who humble themselves will be made great.

Provide our Senators with the things they need to accomplish Your purposes on Earth even as they are done in heaven. And Lord, we continue to ask You to bless Ukraine.

We pray in Your mighty Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDENT pro tempore. Under the previous order, the Senate will proceed to Executive Session to resume consideration of the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Joshua Frost, of New York, to be an Assistant Secretary of the Treasury.

The PRESIDENT pro tempore. The Senator from Georgia.

Mr. WARNOCK. Mr. President, I suggest the absence of a quorum.

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

The senior assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

U.S. SUPREME COURT

Mr. SCHUMER. Mr. President, this is a dark and disturbing morning for America. Last night, a report disclosed that a conservative majority of the United States Supreme Court is ready to overturn *Roe v. Wade* and uproot decades of precedent affirming a woman's right to an abortion. If this report is accurate, the Supreme Court is poised to inflict the greatest restriction of rights in the past 50 years—not just on women, but on all Americans.

Under this decision, our children will have less rights than their parents. The Republican-appointed Justices' reported votes to overturn *Roe v. Wade* will go down as an abomination—one of the worst, most damaging decisions in modern history.

Several of these conservative Justices, who are in no way accountable to

the American people, have lied to the U.S. Senate, ripped up the Constitution, and defiled both precedence and the Supreme Court's reputation, all at the expense of tens of millions of women who could soon be stripped of their bodily autonomy and the constitutional rights they have relied on for over half a century.

The party of Lincoln and Eisenhower has now completely devolved into the Party of Trump.

Every Republican Senator who supported Senator McCONNELL and voted for Trump Justices, pretending that this day would never come, will now have to explain themselves to the American people.

I will have more to say later this morning, but I want to make three things clear.

First, now that the Court is poised to strike down *Roe*, it is my intention for the Senate to hold a vote on legislation to codify the right to an abortion in law.

Second, a vote on this legislation is not an abstract exercise. This is as urgent and real as it gets. We will vote to protect a woman's right to choose, and every American is going to see which side every Senator stands. Every American is going to see on which side every Senator stands.

Third, to the American people, I say this: The elections this November will have consequences because the rights of 100 million women are now on the ballot.

To help fight this Court's awful decision, I urge every American to make their voices heard this week and this year.

I urge Americans to call their Members, to write their Members, to email their Members, to text their Members, and most of all, to cast their ballots.

Make no mistake, the blame for this decision falls squarely on Republican Senators and the Senate Republicans

• This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



Printed on recycled paper.

S2253

as a whole, who spent years pushing extremist judges and spent years confirming far-right Justices to the Supreme Court but who claimed, somehow, this day would never come.

But this day has come, and we will fight it all the way.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

RECOGNITION OF THE MINORITY LEADER

The Republican leader is recognized.

U.S. SUPREME COURT

Mr. MCCONNELL. Mr. President, for years, the radical left has attacked the institution of the Supreme Court. Last night, it appears their campaign hit a new low.

Historically, the Justices, clerks, and staff have prized and protected the Court's confidentiality. The Justices must be able to discuss and deliberate in an environment of total trust and privacy. Americans cannot receive a fair trial if politicians, pundits, bullies, and mobs get a say in court. Judicial independence is vital, but the far left has spent years shamelessly attacking it. Democrats in Congress have endorsed plans for partisan Court packing. They have sent the Justices threatening legal briefs. They have scheduled sham hearings to smear judges.

In 2020, the Senate Democratic leader marched across the street to the Court and shouted threats—threats—at multiple Justices by name if they didn't rule how he wanted.

In 2018, activists literally chased Senators around the Capitol.

Now, last night, a shocking—shocking—new breach: Somebody—likely somebody inside the Court itself—leaked a confidential internal draft to the press, almost certainly in an effort to stir up an inappropriate pressure campaign to sway an outcome.

The radical left immediately rallied around the toxic stunt. The cheerleaders for partisan Court packing applauded what they suggested was the work of “a brave clerk” making “a last-ditch Hail Mary attempt” to cause a political firestorm and “cause the Court to reconsider.”

Liberals want to rip the blindfold off Lady Justice. They want to override impartiality with intimidation. They want to elevate mob rule over the rule of law. The same political movement that used a leak to move up the timeline of Justice Breyer's retirement process is trying to use yet another leak to make the Court less secure and less impartial.

Never before—never before—in modern history has an internal draft been leaked to the public while the Justices were still deciding the case. Never before.

Whoever committed this lawless act knew exactly what it could bring about. The Justices already require security. Less than 2 weeks ago, an unbalanced person lit himself on fire on the Court steps. Less than 3 years ago, a liberal mob tried to storm the Court, shoving past law enforcement and pounding on the doors.

Look, everybody knows what kind of climate the far left is trying to fuel: one that is antithetical—antithetical—to the rule of law. Right on cue, top Democrats began publishing wild statements about what the Court might decide, packed with using unhinged rhetoric that could easily incite, light a match.

So what else happened? Activists flocked to the Court. An angry crowd surrounded the Court, chanting Justices' names—their renewed call to smash the institutions of both the Senate and the Court at the same time. One of the Court's most essential and sacred features was smashed just to buy the outraged industrial complex a few extra days to scream nonsense about what the Court might rule.

This lawless action should be investigated and punished to the fullest extent possible—fullest extent possible. I am certain the Chief Justice will seek to get to the bottom of this. If a crime was committed, the Department of Justice must pursue it completely.

So, listen, I want all nine Justices to know there are still principled Senators who have their backs no matter what. There are still some people in this Capitol—and a majority in the Senate—whose support for the rule of law is not conditional, not conditional. The Court should tune out the bad-faith noise and feel completely free to do their jobs. They should follow the facts and the law wherever that leads.

As I have warned in the past, courts bowing to activist pressure would never enhance judicial legitimacy. It could only erode it. And the hostage takers would never settle for half a loaf.

ENERGY

Now, Mr. President, on another matter, an unfortunate routine keeps playing itself out with the Biden administration. First, they implement bad policies that create problems. Then they propose solutions that are really just more bad ideas.

A case in point is inflation. Democrats spent last spring unleashing a deluge of reckless spending on our recovering economy. They spent the rest of the year trying to pull off yet another taxing-and-spending spree. Now they want to pass a massive tax hike while families are already hurting.

Unfortunately, for the American people, the same thing is playing itself out in the world of energy policy. Since day one, the Biden administration has done its best to wage holy war on American domestic energy production. The predictable result, thanks to these policies and the broader inflation that Democrats have fueled, is that Amer-

ican families are hurting badly. Across the board, energy costs have risen nearly 32 percent in a year.

But now comes the third part of the unfortunate routine: a slew of bad, far-left policy choices and proposals that would make the pain for the American people actually even worse. Some Democrats are pushing for a massive new tax on companies involved in developing and exporting American energy. The last time this wrongheaded idea was given legs, President Carter ended up reducing domestic production, increasing our foreign dependence, and raising Americans' prices at the pump.

And over the last few weeks, the Biden administration took two more steps in the wrong direction. After ignoring Federal law by failing to award a single oil or gas development lease for five straight quarters, the administration has shrunk its land offering by 80 percent while jacking up its royalty rate by 50 percent. That is right. Democrats' response to supply shortages and sky-high prices at the pump is to make American energy even less available and even more expensive. Meanwhile, it has begun to tear up the regulatory reforms put in place under the last administration to streamline infrastructure project permitting.

President Biden and his team struck the match on a historic surge in energy prices and are now making it even more—more—expensive for American producers to boost supply. They endorsed a bipartisan infrastructure bill and are now making it harder for American builders to get to work.

And, of course, Democrats are still itching to resurrect their Green New Deal. In the midst of historic inflation, they want to jack costs up even further for consumers while making America wildly dependent on China and other regimes with abysmal environmental and labor standards.

The same Democrats who don't want us responsibly exploring for oil and natural gas also don't want us responsibly exploring for critical minerals either and want to tie up American manufacturing in redtape. So the administration's war on American energy has left destruction in its wake. The only idea they have left to try is the one that would have worked from the beginning: Unleash—unleash—the abundant, affordable, and reliable supply we have got right here at home.

I suggest the absence of a quorum.

The PRESIDING OFFICER. 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, I just want to briefly associate myself with the remarks of the Republican leader,