

RIGHT TO CONTRACEPTION ACT

Mr. SCHUMER. Madam President, now on reproductive care, this month, America marks a dark and somber anniversary—2 years since a radical MAGA majority on the Supreme Court overturned *Roe v. Wade*. The decision to overturn *Roe* will go down as one of the worst Supreme Court cases in modern times. It will be remembered as one of the most draconian reversals of individual liberty in American history.

There should be no question who brought our country to this crisis. It was Donald Trump and hard-right Republicans, who have made clear that they will not rest until freedom of choice is eliminated across the country.

Democrats will not stand for Republicans' relentless attacks on reproductive freedoms. This week, the Senate will begin our defense of freedom of choice with a vote to protect access to contraceptives.

Before the Memorial Day holiday, I began the process for the Senate to consider the Right to Contraception Act, led by Senators MARKEY and HIRONO. Today, I just filed cloture on the motion to proceed to that bill. Members should expect a vote moving forward on the Right to Contraception Act on Wednesday.

Federal protections for contraceptives are a critical piece of protecting American women's reproductive freedoms, and this legislation would codify the right to contraception into Federal law.

For those who think that Federal protections for birth control are unnecessary, just look at what is happening at the State level. Republican Governors in Virginia and Nevada have already vetoed bills to protect birth control, and the Arizona Legislature has blocked similar bills too. The Federal Government should absolutely have a say in ensuring every American has access to birth control if they need it.

There will be more action to come after that. Over the coming weeks, Senate Democrats will put reproductive freedoms front and center before this Chamber so that the American people can see for themselves who will stand up to defend their fundamental liberties.

The erosion of freedom of choice is perhaps the defining worry for tens of millions of Americans since the MAGA Court eliminated *Roe*.

Today, at least 20 States have near total bans or severe restrictions on abortion. Tens of millions of women lack access to reproductive care. Even services like IVF, which millions of Americans have relied on to have children, to start families, can no longer be assumed as totally safe.

None of this happened in a vacuum. This is all a direct result of Donald Trump and MAGA Republicans who made the repeal of *Roe* their North Star for decades, and Republicans aren't even hiding it. Donald Trump, in fact, said he was "proudly the person

responsible" for the disastrous *Roe* reversal.

Does anyone seriously think that if Donald Trump and Republicans get into power again that they won't try to restrict abortion and reproductive care even more? Of course they will. Of course they will. That is why it is more important now than ever that we pass legislation like the Right to Contraception Act to protect this vital lifeline for millions of women across the country.

This week and in future weeks, Senate Republicans will have to answer for their anti-abortion, anti-women agenda, and my Republican colleagues should know that the American people are closely watching.

BIG OIL

Mr. SCHUMER. Madam President, on Big Oil, well, we just finished celebrating the Memorial Day holiday. On one hand, it is a solemn holiday, a remembrance of all who died to protect our country. On the other hand, of course, Memorial Day weekend is an unofficial start to summer. Schools go out on break, families and friends get together, and millions of Americans go on road trips. So it is not hard to feel the frustration, the sheer exasperation felt by millions when America's biggest oil companies rake in record profits but still raise prices at the pump. It is deeply, deeply unfair. And now we have reason to believe that in some cases it may be unlawful.

Last week, I joined with my Democratic colleagues calling on the Department of Justice to investigate the oil industry after the Federal Trade Commission uncovered evidence of price fixing and of collusion.

According to the FTC, Pioneer Natural Resources—one of the most important producers in the country—may have colluded unlawfully with the foreign nations of OPEC to limit production and artificially boost prices during the early days of the pandemic.

Much of the evidence in the FTC's complaint is redacted, but even what is public is very, very troubling. According to the FTC, Pioneer's former CEO worked extensively with OPEC as early as 2020 to limit production, assuring them that American companies who normally competed against each other were "working to keep output artificially low." Artificially low output means higher prices for Americans.

Pioneer's former CEO reportedly told his competitors that they need to "stay in line" and that "if anybody goes back to growth, [shareholders] will punish those companies." A month ago, he went as far as saying, "Even if oil gets to \$200 a barrel, the independent producers are going to be disciplined."

This strong-arming seems to have worked, unfortunately. Today, growth in U.S. oil output is down 50 percent since the pandemic, but the average household is paying \$500 more a year

per car because of possible collusion—\$500 more a year per car for gasoline because of possible collusion.

That is what frustrates Americans so much about Big Oil: Even when they are making money hand over fist, they will keep raising prices on us; they will keep squeezing us for everything we have got. And now, they may—may—have crossed the line into unlawful behavior.

So the DOJ needs to step in and determine if any laws against collusion or price fixing have been broken. At minimum, the American people deserve to know if Big Oil executives are conspiring with each other or with OPEC behind our back to illegally raise prices at the pump.

TRUMP TAX CUTS

Mr. SCHUMER. Madam President, finally, on the Trump tax cuts, we knew from day one that Trump tax cuts stunk to high heaven, and now CBO has shown us they are even worse than we thought. Last month, the CBO reported that an extension of the 2017 Trump tax cuts would add a whopping \$4.6 trillion to the deficit.

Hear that deficit hawks on the other side of the aisle who keep complaining that the deficit is getting higher? The Trump tax cuts would add a whopping \$4.6 trillion to the deficit. That is 50 percent higher than original estimates.

The latest CBO report is a harsh reality check for the self-proclaimed fiscal hawks on the right who complain about the deficit. They complain about spending \$50 million to help feed kids, but they seem to have no concern about a tax cut that mainly goes to the wealthy and big corporations that increases the deficit by \$4.6 trillion.

It is another reminder why, at the end of the day, the Trump tax cuts were a dud for the economy and a political loser for the Republican Party.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The 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.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The ACTING 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 legislative clerk read the nomination of Christopher T. Hanson, of Michigan, to be a Member of the Nuclear Regulatory Commission for the term of five years expiring June 30, 2029. (Reappointment).

The ACTING PRESIDENT pro tempore. The senior Senator from Illinois.

U.S. SUPREME COURT

Mr. DURBIN. Madam President, when I went to college here in Washington, at Georgetown, I used to come into this Capitol Building and sit up there where the visitors are now sitting and watch what was going on on the Senate floor.

I can remember so many things, particularly the day that Bobby Kennedy gave a speech about Vietnam that was highly anticipated. He came walking through that door with his brother, Ted Kennedy—both of them Senators, one from New York, one from Massachusetts.

It was a historic moment, it was a magical moment. For a college student, it was just overwhelming to be a witness to that history and to realize what this Chamber has meant to this Nation, what this building has meant to this Nation throughout our history.

That is why I will never forget what happened in this Chamber on January 6, 2021. Violent extremists stormed the Capitol to prevent certification of the 2020 Presidential election. Donald Trump was engaged in the Big Lie.

For the first time really in the history of the United States, he questioned the legal outcome of an election.

Madam President, you and I both know that is fundamental to democracy—the belief that we can have the peaceful transition of the decision-makers guided by the people of this country without political interference.

As insurrectionists ransacked this building, many carried flags and banners to show their support for former President Trump in his effort to overturn the election—the Big Lie. Two of the more prominent symbols of the so-called “Stop the Steal” campaign on behalf of President Trump were on display that day. One was an American flag flown upside down and the other a so-called “Appeal to Heaven” flag.

While the events of January 6 were hard to imagine, reports that the same battle flags flew outside Supreme Court Justice Samuel Alito’s home were nearly as shocking. In January of 2021, less than 2 weeks after the insurrection at the Capitol, an upside-down American flag flew over Justice Alito’s front lawn in suburban Virginia. In the summer of 2023, the “Appeal to Heaven” flag flew on the flagpole of the Alitos’ beach home in New Jersey. While these flags may have once held other meanings, in the year 2021, they were closely associated with election deniers and extreme rightwing politicians. They are, in fact, the battle flags of Trump’s MAGA movement.

The Supreme Court’s authority ultimately rests on its reputation and pub-

lic confidence. The Supreme Court doesn’t own the Army. It doesn’t have a vast Treasury. It depends on people trusting the Justices to make honest, professional decisions. This reputation and public confidence is the strength of the Supreme Court. That is why the Supreme Court’s recently adopted code of conduct requires Justices to avoid impropriety and the appearance of impropriety in all activities. Both the code of conduct and Federal law require Justices to recuse themselves when their impartiality might reasonably be questioned.

The flying of these flags marks a new, disturbing chapter in the Supreme Court’s ongoing ethical crisis. It suggests that Justice Alito has not only chosen sides in an ongoing political dispute but that he has also announced his allegiance in pending legal disputes.

As we speak, the Supreme Court is considering two critical cases relating to the 2020 Presidential election and the January 6 insurrection. In *Trump v. United States*, the Supreme Court will decide whether former President Trump is immune from criminal prosecution for his efforts to overturn the election. In *Fischer v. United States*, the Court—again, the Supreme Court—will determine whether the Federal felony obstruction statute applies to the January 6 rioters who tried to stop Congress from exercising its constitutional duty to certify the election. The Court’s rulings on these issues will be critical to ensuring that those responsible for one of the darkest chapters in our history are held accountable.

Displaying the upside-down American flag and “Appeal to Heaven” flag creates the appearance that Justice Alito has already aligned himself with the “Stop the Steal” campaign. He cannot credibly claim to be an umpire—calling balls and strikes—in these cases. He has donned the jersey of his favorite team. That is why I called on Justice Alito to recuse himself and why I urged Chief Justice Roberts to finally step up and take the steps necessary to ensure that Justice Alito does not sit on those cases and, rather, that he recuse himself. Last week, Justice Alito refused my request.

I am going to keep this letter—the original version that was sent to me and sent to the White House by Justice Alito—in which he makes an argument that these flags should not be taken seriously; that it was his wife’s decision. There were complications in her decision. It is hard to accept this. It is hard, first, to believe that this man we are asking to recuse himself from these Supreme Court cases has somehow stood in judgment of himself and decided that he did nothing unethical and should not recuse himself. He refused our request to recuse himself from these cases. In doing so, he claimed he bears no responsibility for the January 6-related flags flying over his homes. Instead, he placed the blame solely on his wife.

He went on to downplay the significance of the upside-down American flag display, claiming it was part of a dispute with his neighbors, and he denied knowing about the connection between the “Appeal to Heaven” flag and the January 6 insurrection on the Capitol.

Chief Justice Roberts, likewise, refused my request to take action and simply deferred to Justice Alito’s decision. But Justice Alito’s refusal to recuse begs the question: Why should he have the sole power to decide whether his recusal from the case is necessary?

Additional reporting has already called into question his version of events with text messages and even a recording of a call to police suggesting the neighborhood dispute occurred after the upside-down American flag flew over the Alito residence. Whether Justice Alito raised these flags himself or stood idly by while his wife did so, the fact remains the same: A reasonable person would question Justice Alito’s impartiality to the cases relating to the 2020 election and January 6. Recusal is, therefore, necessary.

But the consequences of Justice Alito’s actions go far beyond this. He needs to recuse himself from these cases. By displaying two symbols of the MAGA Republican movement, Justice Alito presented himself to the world as a political actor and an ally of the far right. His actions suggest that no matter what arguments are made or what evidence is presented at the Supreme Court, his decisions will align with his personal beliefs and policy preferences.

And no matter what excuses or explanations he provides now or in the future, it will be hard for anybody before the Court to believe that Justice Alito approaches that case without bias.

We cannot afford the further erosion of public confidence in our courts. Our faith in the impartiality of judges is essential to the functioning of our legal system and our form of government. For more than a year, story after story has broken about ethical misconduct by sitting Justices of the Supreme Court. We have learned that some Justices, including Justice Alito again, accepted gifts and travel from billionaires with interests before the Court. The Senate and the American people deserve to know the full extent of how immense wealth is used to buy private access to the Justices. That is why the Senate Judiciary Committee is exercising its constitutional authority to investigate what has been provided to the Justices.

I will continue to push for legislation—a bill sponsored primarily by SHELDON WHITEHOUSE, but many of us have joined as cosponsors—to establish a binding code of conduct and recusal standards for the Justices.

Why in the world should the highest Court in our land have the lowest standard of ethics? If every other Federal judge is held to a standard of ethics to make certain that their reputations are intact, why would that not