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Senate

The Senate met at 10 a.m. and was called to order by the Honorable PETER WELCH, a Senator from the State of Vermont.

PRAYER

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

Let us pray.

Almighty God, our gracious King, as we prepare to commemorate the 80th anniversary of D-Day, our eyes turn to You. Lord, our Nation and world are in pain, feeling overwhelmed by the multiple challenges that require Your love, wisdom, and power. We celebrate that You love us so much that You want what is best for us. You are so wise that You know what is best for us, and You are so powerful that You can accomplish what is best for us.

Today, give supernatural wisdom to our national leaders as they seek to do Your will. Guide and direct also the leaders of our world.

And, Lord, we thank You for the marvelous contributions of our spring 2024 Senate page class. As they prepare to graduate on Friday, bless and keep them in all of their tomorrows.

We pray in Your marvelous Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer 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.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mrs. MURRAY).

The senior assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 5, 2024.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable PETER WELCH, a Senator from the State of Vermont, to perform the duties of the Chair.

PATTY MURRAY,
President pro tempore.

Mr. WELCH thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

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

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 senior assistant legislative clerk read the nomination of Judith E. Pipe, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

RIGHT TO CONTRACEPTION ACT

Mr. SCHUMER. Mr. President, let me begin with a disturbing statistic. According to a recent poll by the Kaiser Family Foundation, one in five U.S.

adults worries that the right to contraception is under threat—one in five U.S. adults. That is more people than live in Florida or Texas or California. In the same poll, less than half of the adults said they felt the right to use birth control was secure.

Americans' uncertainty about using birth control is one of the many shameful consequences of overturning *Roe v. Wade*. This is the mess Donald Trump, the MAGA Supreme Court, and the Republican-led Senate has created.

Today, we live in a country where not only tens of millions of women have been robbed of their reproductive freedoms, we also live in a country where tens of millions more worry about something as basic as birth control. That is utterly medieval. It is sickening. It should never happen here in the United States. But because of Donald Trump and the hard right, it is reality.

Today, the Senate has the chance to protect reproductive rights by advancing the Right to Contraception Act. I thank my good friends Senators HIRONO and MARKEY for championing this bill. I thank every Senator and every advocate and every concerned citizen who has raised their voice supporting this bill.

In a perfect world, a bill saying you can access birth control without government interference should not be necessary, but given the erosion of reproductive rights in America, today, it is absolutely vital. So I will be proud to vote yes today. I urge all my colleagues on both sides of the aisle to do the same.

Sometimes the right answer is the obvious one. If Republicans truly support protecting access to birth control, then they should vote yes on moving this bill forward.

Now, we have heard a number of very anxious arguments from the other side against moving forward on the Right to Contraception Act. We have heard that it radically expands access to

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



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abortion. We have been told it stomps all over religious liberties. We have heard that this issue is much ado about nothing. At best, these retorts are feeble and predictable, and at worst, they are dangerous. So let's set the record straight.

To those who claim the Right to Contraception Act undermines religious liberties, if anything, the opposite is true. This bill absolutely protects religious liberties. There is nothing in the text forcing anyone to provide contraception if it contradicts their own beliefs. Should this bill pass, the Religious Freedom Restoration Act would remain the law of the land.

To those who say outlandishly that this bill expands abortion access, that is false, full stop. I invite Americans to read this bill for themselves. There is nothing—nothing—in this bill about abortion. To suggest this bill expands abortion is vulgar fearmongering, plain and simple.

The reason we hear these claims is because Republican colleagues don't want to say the quiet part out loud: The GOP, the Republican Party here in the Senate, has been totally captured by the radical MAGA right, which is totally opposed to protecting reproductive rights, even birth control, which, of course, 90 percent of Americans support.

Make no mistake, if Republicans get into power, the MAGA right will push for a national abortion ban and the total elimination of reproductive care.

Finally, of course, there is the more devious claim that the Right to Contraception Act is much ado about nothing, that it is unnecessary, that birth control could never possibly fall under risk. Well, remember, people said the same thing about Roe—that it could never be overturned—and then tragically, unfortunately, it was because Donald Trump and the Republican Senate filled the Supreme Court with MAGA radicals who followed through with the hard right's goal of eliminating freedom of choice.

And who knows how far the hard right will go. A few years ago, it was Roe. A few years from now, it could be something else. Justice Thomas himself opened the door to undoing protections for birth control in his dissenting opinion in *Dobbs*. We are kidding ourselves if we think the hard right is done with their attacks on reproductive rights.

Let's be perfectly clear: Attacks against birth control aren't theoretical bugaboos; it is already happening at the State level.

To those who argue Federal protections for birth controls are unnecessary, go ask the people of Virginia what they think after their Republican Governor vetoed—vetoed—a bill that would have protected contraceptives at the State level. Go ask the people of Nevada what they think after their Republican Governor also vetoed a bill to protect access to birth control.

To those who say birth control will never fall at risk, go ask the people of

Arizona or Florida or Idaho or Iowa or Missouri. In each of these States, Republican Governors or Republican State legislators are on record blocking protections for birth control access in one form or another.

So let there be no mistake: In the aftermath after Roe's demise, the threat to birth control is very, very real, and that is why it is so important for the Senate to act.

This is a simple bill and a simple vote. If you believe all women deserve to have contraception, then you should vote for this bill. That is all there is to it.

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. McCONNELL. Mr. 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.

RECOGNITION OF THE MINORITY LEADER

The Republican leader is recognized.

U.S. SUPREME COURT

Mr. McCONNELL. Mr. President, the Supreme Court term is about to end, which means it is time for Democrats and their media allies to bully and harass the Justices. The most recent example of this is the risible attack leveled against Justice Alito for his wife's flags.

I have nothing to say about those attacks themselves because they are so profoundly unserious, but I do have an observation about how some of the attacks have been leveled.

Three of our colleagues have taken it upon themselves to write to the Chief Justice and demand Justice Alito's recusal in cases. One went so far as to tell the Chief that he should strip Justices Alito and Thomas of their ability to write majority opinions unless they recuse from the cases liberals don't want them hearing.

This goes beyond the standard disgraceful bullying my Democratic colleagues have perfected. Recusal is a judicial act.

These Senators are telling the Chief Justice, privately, to change the course of pending litigation. This is known as ex parte communication, and it is frowned upon by the ABA's Model Rules of Professional Conduct.

This matters because at least two of these colleagues of ours—the junior Senator from Rhode Island and the senior Senator from Connecticut—seem to be members of the Supreme Court Bar. If so, they are, therefore, potentially engaging in unethical professional conduct before the Court.

They may be under the mistaken impression that their persistent attempts to threaten the Federal courts are a permissible use of their legislative office, but they are officers of the Court and bound by a different set of rules than a mere Senator. These rules pro-

vide for discipline against those who engage in "conduct unbecoming" an officer of the Court.

I might suggest to our colleagues that unethical ex parte communications seeking to change the course of pending litigation is such conduct and that the Court should take any remedial action it feels to be appropriate.

The legal profession is in distress. Unethical behavior by attorneys serving political causes, unfortunately, knows no party or faction. It is up to the legal profession to police itself, and in the end, this means that courts, including the Supreme Court, must police their officers. We don't need to appeal to heaven to fix this problem, just to the Supreme Court's power to police the ethical practice of law among the members of its bar.

INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA

Mr. President, on another matter, unaccountable international judicial juntas have made headlines in recent weeks.

First, it was the self-aggrandizing International Criminal Court, whose rogue prosecutor sought preposterous arrest warrants for Israeli leaders in a grotesque attempt to draw moral equivalence with Hamas terrorists.

Not to be outdone, the unelected and unaccountable International Tribunal for the Law of the Sea has issued an advisory opinion that seeks to establish an international law requirement to regulate greenhouse gases, including a right of action against wealthy, industrialized nations.

The New York Times reports that such an opinion is unsurprisingly expected to lead to "wide-ranging claims for damages against polluting nations." The paper of record also tells us the U.N.'s International Court of Justice is also seized of the matter.

Climate justice warriors are swooning as they contemplate the largesse they might receive from this redistributive lawfare. This is a money grab and a power grab, pure and simple.

All of this unaccountable globalist socialism is just another reason President Reagan refused to sign the U.N. Convention on the Law of the Sea and why the Senate has rightly refused to ratify it. At this point, it should be called the "ICC of the Sea."

I know some of my colleagues believe we should ratify this treaty, and they mean well, but I would urge my friends on both sides of the aisle to ask themselves if they are willing to put U.S. sovereignty into the hands of the "ICC of the Sea."

No country or entity has done more to protect the freedom of navigation than the United States. The U.S. and allied navies are the ones who protect commercial shipping lanes the global economy relies on, and self-important jurists of the "ICC of the Sea" would do well to remember this fact the next time they consider biting the hand that feeds.