

“joint effort [with] very conservative groups, special interest, dark money groups, and the Republican party” to shape “what will be the future of the court.” Senator RICHARD DURBIN, Interview with the Washington Post (July 13, 2023). And perhaps most tellingly, the present investigation was announced with a statement titled “Whitehouse, Durbin Ask Leonard Leo and Right-Wing Billionaires for Full Accounting of Gifts to Supreme Court Justices.” Sens. Richard Durbin and Sheldon Whitehouse, Press Statement (July 12, 2023).

These explicitly political attacks, and others like them, made over the course of many years and reaching a crescendo in the days immediately following the transmission of the letter to Mr. Leo, provide an ample basis for concluding that the July 11 Letter is animated by animus toward “conservative” “Right-Wing” views and organizations, rather than a purely genuine concern about Supreme Court ethics. See *Lyberger v. Snider*, 42 F.4th 807, 813 (7th Cir. 2022) (explaining that statements from officials who took adverse action can demonstrate retaliatory motive). The circumstances of the Committee’s investigation show that “retaliatory animus actually caused” the adverse action taken against Mr. Leo. *Nieves*, 139 S. Ct. at 1723.

This conclusion is confirmed by the targeted and one-sided nature of the investigation. Despite professing interest in potential ethics violations and influence-peddling at the Supreme Court, the Committee has focused its inquiries on individuals who have relationships with Justices appointed by Republican Presidents. Reported instances of Democrat-appointed Justices accepting personal hospitality or other items of value from private individuals have been ignored. Here are some examples:

In 2019, Justice Ruth Bader Ginsburg was given a \$1 million award by the Berggruen Institute, an organization founded by billionaire investor Nicolas Berggruen. See Andrew Kerr, *Ruth Bader Ginsburg’s Mysterious \$1 Million Prize*, Washington Free Beacon (July 19, 2023). Justice Ginsburg used the money to make donations to various charitable causes of her choosing, most of which remain unknown. See *id.*

Between 2004 and 2016, Justice Stephen Breyer took at least 225 trips that were paid for by private individuals, including a 2013 trip to a private compound in Nantucket with billionaire David Rubenstein, who has a history of donating to liberal causes. See Marty Schladen, *U.S. Supreme Court justices take lavish gifts—then raise the bar for bribery prosecutions*, Ohio Capital Journal (April 26, 2023).

On September 30, 2022, the Library of Congress hosted an expensive investiture celebration for Justice Ketanji Brown Jackson that was funded by undisclosed donors. See Houston Keene, *Library of Congress explains why it hosted Jackson investiture but not for Gorsuch, Kavanaugh, Barrett*, Fox News (Sept. 30, 2022).

On two occasions, Justice Sonia Sotomayor failed to recuse herself from cases involving her publisher, Penguin Random House, which had paid her \$3.6 million for the right to publish her books. See Victor Nava, *Justice Sonia Sotomayor didn’t recuse her self from cases involving publisher that paid her \$3M*, report, N.Y. Post (May 4, 2023).

Justice Sonia Sotomayor used taxpayer-funded Supreme Court personnel to promote sales of her books, from which she earned millions of dollars, including at least \$400,000 in royalties. See Brian Slodysko & Eric Tucker, *Supreme Court Justice Sotomayor’s I staff prodded colleges and libraries to buy her books*, Associated Press (July 11, 2023).

Throughout her tenure on the Supreme Court, Justice Ruth Bader Ginsburg main-

tained a close relationship with the pro-abortion group National Organization for Women (“NOW”), which frequently had business before the Court. See Richard A. Serrano & David G. Savage, *Ginsburg Has Ties to Activist Group*, Los Angeles Times (Mar. 11, 2004). Among other things, Justice Ginsburg helped the organization fundraise by donating an autographed copy of one of her decisions, and contributed to its lecture series, even as she participated in cases in which NOW filed amicus briefs. See *id.*; Katelynn Richardson, *Here Are the Times Liberal Justices had Political Engagements that Were Largely Ignored by Democrats*, Daily Caller (May 5, 2023).

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

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

#### SENATE DRESS CODE RESOLUTION

Mr. SCHUMER. Mr. President, in a moment, my friend from West Virginia will submit a resolution regarding the Senate dress code. Although we have never had an official dress code, the events over the past week have made us all feel as though formalizing one is the right path forward.

I deeply appreciate Senator FETTERMAN’s working with me to come to an agreement that we all find acceptable, and, of course, I appreciate Senator MANCHIN’s and Senator ROMNEY’s leadership on this issue.

I will move for the Senate to adopt this resolution in a few minutes.

I now yield to my colleague from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. MANCHIN. Mr. President, let me thank Senator SCHUMER for working with us to come to this conclusion and bring all of us together. I appreciate it very much. I appreciate Senator MCCONNELL for being a part of this and joining this bipartisan effort and, of course, my dear friend Senator MITT ROMNEY, who has been a part of all of these efforts that we have worked on together and in putting together this small token of our appreciation for what we have been able to do. I want to thank Senator FETTERMAN also. Senator FETTERMAN and I have had many conversations, and he has worked with me to find a solution. I appreciate that very much. It has truly been a team effort.

You know, for 234 years, every Senator who has had the honor of serving in this distinguished body has assumed that there were some basic written rules of decorum and conduct and civility, one of which was a dress code. The presumed dress code was pretty simple. The male Senators were required to wear a coat, tie, and slacks or other long pants while on the floor of the Senate to show the respect that we had for our constituents back home.

Just after a week ago, we learned that there were not, in fact, any written rules about the Senators as to what they could and could not wear on the floor. So Senator ROMNEY and I got together, and we thought maybe it is time that we finally codified something that has been precedent, a rule, for 234 years. We drafted this simple, two-page resolution that will put all of that to bed once and for all by just codifying a longstanding practice into a Senate rule which makes it very clear for the Sergeant at Arms to be able to enforce.

I want to thank Senator ROMNEY for working, as always, in a bipartisan way on so many endeavors. This is just as important, maybe, as any of them we have ever done.

With that, I turn it over and yield to my good friend Senator ROMNEY.

The PRESIDING OFFICER. The Senator from Utah.

Mr. ROMNEY. Mr. President, I thank Senator MANCHIN. We have collaborated on quite a number of things together. It has been a great experience and a joy for me. I thank Leader SCHUMER for beginning this process and making sure that we reach a favorable and bipartisan conclusion.

This is not the biggest thing going on in Washington today. It is not even one of the biggest things going on in Washington today. Nonetheless, it is a good thing. It is another example of Republicans and Democrats being able to work together and solve, in this case, what may not be a really big problem but what is an important thing that makes a difference to a lot of people.

I have been thinking about the extraordinary Founders of our country and the leaders in the early days who decided to build this building. I mean, George Washington approved this building. In the years that followed, huge sacrifices were made. They could have built a building that looked like a Walmart, with La-Z-Boy chairs. Instead, they built this extraordinary edifice with columns and marble. Why did they do that? Why make that huge investment? For one, I think it was to show the respect and admiration that we have for the institution of the Government of the United States of America. This was at a time when we were an agricultural society. Yet they made this enormous sacrifice and built this amazing edifice.

I think it is in keeping with that spirit that we say we want those who serve inside this room, in this Hall, to show a level of dignity and respect which is consistent with the sacrifice they made and with the beauty of the surroundings.

So I appreciate the effort that Senator MANCHIN has led and that Senator SCHUMER has put on the floor this evening such that we might be able to proceed and codify what has been a longstanding practice of showing our admiration and respect for the institution in which we serve, the very building in which we are able to serve it,

and our respect for the people whom we represent.

The PRESIDING OFFICER. The majority leader.

Mr. SCHUMER. Mr. President, as I mentioned a minute ago, although we have never had an official dress code, the events over the past week have made us all feel that formalizing it is the right way forward.

I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 376, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 376) clarifying the dress code for the floor of the Senate.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SCHUMER. I ask unanimous consent the resolution be agreed to and that the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 376) was agreed to.

(The resolution is printed in today's RECORD under "Submitted Resolutions.")

The PRESIDING OFFICER. The majority leader.

#### RESOLUTIONS SUBMITTED TODAY

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the en bloc consideration of the following Senate resolutions: S. Res. 373, S. Res. 374, S. Res. 375, and S. Res. 377.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. SCHUMER. I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, and that the motions to reconsider be considered made and laid upon the table, all en bloc.

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

The resolutions (S. Res. 373, S. Res. 374, S. Res. 375, and S. Res. 377) were agreed to.

The preambles were agreed to.

(The resolutions, with their preambles, are printed in today's RECORD under "Submitted Resolutions.")

#### MORNING BUSINESS

#### ADDITIONAL STATEMENTS

#### 75TH ANNIVERSARY OF SHRM

• Mr. Kaine. Mr. President, I rise today to salute the Society for Human Resource Management, known today simply by its initials SHRM.

For 75 years, SHRM has contributed to opportunity in our Nation's work-

force. The human resource profession emerged in the early 20th century and was known as "Personnel Administration," as personnel departments over time began developing hiring procedures and employee handbooks to manage personnel according to fair, consistent policies. In 1948, the American Society for Personnel Administration—ASPAs—was born. By 1950, ASPA had 130 members and launched Personnel News, which eventually became HR Magazine and remains one of the Nation's longest running association publications. In 1954, the term "human resources" emerged, reinforcing the value of the profession. In 1964, ASPA launched a nationwide student chapter program, which today hosts chapters at more than 200 colleges and universities. This period also saw the creation of SHRM's research arm to advance higher standards of performance in personnel administration. SHRM Research is now a leader in studies focused on the intersection of people and work.

In 1966, the association created the ASPA Foundation to mobilize members for positive change. Today, the SHRM Foundation supports initiatives on topics like mental health and wellness, inclusive workplaces, and military veterans. In 1968, as ASPA turned 20, its leaders made a commitment to articulate a defined body of HR knowledge. The ASPA Accreditation Institute was born; in 1976, the first HR certification exam was given to 80 test takers, and today, more than 120,000 people are SHRM-certified.

In 1973, ASPA opened its first DC office, and that same year and for the first time, ASPA provided testimony in a congressional hearing on pending legislation, the Employee Retirement Income Security Act.

In 1984, with national legislation becoming a growing focus for ASPA the association moved its national headquarters to Alexandria, VA. Today, SHRM has approximately 275 Alexandria-based employees located on its multibuilding campus, with another 75 employees across the United States. SHRM has 18 chapters throughout Virginia and approximately 11,148 Virginia human resource professionals and business executives who play an active role in this vibrant trade association. SHRM Government Affairs has since become the go-to source for workplace legislative and legal issues. Today, the SHRM Advocacy Team includes more than 17,000 HR professionals in all 435 congressional districts who inform public officials on how legislation will impact employers and employees. Today, SHRM has offices in eight locations worldwide servicing members in 165 countries.

Finally, in 2020, the HR profession faced its biggest challenge ever—and rose to the moment. The COVID-19 pandemic gave HR professionals the opportunity to lead their organizations through every phase of the public health crisis and helped inform busi-

nesses and policymakers on the changing landscape of work and offer thoughtful advice on the evolving human resources issues brought on by the pandemic.

Over the past 75 years, SHRM has become the voice of all things work. Their long history of advocacy before State and local government and 50 years of advocacy of workforce policy before the Congress, Federal Agencies, and the executive branch in the United States. Today, I salute the association and its 325,000 members for their positive impact on our Nation.●

#### REMEMBERING CARIDAD ROQUE PEREZ

• Mr. RUBIO. Mr. President, I pay tribute to a remarkable Cuban-American patriot whose life embodied the American Dream. Caridad Roque Perez, who went to eternal glory at the age of 82, was a beloved journalist and an iconic former political prisoner who unjustly endured more than 15 years of imprisonment under the criminal Castro regime. Cary's tireless pursuit of freedom and justice made a lasting impact not just in South Florida but also within the Cuban-American exile community across our nation. While our community mourns the loss of one of its most resilient and courageous voices, it is our moral duty to honor and remember her legacy as well as to carry on her relentless advocacy for a democratic Cuba, free from tyranny.

Jeanette and I unite in prayer alongside the Cuban exile community for the repose of the soul of this brave anti-Castro dissident who dedicated her life to service and advocacy.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Stringer, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

#### MESSAGE FROM THE HOUSE

At 12:24 p.m., a message from the House of Representatives, delivered by Mrs. Alli, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 2795. An act to amend title 38, United States Code, to extend and modify certain authorities and requirements relating to the Department of Veterans Affairs, and for other purposes.

The message also announced that the House has passed the following bill, in