

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 552) designating March 2022 as “Irish-American Heritage Month” and honoring the significance of Irish Americans in the history and progress of the United States.

There being no objection, the committee was discharged, and the Senate proceeded to consider the resolution.

Mr. DURBIN. I ask unanimous consent that the resolution being agreed to; that the Murphy amendment at the desk to the preamble be agreed to; that the preamble, as amended, be agreed to; and that the motions to reconsider be considered made and laid upon the table.

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

The resolution (S. Res. 552) was agreed to.

The amendment (No. 5029), to the preamble, was agreed to as follows:

(Purpose: To amend the preamble)

In the preamble, in the eighth whereas clause, strike “Chuck Feeney” and insert “William Russell Grace”.

The preamble, as amended, was agreed to.

The resolution with its preamble, as amended, reads as follows:

S. RES. 552

Whereas, from the earliest days of the United States, the United States has inspired the hopes and dreams of countless individuals from around the world in search of a better life for themselves and their children;

Whereas more than 31,500,000 United States citizens trace their ancestry to Ireland;

Whereas, since before the United States was founded, Irish men and women undertook the perilous journey across the Atlantic Ocean to make a home in the United States, a place of hope and promise, and made inestimable contributions to the United States, both during the struggle for independence and after the founding of the republic;

Whereas 9 of the 56 signatories of the Declaration of Independence, 4 associate justices of the Supreme Court of the United States, and 22 Presidents proudly claim Irish heritage;

Whereas Irish immigrants who came to the United States during the Great Famine of the 1840s helped transform cities in the United States, building them into dynamic centers of commerce and industry;

Whereas the cultural, economic, and spiritual contributions of Irish immigrants continue to be evident today throughout the United States;

Whereas Irish Americans have become deeply integrated into communities with strength, courage, wit, and creativity, making significant contributions in all areas of life;

Whereas Irish-American writers such as Eugene O'Neill, John O'Hara, and F. Scott Fitzgerald transformed literature in the United States, entrepreneurs like William Russell Grace helped revolutionize industry and philanthropy in the United States, performers such as Gregory Peck, Lucille Ball, and Gene Kelly enriched the arts, and social reformers such as suffragist Leonora Barry and labor organizer Mary Kenney O'Sullivan fought for the rights of others;

Whereas Irish Americans have served ably in communities in numerous capacities, including in public safety and government at the Federal, State, and local levels, and in

the Armed Forces in every war in which the United States has fought since the Revolutionary War, including patriots such as Audie Murphy, the most decorated soldier of World War II;

Whereas, more than 200 years ago, John Barry, who was born in Ireland, was the first naval hero of the Revolutionary War and became known as the Father of the Navy;

Whereas the United States played a prominent role in support of negotiations of the Good Friday Agreement (also known as the Belfast Agreement), done at Belfast, April 10, 1998, and has taken a leading role in promoting peace on the island of Ireland more broadly;

Whereas Congress greatly values the close relationships the United States shares with both the United Kingdom and Ireland and is steadfastly committed to supporting the peaceful resolution of any and all political challenges in Northern Ireland; and

Whereas, on February 28, 2022, President Joseph R. Biden, Jr., proclaimed March 2022 as Irish-American Heritage Month: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 2022 as “Irish-American Heritage Month”;

(2) recognizes the significant contributions of Irish Americans in the history and progress of the United States; and

(3) supports the full implementation of the Good Friday Agreement (also known as the Belfast Agreement) and subsequent agreements or arrangements for implementation of that Agreement to support peace on the island of Ireland.

HONORING THE LIVES OF FALLEN MISSOURI POLICE OFFICERS AND EXPRESSING CONDOLENCES TO THEIR FAMILIES

Mr. DURBIN. Madam President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration and the Senate now proceed to S. Res. 594.

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

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 594) honoring the lives of fallen Missouri police officers and expressing condolences to their families.

There being no objection, the committee was discharged, and the Senate proceeded to consider the resolution.

Mr. DURBIN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table.

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

The resolution (S. Res. 594) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of April 25, 2022, under “Submitted Resolutions.”)

UNITED STATES FOREIGN SERVICE DAY

Mr. DURBIN. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 627, 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. 627) designating May 6, 2022, as “United States Foreign Service Day” in recognition of the men and women who have served, or are presently serving, in the Foreign Service of the United States, and honoring the members of the Foreign Service who have given their lives in the line of duty.

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

Mr. DURBIN. I know of no further debate on the resolution.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the resolution.

The resolution (S. Res. 627) was agreed to.

Mr. DURBIN. I ask unanimous consent that the preamble be agreed to and the motions 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 preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under “Submitted Resolutions.”)

KIDS TO PARKS DAY

Mr. DURBIN. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 628, 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. 628) designating May 21, 2022, as “Kids to Parks Day.”

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

Mr. DURBIN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and that the motions 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. 628) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under “Submitted Resolutions.”)

The PRESIDING OFFICER. The Senator from Maryland.

WOMEN'S HEALTH PROTECTION ACT

Mr. CARDIN. Madam President, I rise to express the urgent need to pass the Women's Health Protection Act and put an end to the constant attacks that have chipped away at women's constitutional rights in this country. Now more than ever, it is vital to codify reproductive rights and protect other hard-won civil rights as they face renewed threats.

Last week, POLITICO published Supreme Court Associate Justice Alito's

draft opinion in *Dobbs v. Jackson Women's Health*, which, while not final, would strike down *Roe v. Wade*. This would have an immediate and devastating consequence for the health and well-being of tens of millions of women of reproductive age across the Nation. Women in low-income families who could not overcome the financial and logical barriers to travel to States with abortion access will suffer the most, increasing existing health disparities.

While this draft opinion is a reminder of what is at stake, we have seen the erosion of reproductive rights for decades. Despite the clear constitutional rights the Supreme Court established almost 50 years ago in the landmark *Roe v. Wade* decision, each year, legislatures across the country have passed harmful abortion restrictions in an effort to impede a woman's fundamental right to make the best informed healthcare decisions for herself and her family. This goes against what I believe to be one of the fundamental responsibilities of the Court, which is to expand rights, not restrict them.

Implementing the Bill of Rights, we have seen the Federal courts over a period of time protect Americans against the abuse of power, including the power exercised by our government. Should this opinion go into effect, this would be the first time in memory that the Court would act to take away the constitutional rights of Americans. It would also be the first time in our country's history when women now would have fewer rights than their mothers.

The reasoning used in this draft decision could also be used to undermine other dearly held civil rights in the future. Justice Alito's leaked draft opinion laid out a roadmap to overturn other landmark decisions that expanded rights, including *Obergefell v. Hodges*, which affirmed marriage equality.

Justices Gorsuch, Kavanaugh, and Barrett all testified under oath before the Senate Judiciary Committee that Supreme Court precedents should stand—a bedrock principle of jurisprudence known as *stare decisis*—but they clearly arrived with an agenda to overturn *Roe*, and now, they are making that a reality.

Senate Republicans and former President Donald Trump bear responsibility for nominating and confirming Justices far outside of the legal mainstream and damaging our confirmation process and the public's faith in the Supreme Court as an impartial arbiter of our Nation's laws.

Senate Republicans deliberately stole the seat that President Barack Obama nominated Merrick Garland to fill, and they delayed even having a hearing for 1 year, effectively shrinking the size of the Supreme Court. Senate Republicans then turned around and rushed the confirmation of Justice Amy Coney Barrett after the death of Justice Ruth Bader Ginsburg, even

though early voting had already begun in the 2020 Presidential elections.

Overturning *Roe* goes against public opinion. A recent poll of the *Washington Post-ABC* showed that 70 percent of Americans believe that the Court should uphold *Roe* and that decisions regarding abortion should be left to a woman and her doctor.

Now more than ever, it is essential for the Senate to pass the Women's Health Protection Act, of which I am proud to be a cosponsor. The legislation would protect the right to abortion free from medically unnecessary restrictions and create a statutory right for providers to provide and patients to receive care. This would codify *Roe v. Wade* and prevent States from continuing to enact restrictions on reproductive freedoms.

Despite the opinion just being a draft and abortion still being a constitutional right, States are already seizing on the momentum of this draft opinion and moving to limit a woman's constitutional right. Since the leak of this draft opinion, legislatures around the country are rushing to criminalize abortion and outlaw contraception.

Just last week, the Louisiana State Legislature advanced a bill that would classify abortion as homicide. This adds to the over half of our States that have already passed laws to restrict and ban abortion access. There are more than one dozen States with anti-abortion laws set to take effect immediately if the Supreme Court strikes down *Roe v. Wade*.

The Republican leader, Mr. MCCONNELL, stated:

If the leaked opinion became the final opinion, legislative bodies—not only at the state level but at the federal level—certainly could legislate in that area.

Thanks to five unelected, activist Justices on the Supreme Court, women are facing the prospect of a Federal, nationwide ban on abortion services. We go back to those days where abortions were performed illegally in back alleys. We can't let that happen in this country.

While many States, including my home State of Maryland, have acted to expand abortion care, we cannot rely on a patchwork of State laws to protect a basic constitutional right. The right to choose is fundamental and a decision that a woman should make in consultation with a doctor or other healthcare provider free of political interference from Federal, State, or local government.

I urge President Biden and the Department of Health and Human Services, the Department of Justice, and other Federal Agencies to use their power and to act swiftly to safeguard the reproductive rights of Americans.

There is no denying that this is a bleak moment. We know the battle for reproductive rights has been an ongoing struggle with previous setbacks. We saw this just a few months ago following the anti-choice, pro-vigilante law that the Texas Legislature passed

which threatens providers with jail time and fines for administering what is still federally and constitutionally protected medical care for women.

We cannot wait any longer. We must do everything in our power to ensure access to reproductive services now. Therefore, I urge my colleagues to pass the Women's Health Protection Act, and we will have a chance to do that starting tomorrow.

Throughout my time in Congress, I have been a steadfast supporter of reproductive rights, and this will not change. Regardless of the outcome of tomorrow's vote or the Supreme Court's final decision, I will continue to do everything within my power to ensure that women can have access to the care they need.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. PETERS. Madam President, I also rise to speak about the need to pass the Women's Health Protection Act. Certainly, the Senator from Maryland outlined a very strong argument as to why this fundamental protection, this fundamental right, needs to be protected.

We know right now that we may see the Supreme Court come out with a decision to basically end *Roe v. Wade* and, in the process, end a fundamental right that women in this country have had available to them for 50 years.

We can hear all the arguments—and my colleagues will present an awful lot of arguments tonight and tomorrow—as to why we need to pass this act, but for me, this is personal, a personal experience that I had, and it is an experience that, unfortunately, many, many families have had. The fact is, as I have shared this story, I have been really overwhelmed by people reaching out to me and saying that they, too, have a very similar story and how my talking about it brought out their willingness to share their experience as well. In addition to that, they understand how important it is that we protect *Roe v. Wade* and we protect the right for women to make critical decisions for themselves, along with their doctor, and not have politics interfere with those decisions.

My story involves my first wife. When we were married, she was pregnant with a child whom we very much wanted. We were looking forward to having a second child. In the fourth month, towards the end of the fourth month, her water broke—clearly a very dangerous situation.

She went to go see her physician. Her physician examined her and said: With this water breaking, the amniotic fluid has now left the uterus. There is no way a baby can survive in this situation.

They examined her. There was a very faint heartbeat.

He said: There is a faint heartbeat here, but there is no way this baby can survive.

He said: What I think will happen is you are going to have a miscarriage. So

go home tonight, and you will have a miscarriage, and come in and see me tomorrow.

Well, you can imagine the anguish, the horrible evening, and the despair that she was in and I was in. It was a long, long night.

The next morning, nothing happened. She went back to the physician—we went back to the physician. He examined her again and said: I am really surprised. I don't know why you didn't miscarry because it is clear that there is no way this baby can survive in this situation. The amniotic fluid is gone; the cushion is gone.

He said: I don't think I can do anything because there is still a faint heartbeat here. I don't know why there is still a faint heartbeat. So go home again tonight. I think tonight is going to be the night you have a miscarriage.

We went back again. It didn't happen—another horrible night—horrible. The mental anguish is intense, and families who have gone through this know exactly what I am talking about.

We went the next day, and, again, he examined her. He said: I can't understand this, but this is going on. I am really worried that there is going to be an infection here. There isn't the protection there. You could go into septic shock. Your health is definitely endangered here. The baby can't survive. Without the amniotic fluid, the cushion, the baby could lose its limbs.

There were horrible, horrible, nightmarish kinds of thoughts in our minds.

He said: I am going to go to the hospital, and I am going to say, even though there is a faint heartbeat, this is a medical necessity, that we have to do a D&C abortion here to protect your health and potentially your life if we don't take care of this. So I will go to the hospital. Go home, and I will call you and let you know when I can bring you in.

Well, he called. I will never forget the voicemail that was left. He said: I am really sorry to say this. I went to the hospital board. I explained the medical necessity here, what you are going through, how we have to take care of this because it could clearly be a serious situation if you go into septic shock.

And the board said: No. As long as there is a faint heartbeat, you can't perform the procedure.

Then he said: There is no reason for this decision from the hospital board. It is not based on sound medicine. It is not based on medical practice. It is not based on what is best for your health. This is based on politics. Plain and simple, this is politics.

He goes: I am ashamed that this happened, and I am embarrassed I have to call you and tell you I can't do it because the hospital will not grant me privileges to do it.

He said: My advice to you is find a doctor now, immediately, that can take care of this procedure.

Well, you can imagine how scary that is, how frightening that is; and who do

we call in that situation? We were fortunate in the fact that we had a friend who was a hospital administrator at another hospital. He got us in to see the gynecologist, OB-GYN at the hospital to examine her. We went there.

He examined her and said: Oh, my gosh, I have to do this procedure now. There is no more time. This is getting incredibly dangerous. We have to do the D&C abortion.

He said: You are about to go—the infection is starting. It is going to get worse. If I don't do this quickly, you are going to lose your uterus. If we don't deal with it quickly, you could very well lose your life with the infection that could occur here.

He immediately performed the procedure.

Just think of that. One, if we didn't have the opportunity to see another doctor who was able to perform it and understood the severity of it, my wife at the time, former wife, could have easily lost a uterus, could have had significant health impacts, and could have lost her life.

It just kept ringing in my mind what that doctor said: This is about politics. This is not about good medical practice. This is not about caring about someone's health and caring about their life; it was about politics. And that is why we have to protect *Roe v. Wade*.

We have to protect the right for women to control their bodies, to control their reproductive health. It cannot be a decision made by politicians here in this body or other places. This is a real situation that families face. As I mentioned, there was an outpouring of folks who have come to me who had similar situations.

I think about Michigan right now. Michigan has a law on the books that was written in 1931 that says all abortion is prohibited in our State. It doesn't matter whether or not it involves the health of the mother, it doesn't matter if it is the life of the mother, it doesn't matter if a woman is the victim of rape or incest—it is just simply not allowed. I think that is unconscionable. That is what will happen. It is a real-life situation that could happen if the Court decides to go forward and reverse *Roe v. Wade*. Situations like what my former wife went through and families all across America would not be able to have that kind of option.

If you think about the no exception for rape or incest, you will have a 17-year-old girl in Michigan who is raped. She will have no options. I know a majority of people in the United States believe that is unacceptable. I know a majority of people in the United States believe that women have the right to make these most personal, these most intimate decisions themselves, with the advice of their physician or whoever else that they want to consult.

This is not about politics. This is not about the opinions of folks who think that they know better. Let's preserve

the right of women to do what they think is best.

That is why we have to pass the Women's Health Protection Act and why I would urge all my colleagues to search their heart and listen to the stories that people will tell them and understand that the right thing to do is to protect reproductive freedoms and rights in America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. VAN HOLLEN. Madam President, first, I want to thank my friend and colleague, the Senator from Michigan, for coming to the floor to share his own powerful and personal story and the stories of his constituents about why so many of us are here on the Senate floor this evening, and it is because 8 days ago, our country received a terrible wake-up call. A leaked draft opinion from the Supreme Court of the United States indicated that a majority of five Justices may be on the verge of overturning the constitutional protections of reproductive freedom set forth in *Roe v. Wade*.

We don't know if this draft opinion will be the final decision, but we do know there is a very high chance that the Supreme Court of the United States will soon blow up 50 years of precedent and strip women of their constitutional right to make choices about their own body and their own self-determination.

And while the content of this opinion is shocking, it is not totally surprising. This is the premeditated outcome of years—years—of plotting and planning by the rightwing legal movement and the Republican Party.

Candidate Donald Trump promised the Nation he would handpick Justices who would overturn *Roe v. Wade*. On the campaign trail, he even claimed that *Roe* would be overturned “immediately” once he assumed office. And he stated on national television that women who receive abortions should be punished. Leader McCONNELL and Senate Republicans made up their own rules and then broke their own rules in order to play their part in this scheme.

First, Senate Republicans refused to even hold a hearing on President Obama's Supreme Court nominee, Merrick Garland, on the grounds that it was a Presidential election year.

Four years later, Senate Republicans rushed through one of President Trump's own Supreme Court nominees just weeks before the 2020 election.

And in between, Senate Republicans carved out an exception to the Senate filibuster rule so they could push through all three of Trump's anti-choice Supreme Court picks: Neil Gorsuch, Brett Kavanaugh, and Amy Coney Barrett.

Each of these nominees raised their right hand before the Senate Judiciary Committee and swore under oath that they respected the weight of judicial precedent. In fact, when Brett Kavanaugh was asked about *Roe v.*

Wade, he pointed to *Planned Parenthood v. Casey*, which affirmed the core holding in *Roe* establishing a constitutional right to abortion, and he called the decision in *Casey* “precedent on precedent,” a double precedent.

But let's be very clear, this draft opinion has no respect for judicial precedent. If the draft holds, all three of President Trump's nominees to the Supreme Court, along with some others already on the Bench, will have deliberately deceived and defrauded the American public.

Rightwing ideologues set out to stack the Court with Justices ready and willing to overturn *Roe v. Wade*.

Now, this rightwing establishment, this machinery, is on the verge of achieving their goal, even though their win will be a horrible loss for the reputation of the Supreme Court, a horrible loss for the integrity of our Constitution, and most of all, a horrible loss for the American people.

More than half of the women and girls of reproductive age in our country live in States that would likely ban or severely restrict abortion if the Supreme Court overturns *Roe v. Wade*.

Thirteen States have so-called trigger laws that will kick into effect automatically the day *Roe* is overturned. Nine States have passed laws that were struck down in the past because they violated the protections of *Roe*, but those laws could come back if *Roe v. Wade* is overturned.

Many of these laws we are talking about are extreme. One trigger law in Kentucky would ban all abortions at any point in pregnancy, with no exceptions for rape, no exceptions for incest, or a situation in which a child could be born with a fatal birth defect.

Another trigger law in Idaho would make providing an abortion at any point in pregnancy and under almost any circumstances a felony crime punishable by 5 years in prison. A Texas law that is on the books right now would put doctors in jail or fine them up to \$10,000 for prescribing pills for medication abortions through telehealth or the mail for women who are more than 7 weeks pregnant.

And a law that has been on the books since 1931 in Michigan would snap back into effect, making nearly all abortions at any point in pregnancy a felony. And women who undergo medication abortions would be made felons, even in the case of rape and incest.

Just last week, State legislators in the Louisiana House advanced a bill through committee that would allow women who obtain abortions at any time in pregnancy to be prosecuted for murder—for murder.

Experts say that this extreme law could also be used to restrict emergency contraception and in vitro fertilization, which is a critical process that helps customers with infertility build their families.

Like many of our colleagues, I have been hearing from my constituents, my constituents in the State of Maryland,

who have learned just how dangerous this situation is for women and families across the country. One constituent named Connie shared her story of taking emergency contraception after she was attacked and raped by a stranger at the age of 18.

She told me about the importance of being able to make that choice about her body and her future instead of potentially becoming pregnant because of a rape. Today, Connie is a social worker, a therapist, and has a wonderful son.

I have received other testimonials from constituents across the State of Maryland who have shared their stories and expressed their deep concern and fear about the Court striking down *Roe v. Wade*.

If *Roe* was overturned, women living in States where safe and legal abortion is banned will have to travel away from their homes, away from their communities, away from their families simply to exercise control over their own bodies.

Those who lack the money or the time will either be forced to carry an unwanted pregnancy to term or find somebody performing abortions in the shadows in their States, a throwback to the dangerous back-alley abortions.

In 1965, 8 years before the *Roe v. Wade* decision, illegal abortion accounted for 17 percent—17 percent—of all deaths attributed to pregnancy and childbirth. That past could soon be our present.

So, you see, this Supreme Court decision doesn't just turn back the clock on precedent, it turns back the clock on public health as it strips women of their reproductive freedoms.

And in a world where *Roe* has been overturned, as you drive across our great country, your rights will change from State to State as you cross each State border. That is the result of taking away a constitutional right, and that is why polling shows the great majority of the American people do not want the Supreme Court to take away the rights under *Roe v. Wade*.

Now, I am proud to represent a State that has codified a woman's right to reproductive choice. In fact, during my very first campaign for public office, the right to reproductive choice was the defining issue in my election to the Maryland General Assembly. It was another time when there was great fear that a Supreme Court might overturn *Roe v. Wade*.

And so I ran on the pro-choice ticket, and after I was sworn in, in a matter of months, my colleagues and I passed a bill in 1991 codifying *Roe v. Wade* as a matter of Maryland State law.

But here is the thing, laws like the one we have in Maryland, laws like the one we passed back in 1991, will be on the chopping block if this decades-long, rightwing project continues to go according to plan because the Republicans' ultimate objective isn't just to overturn *Roe v. Wade*; it is to enact a Federal law passed in this Senate and

in the House banning abortion nationwide.

Last week, Leader McCONNELL acknowledged that a national ban on abortion was a real possibility during an interview with USA TODAY. That should sound alarm bells all over America.

This has been a two-step process. Step No. 1, strike down the constitutional protections of *Roe v. Wade* that prohibit elected officials, whether it is State legislatures or in Congress, from enacting laws that prohibit or restrict unnecessarily the right to choose. That is step No. 1. It seems we are on the verge of that happening.

Once you clear the way, step No. 2, enact a Federal law in Congress banning abortion everywhere in the country, and we have seen exactly how extreme those laws can be from the State examples I cited earlier. That could happen here if this Republican, rightwing project sees its logical end; that Federal law would supersede Maryland's law. If Congress passed that law and it was enacted, State laws like those in Maryland protecting the right to choose in Maryland would be knocked off the books. That is true of other State laws, statutes, that protect a woman's right to choose.

No woman in America would be safe to obtain a safe and legal abortion if such a national law were enacted.

Now, everyone should also understand another huge danger posed by the draft. Its flawed logic not only would dismantle the right to an abortion, it could also be used to strip away other rights protected by the Constitution.

I have read Justice Alito's draft opinion. I have read all 98 pages of it.

In this opinion, Justice Alito tries to distinguish this case on abortion from other cases involving other individual rights. Alito claims that this case is special because it involves abortion and the State's interest in protecting life, while other cases do not. Well, that is obvious on its face, but it misses the bigger danger in Alito's opinion.

Because it doesn't change the fact that Justice Alito's reasoning for dismantling the right to obtain an abortion can be used to dismantle many other rights that we currently take for granted as well. Justice Alito claims that, even as you look at the entire Constitution, you cannot find a right to choose for women; that you cannot derive that from the Constitution.

In fact, on page 5 of the draft opinion, Justice Alito writes:

The Constitution makes no reference to abortion, and no such right is implicitly protected by any constitutional provision.

And if we follow Justice Alito's flawed logic, the same could be said of a host of other rights that are not specifically named in the Constitution. The Constitution doesn't have the word “contraception” in it. The Constitution doesn't talk about consenting adults engaged in sexual relations.

Look, this is the thing: Over time, the Supreme Court has recognized components of liberty through a close analysis of the Bill of Rights and the 14th Amendment, and that includes the right to use contraception, the right of consenting adults to have sexual relations with who they choose, and the right to marry who you love.

These are rights the American people don't want elected officials to take away, whether they are State legislatures or Members of the Senate or the House. But they are all at peril too if the logic of Alito's reasoning is played out. And the terrible irony—the terrible irony—here is those who most claim to oppose government regulations of any kind are now the ones rushing to regulate the most intimate, personal, and private aspects of American life. They say they don't want government having any role in their life—get out of my way—except for when it comes to them taking away this right and planning to pass laws that would ban abortion nationally, and as I said, open the door to going after other liberties as well.

So those are the stakes that we are facing as we gather here this evening in anticipation of tomorrow's vote. And that is why we are taking this vote tomorrow. That is why we need to pass the Women's Health Protection Act, but even if we fall short this time, having a vote now is important. It is important to the country. Democracy requires accountability, and it is important that the American people know where each of the Senators stands on this issue. It is a fundamental question.

So as we move into November toward the midterm elections, the American people will be watching closely how Members of this body vote on this fundamental constitutional question. And they will look to see who voted to strip away constitutional rights and who rose to protect them. And I believe that the majority of this country—the overwhelming majority of this country—wants to stand up to protect fundamental liberties in the Constitution of the United States.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. MURPHY. Madam President, I will probably get in trouble with somebody for saying this, but the question of when life begins, the deeper question of what defines life, which biological entities are alive or possess independent existence versus which biological entities are simply part of something else that is alive—man, those are really hard questions.

I heard my colleague Senator DAINES on the floor earlier tonight talking passionately about his belief that life begins at conception and that humans have an obligation to defend a day-old fetus equally to our obligation to defend the life of someone who has been born.

Now, I disagree. I believe that life begins at birth. I believe that our legal

obligation towards a born human is different than our legal obligation toward an unborn fetus. But on that narrow question of when life begins, I don't cast any particular judgment on Senator DAINES for believing what he believes. His belief system is shared by millions of Americans—not the majority of Americans, but a significant share.

This disagreement that he and I have over when legally protected life begins, though, is as significant and as important a disagreement as exists—right—because it is about the most foundational questions in human existence: What is life? Who decides whether a woman bears a child? Who has control over that woman's body? Who has control over the most sacred and critical function of a human being, the act of giving birth? It just doesn't get any more important than that set of questions.

And given this fundamental disagreement, given the weightiness of these questions, given the large number of Americans who sit on either side of these questions, I come to one simple conclusion: No government, no group of politicians, should make this decision for anyone else. This decision about whether to abort a pregnancy, so morally complicated, so socially divisive, should and must be left to individuals—in this case, to women—to decide.

Over the course of history, millions have died in fights over another weighty moral issue—the question of whether God exists, and if a God exists, exactly what form that being takes and what it requires of humans. Disputes over religion have eradicated entire civilizations.

What does this have to do with *Roe v. Wade*?

Well, our Founding Fathers decided that there were some topics that were so personal, so subject to disagreement and controversy, that government should just be barred from registering judgment.

That is part of the reason why our civilization has not been plagued by wars between religious groups—a reality that continues to paralyze societies to this day in other parts of the world—because we keep government out of the question of which God is the right God. That is up to every American to decide for themselves, even though many Americans believe that the consequence of observing or following the wrong God is serious—eternal damnation, for some. The stakes are huge when it comes to religion, but government sits on the sidelines.

To me, that is an imperfect but instructive corollary to the debate over choice and abortion. The decision about whether to have an abortion is so personal, and the lack of consensus in the country on the question is so unavoidable, as to make government intervention just as illegitimate as it would be if government tried to dictate to someone which religion they should follow.

Now, that is not the exact route that the Supreme Court traveled to get to the *Roe* decision, but it helps me understand why, from 1973 until today, the decision about whether or not to have an abortion has been a constitutional right of the individual, not the constitutional right of the government to decide.

Frankly, it has always been really hard for me to square how Republicans, who so readily evangelize about small government, about the importance of putting families and their decision-making processes first, about the evil of public sector overreach, are so enthusiastic about the government micromanaging personal decisions about pregnancy or marriage or adoption.

Small government is great, I guess, for corporations, but it is not so great when it comes to the most intimate decisions that families make.

And as I have said on this floor before, it is also hard to take seriously Republicans' passionate pleas for this body to defend the existence of an unborn fetus when they seem to care so little about many of the existential threats that are posed to every American after they are born.

Today, this day, over 100 Americans are going to die from gunshot wounds, from murders, and suicides. And whether my Republican colleagues agree with me or not that stricter gun laws is part of the solution to this uniquely American epidemic that plagues those that are born, I don't know that I have ever heard a Republican speech dedicated to this crisis on the floor of the Senate. I have heard dozens dedicated to the cause of those before birth. It seems that after birth, life matters a little bit less to some people in this body.

So that is what I think. And as I said, I will probably get into some hot water for admitting that I understand the arguments that people like Senator DAINES make. I don't agree with his views, but I understand them. And my hope is, is that as we begin this debate over the future of reproductive choice and health in this country, as this debate heats up—because it is not going away. We are taking a vote tomorrow, but this is a debate that is going to consume this Nation if the Alito opinion becomes law, which I believe it will.

My hope is that we are honest about the complexity of this debate, but the Republicans are equally honest in the claims that they make.

Let me just briefly tell you what I mean.

Today, I heard Republican Senators making a whole bunch of claims that are just so ungrounded in truth as to diminish the quality of what should be a very important debate on a very weighty subject.

For instance, I heard Senators make the claim that the protesters who were protesting outside or near Supreme Court Justices' homes threatened violence against those Justices. That was

an explicit claim made by people who came down to this floor who might have heard it on some un reputable website, but it is not true.

You can object to protesters being outside of public officials' homes. It has happened to all of us, by the way, but don't make up threats of violence just because it makes for a better story.

I heard one Senator say that the Women's Health Protection Act, for which I will proudly vote tomorrow, allows for garage abortions. That is not true. That is just plainly not true.

Every State requires that abortions be performed in licensed healthcare facilities and nothing in the bill changes it. Don't say that just because it makes a better story.

Many Republicans claim that the bill we are taking up tomorrow allows abortions up to the date of birth. That is not true either.

The Women's Health Protection Act does codify *Roe v. Wade*, but *Roe* only protects a woman's right to have an abortion without restriction until viability and then afterward protects for the woman's health or risk of death. The bill simply does not expand the circumstances under which an abortion can be performed beyond what currently exists in case law.

So I am going to be honest with my colleagues about the admitted complexities—the political, moral complexities of this debate. But I expect opponents of the bill that we are debating tomorrow to be equally honest in the arguments they make as well.

So I will have a lot more to say about this topic as we begin what I think is a debate that will consume this Nation, rightfully, over the course of the coming weeks and months, but for today I will leave it there.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

U.S. SUPREME COURT

Mr. WHITEHOUSE. Madam President, I am here for the 14th time to keep unmasking the scheme to control our Supreme Court—a scheme that is now poised to destroy a woman's right to make her own reproductive health choices and to smash foundational Supreme Court precedent to get there.

Last week, Politico confirmed a fear that many of us have had for years. We now see that the Supreme Court has at least five votes to eradicate *Roe v. Wade*, one of the most important decisions in the Court's history. For nearly half a century, women in this country have relied on *Roe*'s recognition that our constitutional right to privacy includes the right to decide when to have a child. This is one of the most profoundly personal and life-changing decisions anyone can make. Now, the draft opinion from Justice Alito shows in black and white how the Court plans to steamroll over that right—and afterward probably many others that are

anchored in that same American right to privacy.

If Justice Alito's draft opinion becomes law, women in this country will have a well-established constitutional right stripped away. That has not happened before.

Already 13 States have trigger bans that will snap into place the moment *Roe* is overturned, and 13 more are expected to ban or severely restrict abortions in the future. And it won't stop there. For example, Louisiana's Republican lawmakers just advanced a bill that would criminalize abortion as homicide and allow prosecutors to charge women seeking abortions as criminals.

In the week since the news broke, a lot of Americans have expressed just how strongly they disagree with the path this Court is headed down. They are disappointed, stunned, outraged, and they are right. When you take a second to remember what these same Justices told us in the past about *Roe*, you can be doubly outraged. I know Democrats on the Senate Judiciary Committee are. We saw the last three Republican Justices come through that committee and look us in the eye as we asked what they thought about *Roe*. Let's be clear: Each of these Republican Justices came before the committee; each was specifically asked about *Roe v. Wade*.

Here is what they told us:

Neil Gorsuch:

Roe v. Wade, decided in 1973, is a precedent of the United States Supreme Court. It has been reaffirmed.

Brett Kavanaugh:

It is settled as a precedent of the Supreme Court, entitled to respect under principles of *stare decisis*.

Amy Coney Barrett:

Roe is not a super-precedent because calls for its overruling have never ceased. But that doesn't mean that *Roe* should be overruled. It just means that it doesn't fall within a small handful of cases like *Marbury v. Madison* and *Brown v. Board* that no one questions anymore.

Add in Alito himself:

Roe v. Wade is an important precedent of the Supreme Court.

Yet here is what Alito's draft opinion says:

Roe was egregiously wrong from the start. Its reasoning was exceptionally weak, and the decision has had damaging consequences.

Well, there was no mention of "egregiously" at the confirmation hearings. There was no mention of "wrong from the start" when we asked about *Roe*. Does anyone seriously think that this was a sudden, new epiphany that came over the Federalist Society Justices in the last few weeks? None—none—managed to mention their belief that *Roe v. Wade* was "egregiously wrong from the start." Whether that was outright lying or confirmation hearing hide-the-ball tricks, it is dishonorable, and it was dishonest.

If that is what you believe as a judge, own it. Don't keep your views secret until you have the votes to make your

move. That may be clever politics, but it is politics, not judging. It is a big tell about this captured Court.

Since the news broke, Republicans have tried desperately to change the subject. The minority leader says:

The real outrage is not the obliteration of women's rights but that we found out about it a month early.

He says:

This lawless action should be investigated and punished as quickly as possible.

Other Republicans called for the FBI to prosecute the leaker criminally or civilly. Some even purport to identify the leaker.

Chief Justice Roberts called the leak "a singular and egregious breach of . . . trust" and an "affront to the community of public servants who work here."

Look, as to the leak, Mr. Chief Justice, go for it. Investigate away. Send the Marshals. But to my Republican colleagues, sharpening their pitchforks and calling for criminal prosecution: Spare me the high dudgeon. Spare me the faux outrage. As former White House Ethics Counsel Walter Shaub explains, "[T]he Supreme Court has no code of ethics—which is the place you would normally put a ban on misusing nonpublic information. [So] what crime would [the] FBI . . . investigate?"

As for the "affront" to the institution, I suggest everyone consider the real rot at the core of the Supreme Court.

If you care about the independence and integrity of the Court, it is not this leak you should be outraged about; it is that for the first time in the history of the U.S. Supreme Court, the selection of Supreme Court Justices was farmed out, handed off to a private organization, and Justices were selected in some backroom with zero transparency into how the selections were made, how the lists were assembled, and zero transparency into the dark money that flowed into that private organization while the selections were being made. Who paid what to have a seat at the Federalist Society's judicial selection turnstile?

We know from new reporting that it was the Federalist Society's Leonard Leo who "laid out [the] road map for Trump on the Federal court system" with the goal of "transforming the foundational understanding of rights in America."

So much for balls and strikes, huh?

Leo came up with the list of "judges that would please the Republican base" from among what he called the "decades of conservative lawyers in the pipeline." He became a "team" with Don McGahn, Trump's White House Counsel, and MITCH MCCONNELL to "keep the judicial nominations effort moving." It was Leo who took to the White House where he had "extensive access," to the revised nominees list that included Kavanaugh and Barrett. The picks were made by advisers, said Senator MCCONNELL, with Trump's role