tax cuts to millionaires and billionaires in blue States by lifting or eliminating the SALT deduction—the State and local tax deduction—which allows taxpayers, these millionaires and billionaires in blue States, to deduct their State and local taxes, which means not only do they get a tax cut, but the rest of us end up subsidizing them because, in order to get the revenue needed, that means regular working folks are going to have to pick up the gap.

The best evidence of this maneuvering is the fact that there is not a single year over the next decade in which each tax provision would be used at the same time. Let me say that again. Of all of the gaming in the Tax Code, the fact is, under the proposal by the House of Representatives—that we at some point will consider here—the fact is there is not a single year over the next decade in which each of these tax provisions would be used at the same time. This is nothing but gimmicks and sleight of hand accounting.

In my previous life, I was the Attorney General of Texas. We had something called the Consumer Protection Division. If anybody in the private sector would falsely advertise, like the Federal Government and Congress are trying to do in this so-called Build Back Better bill, we would go after them with a vengeance for defrauding consumers. Unfortunately, that doesn't apply to Congress. I wish it did.

We often talk, at least intermittently, about needing to know what is in a bill before we actually vote on it. At one time or another, Senators on both sides of the aisle have griped about voting on thousand-page bills that were completed just hours before the vote. Knowing the true cost of this legislation is no different. Before voting on it, we have the duty to understand how it will impact our debt and deficits and how big of a bill the American people will be stuck with.

There is also this ugly animal rearing its head called inflation. Seventy percent of the public said—I think in a recent public opinion poll I have seen—that inflation is eating away more and more of their income and is actually reducing their standard of living. It is a silent tax on working families. I would think that, if we are concerned about the welfare of those families, we ought to be very concerned about making inflation worse by pouring more and more money into our economy, chasing fewer and fewer goods and services.

That is part of the problem now. There is so much money sloshing around as a result of the spending by Congress—much of it associated with COVID–19, but not all of it. Some of it is with the American Recovery Act that was passed with the $1.9 trillion in the early days of the Biden administration. But the truth is inflation is eating our lunch, and we should not be making it worse by spending a lot more money, as our Democratic colleagues are proposing we do in the Build Back Better bill.

So we need a cost estimate by the Congressional Budget Office, the official scorer of these spending bills, because we know that what we have seen so far is full of gimmicks, tricks, phony cliffs, phony expiration dates, as I have said, and is, basically, a misleading of the public and Congress into knowing what exactly is in this bill and how much it will cost.

Well, the cost estimate provided by the CBO, we know, given these phony assumptions, is not an accurate statement of the true cost of the bill. This isn't a reflection of the folks who work at the CBO but of the scoring rules they must follow. So, despite the fact that our Democratic colleagues have explicitly said that temporary programs will be extended at the first opportunity beyond the terms laid out in the bill, the Congressional Budget Office has to play along and act like that is true, but we know it is not true.

Fortunately, there are groups on the outside that have conducted their own analysis. Assuming all of these phony cliffs and expiration dates and the 1-year creation of programs that will later be extended, they don't have to buy this sort of smoke-and-mirrors approach to the budget. These groups have conducted their own analyses and have told us what they think the true cost of this $1.75 trillion bill, so-called, that passed the House will be.

For example, the budget experts at the University of Pennsylvania's Wharton School of Business have analyzed this legislation as if these temporary provisions would be made permanent, which, I think, is the safest assumption to make. So, instead of $1.75 trillion, they have pegged the cost as close to $4.6 trillion over 10 years—more than 2½ times the amount the Democrats have claimed.

Then there is the Committee for a Responsible Federal Budget that thinks that the number could even be a few hundred billion higher than that. They estimate the true cost of this bill, now claimed to be $1.75 trillion, to be approximately $5 trillion. This is a massive, massive jump from what the Democrats have said the cost of this bill will be.

Even one of our colleagues on the other side of the aisle has acknowledged that this is disingenuous—and I would just use the word ''false''—advertising. The true cost of this legislation is much closer to Chairman SANDERS' original $6 trillion request than the so-called scaled-back proposal of the current bill.

Before this legislation comes to the Senate floor, we need to see a true cost estimate based on reasonable assumptions, not a fairy tale scenario. It defies all common sense to vote on a bill without knowing how much it is going to cost ahead of time.

To this end, last week, I sent a letter to the leaders of the Congressional Budget Office and of the Joint Committee on Taxation requesting an updated estimate based on more reasonable assumptions. If the temporary provisions of this bill are extended—and I fully expect them to be if our Democratic colleagues have the votes to do it—this legislation will cost a whole lot more than what the American people have been told; and we need to know, as close as we can, exactly how much that will be.

Well, it is obvious what is going on here. These not-so-temporary provisions won't expire in a year or 4 years or 10 years. We need to operate under rational assumptions that our Democratic colleagues, when the chance is provided to them, will make these programs permanent and come up with a true and honest score for the bill. If this legislation is all of a sound investment as our Democratic colleagues claim, they shouldn't have anything to be afraid of.

We do have a duty, I believe, as Members of Congress, in voting on legislation of this magnitude, to know what we are doing before we are asked to vote on it. I don't think anybody, really, should have anything to be afraid of, unless they are afraid of a true accounting as opposed to the smoke and mirrors we see so far on this phony, gimmickry bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

RECESS

Mr. CORNYN. Mr. President, I ask unanimous consent that the Senate stand in recess.

There being no objection, the Senate, at 12:27 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Ms. SINEMA).

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2022—Continued

The PRESIDING OFFICER. The Senator from Arkansas.

HONORING DEPUTY FRANK RAMIREZ, JR.

Mr. BOOZMAN. Madam President, I rise today, along with my friend and colleague from Arkansas Senator COTTON, to honor Independence County Deputy Sheriff Frank Ramirez, Jr.

Deputy Ramirez called Batesville, AR, home and was proud to help protect his community. Sadly, that service was required, and this requirement was making the ultimate sacrifice when he died in the line of duty on Thursday, November 18, in an early morning crash that occurred while he was responding to a call.

He leaves behind a wife and two children, among many other loving family members, as well as his brothers and his sisters in law enforcement who admired him deeply and felt honored to serve alongside him.

Frank Ramirez, Jr., graduated from Batesville High School and was formerly an officer with the Batesville Police Department before joining the

Independence County Sheriff's Department as a patrol deputy.

He had a passion for serving and protecting, and he followed through on that desire by becoming a law enforcement officer, sworn to uphold the law and safeguard the vulnerable.

Those who knew him, both in uniform and out, consistently described him as a good man. Even for someone so young, there is no better compliment to be paid than that. It is a testament to the way he lived his life—doing the right thing, meeting his obligations, and showing genuine care and compassion for others.

Although his passing did not come at the hands of a suspect, it stings just the same. It should remind us of the harrowing, uncertain fate that awaits every man or woman who wears a badge.

These citizen servants are not guaranteed comfort or safety or the opportunity to see the next day when they clock in, but they choose to shoulder the risk, put on their uniform, and step out the door, reporting for duty to protect and serve and do good in ways that are just as often unseen as seen.

While danger comes in different forms throughout a shift or career, it nevertheless always lurks nearby. No assignment is ever completely without hazards or without jeopardy. Yet our police, sheriffs, and troopers do the job anyway because they have been called to and because they understand the need is great, even if the odds are long or the numbers are too few.

That is what sets Deputy Ramirez and his colleagues apart. They run toward danger and uncertainty when the rest of us flee. We must always remember and honor these fallen heroes and pray the character they embody carries on to new generations.

But today, we are here to reflect on the life and sacrifice of one, Deputy Frank Ramirez, Jr., a noble, brave, public servant, a devoted husband and father, a protector of this community, and as so many have already remembered, a good man.

On behalf of all Arkansans, we are grateful for his dedication and his sacrifice. Our prayers are with his loved ones and the brothers and sisters in blue left to go on without him after his End of Watch.

The thin blue line is without one more courageous officer today, but Deputy Ramirez's legacy will help instill even greater pride and passion among its ranks because of the life he lived and gave for the benefit of so many others.

May he rest in peace, and may God comfort all who mourn him.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. COTTON. Madam President, I sadly join my colleague and friend Senator BOOZMAN to honor the life and service of Frank Ramirez.

Every time that a police officer kisses his or her family goodbye before their shift, every time they strap a side arm on or put on their badge, they know that it may be the last time they see their loved ones. These heroes accept that danger because the love of their families, neighborhoods, and communities is greater than any fear they may face on the job.

Our men and women in blue don't just talk about doing good, they actually do it each and every day. Sadly, far too many of them have had to make the ultimate sacrifice in the course of their service.

One such hero was Arkansas Sheriff's Deputy Frank Ramirez. A week before Thanksgiving, Deputy Ramirez was working after midnight when a call went out there was an accident. He answered the call and quickly drove toward the scene. But it was raining hard that evening. Roadways were slick. And as Deputy Ramirez rounded a left turn on Highway 14, he lost control of his car, ran into a culvert, and was sadly killed in the resulting crash.

This heartbreaking tragedy has brought countless Arkansans to their knees in prayer. Deputy Ramirez was serving his community when he died. There are few causes more noble, and we recognize his supreme sacrifice and promise to remember him.

Deputy Ramirez was a husband of 5 years and a father of two young children, a son and a daughter. He is also survived by both his parents and several loving brothers and sisters.

My prayers, Senator BOOZMAN's prayers, and the prayers of all Arkansans go out to his family. They, too, have paid an unbelievable price in the service of our State, our communities, and our safety.

Deputy Ramirez was only 29 years old. He served in the Batesville Police Department and the Independence County Sheriff's Office. He was in law enforcement for nearly 2½ years. In that short time and at his young age, Deputy Ramirez sacrificed more for his communities than many police veterans who have been on the force for much longer. I join them in saluting his service and honoring his sacrifice.

May God bless Frank Ramirez, may God bless his family, and may God bless all the brave men and women in law enforcement in Arkansas and around our Nation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

TRIBUTE TO LIEUTENANT COLONEL JOHN MEYER

Mr. HAWLEY. Madame President, LTC John Meyer joined my office as our defense fellow this past January. It is hard to overestimate in the months since just how much he has contributed.

Time and again, John has drawn on his rich background and his experiences in the Middle East, the Pacific, and with some of the Army's most elite units to inform our work on defense and national security.

More than that, he has consistently stepped up, even when he didn't have to, to help those in need—from veterans and servicemembers at home in Missouri to those affected by the bombing in Kabul over the summer.

For all of these reasons and more, it has been a real privilege to have John as a part of our team this year. We are going to miss him when he goes all too soon here, but I am confident he will continue to serve our Nation with the utmost distinction wherever his career takes him.

I want to take this opportunity, in light of all of that, to request floor privileges for John as a small gesture of my gratitude for his service to my office, to Missouri, and to our Nation.

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. MARKEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

H.R. 4350

Mr. MARKEY. Madam President, 60 years ago, President Dwight David Eisenhower warned Americans about the unwarranted influence of the military-industrial complex. He told us of the relentless defense interests that would use their lobbying muscle to keep money flowing into the coffers of the Pentagon. While our adversaries and competitors have changed in the past six decades, the military-industrial complex's revolving door is as well greased as Ike warned our country.

Today, Congress is set to vote to increase the already-bloated defense budget in the same year that we ended our longest war—the latest proof that the military-industrial complex is alive and well and banking on a pay raise, all while Americans struggle to afford groceries and gasoline.

Here is the simple truth about the defense budget we are debating this week: We plan to spend $768 billion to fuel the military-industrial complex even in our moment of relative peace. Yet many in this Chamber are relentlessly attacking the Build Back Better act despite this spending bill being four times its size in new spending.

What we are hearing in this Chamber this week are Cold War echoes—words that sound like talk of the bomber and the missile gap with the former Soviet Union that drove an arms race that brought us to the brink of annihilation.

Our top military general recently called China's most recent hypersonic test a ''Sputnik moment.'' That is our top military general. But how in the world can it be a ''Sputnik moment'' if we are set to spend more on defense than the next 11 countries combined, many of which are U.S. allies and partners? There is no technological or military gap that we need to close. We have the strongest military in the world.

Our rivals, our adversaries are not 10 feet tall. We are the country that is 10

feet tall, and they are looking up at us militarily. We should just understand this, as people bad-mouth our military. It is not accurate. They are afraid of us. We are technologically superior to them, whoever they may be.

But wait. As if we weren't spending enough, Congress has tossed in an additional $25 billion that was not even requested by the Pentagon in this year's budget. You heard that right—an additional $25 billion. How many kids could go to pre-K for that? How many seniors could get dental or vision coverage? How many public housing units could we build with that, with the money that has not even been requested by the Pentagon?

We should not accept the logic that says we can afford to build a $100 billion intercontinental ballistic missile that will never be used but we cannot possibly afford paid family leave that Americans desperately need.

Universal prekindergarten is too expensive, but padding the wallets of defense firm executives with taxpayer dollars is money well spent. That is insane. That is immoral.

We should not have to fight tooth and nail to meet our commitment to replenish the Green Climate Fund to help save the planet while being told to accept the need for new weapons systems that could lead to global annihilation.

It is time we stop thinking of national security solely in terms of our inventory of bombers and missiles and submarines. Trillions in defense spending did nothing to spare Americans from the greatest security threat in generations: COVID–19. We have to stop pretending that there are military solutions to the national security challenges that we face. The defense a family needs right now is protection from eviction, hunger, electricity shut off, and pollution.

Being strong on defense means learning critical lessons from the two-decade-long war in Afghanistan. Being strong on defense means that we do not shy away from telling the military-industrial complex and its army of lobbyists that we do not need to outspend our adversaries into oblivion.

Nowhere has the gold-plated defense industry been harder at work than in gilding the whopping $1.5 trillion we are projected to spend through 2046 on upgrading our nuclear weapons enterprise. Say that again—$1.5 trillion on more nuclear weapons. There is one thing this country and this world does not need, and that is more nuclear weapons.

We know that fear and distrust of an adversary's intentions empower voices in the defense bureaucracy to sell new capabilities that spur the other side to justify weapon systems of their own. But we must avoid a rerun of the Cold War, where worst-case military planning leads to thousands of missiles pointed at Washington, Moscow, and Beijing, once again casting a terrible shadow over humanity.

That is why I introduced amendments to the NDAA that would trim $75 billion off the nuclear weapons enterprise, commit to robust diplomacy with Russia and China, and prevent the President—any President, Democratic or Republican—from firing the first shot, the first nuclear weapon in a nuclear war. The United States should never be first to launch a nuclear weapon against another country—ever. That should just be our policy. We will not be the first to use nuclear weapons when we have not been attacked with nuclear weapons. That is immoral. That is wrong. It must be the policy of our country that we will not do that.

If it is true what Ronald Reagan said—that a ''nuclear war cannot be won and must never be fought''—then surely we should agree to shelve Donald Trump's new sea-based warfighting nuclear weapons.

We could play Russian roulette with our future or we can adopt a saner nuclear policy, one that says we do not need the rubble to bounce over and over and over again to deter our adversaries and reassure our allies; one, through the President's Nuclear Posture Review, that rejects the military-industrial complex efforts to make the world safe for nuclear weapons rather than from nuclear weapons.

In 2020, the amount of money that one of the five biggest defense contractors received from the Pentagon—$75 billion—was nearly double the entire development and diplomacy accounts at the State Department and the U.S. Agency for Development.

As President Biden noted in Glasgow at the international climate summit earlier this month, we have an obligation to help the developing world leapfrog the fossil fuel economy to reach a green economy. Lower and middle-income countries deserve to develop and seek a higher standard of living, but we know that they can't use the dirty fuels that powered our growth if we hope to keep global warming at 1.5 degrees Celsius. My climate amendment will help those countries least to blame for the climate crisis to adapt to the impacts that they are already overwhelmingly and disproportionately experiencing.

The first of its kind National Intelligence Estimate, released in October, warned us that the intensity of wildfires and the force of hurricane winds and unrelenting droughts are a mere preview of the extreme weather events to come. The Pentagon's own report warns us of the cascading security impacts if we fail to answer the national security challenge of our generation: Governments that are unable to meet the basic needs of their people risk collapse. Driven by the climate crisis, water, food, and resource scarcity will lead millions to flood across borders as stateless climate refugees. That will lead to destabilization of countries. That will lead to national security crises in country after country as a result of the climate crisis.

We have to just deal with the reality that the CO_2 is still red, white, and blue that is up there. We are the leader historically, and the rest of the world wants us to be the leader historically right now in dealing with that crisis.

My climate amendment says that we can avoid that grim future. We can redirect a mere 1 percent from the Pentagon topline towards global climate accounts to fight the climate crisis. We can come to grips with the fact that the greatest adversary we face is not a foreign army, navy, or air force; it is the transnational threats of the climate crisis, of pandemics, and of nuclear weapons.

We are not in a new Cold War. We are in a war for our common survival.

Yesterday, in an act of political gamesmanship, Senate Republicans joined me to vote against moving forward with this abominable $768 billion Defense bill. While I wish we could stop here and reassess the waste of three-quarters of a trillion dollars spent on defense, this was, sadly, just a Republican ploy to add even more pork onto this already fatty legislation.

Now, I urge my colleagues to support Senator SANDERS' and my amendment to return the defense budget to the level requested by the President—a level of spending which is greater than we spent during the Korean war, the Vietnam war, and at the height of the Cold War.

Additionally, I urge my colleagues to support my amendment—co-sponsored by Senators WARREN, PADILLA, BOOKER, MERKLEY, and SANDERS—to make a 1-percent cut to the Defense authorization to increase our support for global climate accounts.

If we do not adopt these changes, I cannot, in good conscience, support that budget. It is time we stop funding the military industrial complex, whose profit is based in conflict and annihilation. That is not an investment in our future; it is an invitation to destruction.

The bottom line is we are either going to live together or we are going to die together; we are either going to know each other or we are going to exterminate each other.

This is a period where we should be talking to our rivals. We should be negotiating with our rivals. We should be trying to reduce the nuclear arsenals. We should be trying to reduce the tension; reduce the paranoia; reduce the threat that, by accident, we can actually fight a nuclear war.

That is what we should be debating here and not just putting all of the additional new weapons systems that have been on the blueprints of the defense industry for a generation into this budget. That takes us in the wrong direction, towards less safety, more risk.

The correct vote here is to deal with the reality that we have too many nuclear weapons already and we haven't sufficiently dealt with the threat which the climate crisis is going to

pose as a national security risk to our country and the rest of the planet.

Madam President, with that, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Madam President, our Nation exists today in a time of relative peace, with limited and manageable active hostilities threatening U.S. national security.

On the horizon, the United States faces a militarily ambitious and formidable but not yet insurmountable opponent in China and in its quest for regional dominance in the Pacific.

Yet in the face of this new age of great power competition, U.S. grand strategy continues to operate with outdated goals and across all regions of the globe, lacking prioritization and desperately needing scale.

After the botched withdrawal from Afghanistan and the corresponding diplomatic, military, and humanitarian disaster, one would think the instinct would be to jettison decades of military-industrial groupthink.

One would think the American people, and certainly our men and women in uniform, deserve a thorough, exhaustive review of what is working and the huge swaths of what is failing in our military and defense strategy, infrastructure, and planning.

One would think that Congress would reclaim powers assigned to it by the Constitution to make serious reforms to protect the security and prosperity of the United States.

One would think we would reform our procurement process and trim the bloated, perversely incentivized military-industrial complex.

One would think we would prioritize resources toward the largest and most imminently looming threats to U.S. national security.

One would think we would burden share with our allies where our security interests align.

One would think we, here in the U.S. Senate, would take specific steps to make sure that failures like the withdrawal from Afghanistan don't happen again, whether in the Middle East or in any other emerging theater of conflict.

Unfortunately, this year's National Defense Authorization Act fails to put the interests of U.S. citizens first. This is not the introspective or retrospective bill that the American people should be able to expect and largely continues the failed—the failed—policies of many decades past. The American people and the brave men and women of our military deserve better.

We are, thank heavens, in a time of peace, with limited active hostilities. Despite that, we remain intimately entangled in the affairs of too many nations abroad. Our troops and equipment scatter every region of the globe. We spend billions of dollars supporting, supplying, and training allies who, in many cases, contribute little to their own self-defense, let alone ours.

We face an ambitious opponent in China, as it seeks military dominance in the Indo-Pacific region. There is no question that while Xi Jinping remains in power, the PLA and the PRC will not shy away from bold moves and the quest for regional hegemony. But the U.S. strategy should not presume unrestrained, offensive intervention; rather, targeted and scaled deterrence should frame the mission set across all U.S. forces postured in the region. Further, the United States should accordingly rescale resources in the war zones of yesteryear to appropriately prioritize protecting the U.S. homeland and military personnel from tomorrow's threats.

Congress is responsible for raising and supporting armies, of making war, and of ratifying treaties. This bill neglects those responsibilities.

Regarding Afghanistan, the NDAA includes funding and new authorities for the nonexistent Afghan security forces, along with reimbursements to coalition partners for supporting U.S. operations and a sense of the Senate on future U.S. counterterrorism posture postwithdrawal, with little eye toward reforming or removing outdated and overbroad authorizations for the use of military force.

Perpetuating funding and authority to support a nonexisting defense force is as much bad foreign policy as it is bad fiscal responsibility. We must do better. The American people expect and deserve for us to do better.

Additionally, this NDAA fundamentally changes the purpose and the scope of the military draft. The new purpose is greatly expanded to ''ensure a requisite number of personnel with the necessary capabilities to meet the diverse mobilization needs of the Department of Defense during a national emergency.''

Instead of being a seldom-used tool only for the most extreme cases of compelling national defense, the draft could be morphed into compulsory national service in the face of any emergency.

Even more troubling is the mandatory registration of women for the draft. Look, all are immensely grateful for the incredible contribution women make to our Armed Forces, but that participation should never be forced. This bill paves that dangerous road without due consideration given to its impact on young families and single parents.

Further, the policy provides no guarantee that women would not be sent directly to the frontlines of combat, alongside and simultaneously with able-bodied men.

While I am opposed to all of the NDAA's changes to the draft, at the very least, this body should consider a reasonable amendment, a few reasonable amendments on this front, including one of mine that would prohibit the disturbing scenario of mothers and fathers being conscripted simultaneously out of the same family, leaving their children stranded without either parent. It also provides a similar exemption for single parents.

I hope this body will consider and pass this amendment in the near future. I also hope that the body will make that unnecessary by, first, passing an amendment striking that provision altogether. We don't need to be expanding the draft, and we shouldn't be making the draft applicable to women.

This bill further reduces our military end strength by over 7,000 servicemembers. Troublingly, the biggest cuts come from the Marine Corps and the Air Force. And in the face of an aggressive China, the Navy also faces reduction in Active Forces when it arguably should be the first contender for an increase in end strength, not a cut.

As we pivot toward the Indo-Pacific, our naval and our air superiority are both vital. We need them. Our withdrawal from the Middle East should reduce the level of Active-Duty Army personnel deployed overseas, and yet the Army faced a less than 1-percent reduction in that specific category.

This bill places us on a dangerous footing regarding future mutual defense commitments. This bill would provide a vague, near-authorization for the use of military force to defend Taiwan against an invasion from China. The question of war deserves here, as always, its own debate by Congress, rather than a haphazard statement of policy that may be abused by the executive branch in order to bring us into a new conflict, into a new conflict without the people's duly elected representatives whose job it is to decide whether we go to war to make that decision under the light of day and with full debate that the American people can witness.

Like NDAAs of old, this bill appropriates more funds to procurement than anywhere else, with no reforms to the bureaucratic barriers that make procurement so costly and so inefficient.

Finally, this NDAA does not sufficiently bolster our defensive position in this hemisphere. The goals outlined by this bill are vague and equate to an abdication of Congress's responsibility to give the Defense Department instructions for a strategic approach to the Western Hemisphere.

It provides blank check authority for the Department of Defense to support programs and activities for purposes including institution-building to countercorruption and to serve humanitarian infrastructure needs. This attempt at nation-building is misguided, and it will not be helpful to us in our efforts to deter China.

Thankfully, there are a few positives in this bill for U.S. national defense and for the security of the people of Utah.

This bill continues to support the development of fifth-generation air power capabilities in the F–35 Program, continuing a critical investment in our air defense—something that is also becoming even more important.

This bill also fully funds the modernization of our ground-based nuclear

deterrent, protecting the U.S. homeland for generations to come. This important work will largely be done by the people of Utah and our dedicated servicemembers at Hill Air Force Base.

The House version of the NDAA also includes my Military Spouse Licensing Relief Act. It is important to note here that one in four military spouses currently face unemployment or are actively seeking work largely because of frequent moves due to their spouse's military orders, which keep them moving from place to place on a pretty routine basis. This provision in the House version of the bill would also allow spouses of our military servicemembers to work in their chosen profession, wherever military orders may take them in the United States, without having to navigate the complicated requirements of State occupational licensing.

My State, the State of Utah, led the way with this commonsense type of reform that makes life and achieving prosperity easier for those families who serve our Nation. It should become law. We need it. Our military families need it. Our military and the American people generally would be much better off with it.

We could have done more. This National Defense Authorization Act could be a pivot point where we reexamine our defensive stance in the world and reclaim our constitutional arrangement here at home.

This NDAA could have been a turning point in which we in Congress reasserted our authority over war-making powers. My National Security Powers Act that I have introduced with Senator MURPHY and Senator SANDERS would clarify and update and modernize the War Powers Resolution.

The bill would also restore congressional authority over arms exports. It would additionally require congressional approval of emergency declarations and prevent the President from misusing emergency powers.

The National Security Powers Act would rein in Presidential abuses of the war power and make our Nation safer and more aligned with the Constitution. It is bipartisan. It is exactly the type of reform that belongs in the NDAA.

We must also make reforms to our emergency war spending. Though President Biden thankfully didn't request, and Congress didn't provide, the OCO slush fund in this bill, there is much that needs to be done to restore Congress's power of the purse in the defense environment specifically.

The Cost of War Project estimates that post-9/11 war spending totals $8 trillion from 2001 to 2022. Of the $8 trillion, OCO and interest on OCO funds accounts for $3.3 trillion. That is real money, and a lot of it.

My Restraining Emergency War Spending Act would define emergency war funding and require the Department of Defense and Congress to limit spending set aside for emergencies to the purpose for which it was authorized.

We also need to return accountability to our defense alliances by requiring wealthy and capable Nations to contribute their fair share of their defense. In the NATO alliance alone, only 11 of the 13 NATO member countries meet the 2 percent defense spending requirement.

This means that 63 percent of the alliance shown here in red consists of countries that don't foot their share of the bill. They are not holding up their end of the agreement.

So my Allied Burden Sharing Report Act would help us know just how much or just how little our allies are contributing. Now, this report used to be published annually. It should be still. This NDAA would have been an ideal venue in which to legislate the return of that report.

We also must use these legislative opportunities to prepare the Department of Defense for future defense focused on the technology, the reforms, and the regions of the future.

Our defensive position regarding China and in the Indo-Pacific should focus on deterrence. Spreading our forces and our expensive equipment to the ports and the shores of allies in the region is ineffective and could prove more of a vulnerability than an advantage against Chinese strike capabilities. A deterrent posture would combine defensive strategy and operations to fend off possible attacks from a position of strength and limit risk to U.S. personnel and assets.

Further, we must prioritize recruitment and retention for the future fight. We need to provide a suitable and welcoming environment for those in uniform and for their families. We need to end the President's sweeping vaccine mandate and give our servicemembers the respect they deserve.

After a disastrous withdrawal from Afghanistan and the end of our Nation's longest war, this NDAA could have been—should have been—an opportunity to debate, rethink, and reform our Nation's defenses.

The National Defense Authorization Act—U.S. defense and security broadly—is one of the few items this body regularly considers that is explicitly, unambiguously within the enumerated powers of Congress. Consequently, it is something that deserves due consideration and significant debate on the floor in order for Members to be able to raise issues like those that I have described today.

Yesterday, this body attempted to close debate on this bill without consideration of a single amendment—not a single one.

While this bill does make key progress in limited areas, it does not get to the heart of many of our national defense problems. It does not restore Congress's role in our national defense. It does not provide a holistic strategy to defend the United States and the people of Utah—or the people of any other State.

This bill and the floor process yet remain missed opportunities, and I am going to continue to fight for both necessary policy reforms and for an open process generally on the floor. Anything less, particularly in this critical area, amounts to an abdication of the duties of this body to the detriment of the citizens we serve. We can and we must do better.

The PRESIDING OFFICER (Mr. MURPHY). The Senator from Oklahoma.

ABORTION

Mr. LANKFORD. Mr. President, tomorrow morning at 10 a.m., the Supreme Court of the United States will hear oral arguments on a case out of Mississippi commonly known now as the Dobbs case.

That case is all about a Mississippi law, where Mississippi passed a law saying, at 15 weeks, a child in development in the womb can be protected after that time period.

That strikes right at the heart of Roe v. Wade, where, in the arbitrary ruling from the Supreme Court in 1973, they made up a new rule saying when a child is viable—not something that is in law at any spot. It created that out of whole cloth.

Tomorrow morning, the Supreme Court will reopen that conversation about viability. It is an important discussion for us to be able to have as a nation, and it is vital that we talk about it here as well. As it is being discussed across the street at the Supreme Court, there are issues that we should discuss as well.

So, for the next few moments, there are multiple different Senators who are going to speak on this one issue: When is a child a child, and when should States have the rights to protect their own citizens' lives?

The Supreme Court has made that murky and has the option tomorrow to be able to make that clear. This conversation, though, will circle around what should that legal standard be and how should we protect the lives of every citizen, no matter how small they are.

There will be multiple Senators who will be speaking on this, the first of which will be Senator STEVE DAINES, who leads the Pro-Life Caucus in the U.S. Senate.

The PRESIDING OFFICER. The Senator from Montana.

Mr. DAINES. Mr. President, I rise today ahead of one of the most important moments in our decades-long battle to protect life.

When our Founding Fathers laid out the Declaration of Independence, they talked about life, they talked about liberty and the pursuit of happiness. They called them certain unalienable rights endowed by our Creator. The reality is you can't have liberty and the pursuit of happiness without first having that unalienable right given by God, and that is the right to life.

Tomorrow, the U.S. Supreme Court will hear oral arguments on the Mississippi late-term abortion case Dobbs

v. Jackson Women's Health Organization.

This puts our Nation at the crossroads of history. Our Nation has a moment to finally modernize our laws. We have got the aptitude to catch up with the great advancements seen in science, in technology, and medicine that indisputably show the humanity of unborn children.

We have the opportunity to end an extreme judicially imposed abortion regime that is aligned with nations such as China and North Korea. The United States is just one of seven nations that allows late-term abortions.

We have the opportunity to write a new chapter of American history where the people's elected representatives get to decide abortion policy in this country.

The Supreme Court of the United States has the chance to right a historic injustice and finally overturn Roe v. Wade. Our Court's nine Justices have the opportunity to reconsider a wrongly decided case.

And, by the way, that wrongly decided case that became case law, it was nine men in black robes that really have overruled the will of the people. It wasn't a State legislature. It wasn't the U.S. House. It wasn't the U.S. Senate. It was nine men in black robes in 1973 that has since resulted in the death of over 62 million innocent babies—62 million.

They have the opportunity to reverse this horrific decision that imposed abortion on demand until the moment of birth across the United States. They have the opportunity to recognize that Roe was based on flawed and outdated science and that the right to abortion, which Roe invented, has no support in the text, the history, or the structure of the Constitution.

The Supreme Court has an opportunity to restore the Constitution and defend our most fundamental right, and that is a right to life.

Now, let's go back to 1973, when Roe was decided. Many things were different than they are today. Why? Well, one reason is because science and technology—and certainly fashions—have advanced greatly.

Our phones in the 1970s went from large brick-like devices with antennas—in fact, the first cell phone call was placed in 1973, the very year that Roe v. Wade was decided. They were called bricks. They were about 2½ pounds. Compare that to these thin, touchscreen smartphones that we fit in our pockets today that are less than 6 ounces in weight.

In the 1970s, computers were the size of an entire desk, and now we have laptops that can be as thin as literally a child's story that I read to my grandchildren over the Thanksgiving holidays.

Now, when we drove in the seventies, compare that to what we drive today. I am thankful that has changed.

And in the seventies, if you were a woman at the doctor getting an ultrasound at 15 weeks of pregnancy, you would have seen something like this. That is hard to recognize, but that was the technology that some ultrasounds had—the best—back in the seventies.

But, today, an ultrasound of a baby at 15 weeks, when they are using the latest 4D technology, looks like this. You literally can see this little one here at 15 weeks sticking her tongue out—15 weeks.

A baby this size is who Mississippi's historic, lifesaving law would protect from the brutal violence of a late-term abortion. That is a 15-week baby. If you don't believe me, take out your smartphone, google ''15-week baby,'' and click on—images.—

Roe and Casey made it illegal for States like Mississippi to enforce laws that protect babies like this one on the grounds that this baby could not survive outside the womb. It was a point called viability.

Roe and Casey's viability line is arbitrary. It is unscientific. It is morally repugnant because, in 1973, babies could survive outside of the womb at 28 weeks of pregnancy. Today, babies are surviving outside the womb as early as 21 weeks but not yet as early as 15 weeks.

It is barbaric to deny lifesaving protections to a helpless, pre-born child like this one simply because she cannot survive outside the womb.

The reality is, even a full-term, 40-week-old baby needs nurturing, care, and medical assistance to survive outside the womb. A full-term baby delivered at 40 or 41 weeks still requires the nurturing and the care of the parent to survive outside the womb. They have got to be fed. They have got to be kept warm. They have got to be taken care of. They can't do it on their own.

Martin Luther King once said: ''Injustice anywhere is a threat to justice everywhere.''

This is also true in the case of the Supreme Court's prior unjust decisions on abortion. In fact, the logic of Roe and Casey's viability test undermines the moral coherence of civil rights protections for everyone who is unable to survive without assistance from others. That includes infants, young children, the elderly, and persons with disabilities.

A pre-born child is not a ''potential life,'' as Roe so wrongly concluded. This precious child and all children inside the womb, at any stage of development, are whole. They are distinct. They are living human beings. They are fully human and fully living. They are beautifully living children made in the image of God, who should be protected by the law.

Now, we have come a long way since 1973. Our laws must now do the same. As you just saw, at the time that Roe v. Wade was decided, it was very hard to clearly see a baby in the womb. But because of science and technology today, it is impossible to ignore the humanity of this growing baby.

If I took this image and we had the American people say, ''What is that?'' they would say, ''That is a baby.''

At 15 weeks, a baby has arms and legs, can hiccup, can yawn. The heart is fully developed. At 15 weeks, the heart has already beaten 15 million times. That baby has distinct facial expressions. It can hear the voice of the mother and respond. It can taste, suck a thumb, and, as you can see in that other image I had, even stick out her tongue.

I am a father of four and grandfather of two. We have another grandchild coming any day. Our daughter's due date is December 3. It is Friday. My wife and I, who have been married now 35 years, have our favorite way of tracking our grandbaby's growth. This didn't happen in 1973, but today we have apps on our phones. I have been using an app called Sprout. There are several out there. I downloaded it. I can see how my little grandson is doing in each week of the pregnancy. It is remarkable—remarkable. We have been following this little baby now since week 8. We are at week 40 here this weekend. This cutting-edge technology is at the tip of our fingers—something we couldn't imagine 50 years ago. We have that at the tip of our fingers. Our laws must catch up with the advancement of science and technology.

It is very important that we are clear about what overturning Roe would mean for our country because there is a lot of misinformation out there. Let me state this as clearly as I can. Overturning Roe will not—let me say that again—will not ban abortion nationwide, as many on the left like to claim in an attempt to mislead Americans. That is absolutely false. It will not ban abortions nationwide. Instead, it returns the power to the States. It returns the power to Federal lawmakers, allowing them to protect the most vulnerable and act on behalf of the people they are elected to represent, because today under Roe, State lawmakers are robbed of their ability to represent the values of their constituents. Yet, because of Roe, the will of the people of Mississippi to protect life is obstructed.

According to a recent Marist poll, 80 percent of Americans are opposed to abortions after the first 3 months—that is 12 weeks—of pregnancy. That is an overwhelming majority of the American people, but because of Roe, their voices are being silenced.

It is time for the Supreme Court to allow the States and Federal lawmakers—those of us who are elected, who are held directly accountable by the people—to protect the most vulnerable among us. It is time that we, as the United States of America, a nation that is supposed to be a leader in the world on human rights, recognize that innocent babies in the womb deserve equal protection under our laws.

I am sure many of my colleagues and most Americans would agree that nations like communist China and North

Korea egregiously violate human rights. Yet when it comes to abortion, sadly, America stands with them. There are just seven countries, and we are on that list. The United States is a global outlier on abortion. We are just one of seven nations that allow abortions on demand past the point where a baby feels pain, all the way up, in fact, until the moment of birth. Standing with North Korea and China on abortion is horrifying. It is a disgraceful place for the greatest country in the world to be. We must do better.

I want to thank Mississippi Attorney General Lynn Fitch, her entire team, and the Mississippi Legislature for their unwavering support of life. We stand with you. Millions of Americans stand with you, young and old. They are praying for this momentous moment that will be occurring before our Court tomorrow.

As we stand here today, we are mere hours away from a pivotal point in our Nation's history. I pray that we remember tomorrow as the turning point that closes a really dark chapter of our Nation's history and heralds the dawn of truly a new day in America for those who have no voice to finally have a voice; one that honors the human dignity, the God-given potential of all life; one that positions the United States as a leader in the world, that stands up and puts an end to the horrific violence of abortion, especially painful late-term abortions. I pray that we see the Supreme Court of the United States correct a historic injustice, that they would uphold Mississippi's 15-week abortion law and send Roe v. Wade to the ash heap of history.

For the pro-life movement, overturning Roe is not the end but just the beginning.

As I stated earlier, this does not ban abortions nationwide. What it does is it will return the decisionmaking back to the States.

No matter how the Court rules, we will continue to fight on the State and Federal level to pass laws to end the violence of abortion. We will not rest until the day that every life is protected under laws from conception until natural death.

I want to thank my colleagues for being here today to talk about the importance of the Dobbs case. I want to thank my friend Senator LANKFORD for helping me with this fight for life. I am grateful to the two Senators from Mississippi, where this case originated, this law originated. I am grateful for Senator WICKER, who is here today, and I know he has some comments he wants to share as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. WICKER. I congratulate my friend from Montana for his passionate and analytical and, in my view, correct assessment of this issue.

I rise this afternoon in support and encouragement of the public officials and the attorneys who will bring this case before the Supreme Court in argument tomorrow. I rise, as does my colleague from Mississippi, Senator HYDE-SMITH, in appreciation for the State legislature, where she and I both served before coming to Congress, and in appreciation for the Governor and the legislature enacting the Gestational Age Act, which is the subject of this Dobbs case which will be argued tomorrow.

This is a serious issue. It is an issue that will determine whether millions of American children have an opportunity to be born and to enjoy the good life in this, the greatest system of representative government that the world has ever seen. It is a serious issue.

I am happy today. I am encouraged and hopeful today. One of the reasons that I am so encouraged is that the American people steadily over the decades have been moving in the direction of protecting life. This has not always been the case. As my friend from Montana so accurately pointed out, we just know so much more. Science knows so much more today in 2021 than science knew and Americans knew and the world knew back in 1973, so we see more and more people becoming pro-life.

Since 1995, the share of Americans who identified themselves as pro-life has jumped to 47 percent from 33 percent. You say: Well, that is not that great. Of course, it leaves some folks undecided. But when you sort it out and become more specific, two out of three Americans support a ban on second trimester abortions. This is what the Mississippi law does. This is the law that will be allowed to stay in effect if the Supreme Court rules in favor of Mississippi based on the argument tomorrow.

Four out of five Americans oppose late-term abortions.

My friend the distinguished Senator from Montana encouraged people within the sound of his voice to take their smartphones out and type in ''15-week-old baby.'' I did that. I don't know if the rules quite permit that yet on the floor, but I dare say it is not the first time that has been done, so I did that. I clicked on ''15-week-old baby,'' and that very picture, along with other photographs, came up. As the gentleman says, it is every much, every bit a human baby—no question about it.

I am encouraged that the American people are moving in the direction of life because they have seen these pictures, because they listen to the science, and we know more than we did in 1973. The Supreme Court knows more than it did in 1973.

After 15 weeks, an unborn baby has more than 90 percent of its body parts that it will ever have. They have been formed, and almost every organ is functional at the 15-week period. That is a baby. That is a human, American baby. The child's heart is pumping 26 quarts of blood per day at 15 weeks and has already beaten approximately 15.8 million times by 15 weeks. That is a human. That is a baby. Babies at this stage respond to touch and taste, and a dominant hand begins to emerge. We know at that point—15 weeks—whether that baby is right-handed or left-handed. And, of course, we know that baby can feel pain. That baby deserves the constitutional rights that the gentleman from Montana mentioned of life and the pursuit of happiness as an American.

I do want to congratulate our friends across the sea for actually being ahead of us on this. We like to think that sometimes we know best and we are ahead of the curve, but it happens that almost every European country has legislation in place, rules in place, that are very much like the Mississippi law that will be in question tomorrow in the hearing.

Germany and Belgium have banned elective abortions after 14 weeks. Now, this law in Mississippi has set that at 15 weeks, but Germany and Belgium, 14 weeks. Denmark, Norway, France—a very ''live and let live'' country if ever I heard of it—draws the line at 12 weeks—12 weeks. So when the Supreme Court hears this case tomorrow, they will have an opportunity to decide to place the United States of America in the broad mainstream of international thought on this.

There are so many reasons why I am happy today and encouraged today that we have this opportunity to make a case based on the facts.

I will say this: My heart and my thanks go out to the millions of Americans right this minute who are doing what some think is a quaint thing—performing an act that many people are skeptical about at this point. But I stand with those millions and millions of Americans who are right at this moment praying for the Supreme Court, praying for wisdom in these nine appointed and confirmed figures. They are praying for the right words to be said by the attorneys, and they are praying for the future of our great country.

This is our opportunity, and we have every reason to believe that we are on the right side of history. I stand with the people who are bringing this case, and I stand with the people of Mississippi and the millions upon millions of Americans who are praying for the right decision.

I yield to my good friend from across the river, the junior Senator from Louisiana. I know that my friend from Mississippi is also waiting to speak.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. KENNEDY. Mr. President, we talk a lot in this Chamber, as well we should, about the least among us, about how we can protect and lift up the powers. And that is a good thing. I can't think of any person who has less power than a potential human life, than an unborn baby. Now, Roe v. Wade is, of course, about abortion. We know that. But it is also about something

else. Roe v. Wade is also about—it is about federalism.

Roe v. Wade is also about the American people. Roe v. Wade is about whether a finite group of the managerial elite—and by the ''managerial elite'' I mean the entrenched politicians, the bureaucracy, the media, the academics, the corporate phonies, all of whom think they are smarter and more virtuous than the American people—should have the right to make moral decisions for the American people, instead of the American people making those decisions for themselves.

That is really what Roe v. Wade is about.

Now, I am pro-life and I am anti-Roe v. Wade. So I want to say up front: I do have an opinion.

But even pro-choice legal scholars who believe in legalized abortion on demand understand, as does every fair-minded person who knows a lawbook from a J. Crew catalog, that Roe v. Wade is one of the most arbitrary, it is one of the most ad hoc, and it is one of the most poorly reasoned decisions in the history of the United States.

In Roe v. Wade, as you know, Mr. President, the U.S. Supreme Court held that a generalized right to privacy, not explicit in the Constitution, means that a woman has the virtually unfettered discretion to terminate a human life—some, to be fair, would say a potential human life—before viability.

What is viability? As my colleagues talked about, that is a really, really good question.

But I digress.

Anyone who knows a lawbook from a J. Crew catalog also knows that there is absolutely no foundation—not in the text, not in the structure, not in the history, not in the tradition of the Constitution—for a constitutional right to abortion, and certainly not on the basis of some unmoored general right to privacy that is not enunciated in the Constitution.

And don't even get me started on Roe v. Wade's trimester analysis and the ruling. Try to find ''trimester'' in the U.S. Constitution. You won't. You can't.

The truth is—and people on both sides of this issue who are fairminded and reasonably objective—and by that, I mean can see the other point of view. The truth is that Roe v. Wade's constitutional right to an abortion is a 48-year-old, judge-invented rule that represents the U.S. Supreme Court winging it.

Now, I know what we were told. We were told back in the 1970s: Look, we have got to have a national rule to settle this issue. Only Washington, DC, can settle this issue. We have to have a rational rule. We need some peace in the land. We need consensus.

How is that working out for us?

Roe v. Wade didn't settle anything.

Now, in the Dobbs case, which the U.S. Supreme Court is about to hear, the U.S. Supreme Court has a really rare opportunity to say, as Justice Scalia wrote in one of his opinions, that value judgments made on behalf of people should be voted on by those people and not dictated from Washington, DC.

In the Dobbs case, the United States Supreme Court has the rare opportunity to say what we all know, and that is that America is this big, wide-open, diverse, sometimes messy, sometimes dysfunctional, sometimes imperfect, but always trying-to-get-better group of good people. That is what America is.

And we don't always agree—especially not on value judgments, especially not on the ultimate value judgment—like when it is appropriate to take a human life. That is why we get to vote. That is why we get to vote, and that is why we have elected representatives who oftentimes vote on our behalf—elected representatives who also can be unelected if we don't like how they vote.

And, finally, in Dobbs, the U.S. Supreme Court has the rare opportunity to defederalize and deconstitutionalize abortion and return the issue to the States, where it was before Roe v. Wade.

The U.S. Supreme Court, in Dobbs, does not have the opportunity—and this is important—to say ''no right to an abortion in America.'' Let me say that again because some of the proponents of Roe v. Wade, I think, have shaded the truth on this. At issue before the Supreme Court in Dobbs is not the right to have an abortion. It is the right—the issue before the Supreme Court in Dobbs is, What is the appropriate political form to make these value judgments? Is it the government or is it the people?

And I hope that the U.S. Supreme Court takes advantage of this rare opportunity before it.

I yield to the Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi.

Mrs. HYDE-SMITH. Mr. President, I join my colleagues today highlighting the momentous occasion for not only my home State of Mississippi but for our entire Nation. Senator ROGER WICKER and I could not be prouder of our State.

Tomorrow, the U.S. Supreme Court will hear oral arguments in Dobbs v. Jackson Women's Health Organization, a challenge to a Mississippi law banning most abortions after 15 weeks. This law, the Gestational Age Act, was introduced by my friend, Mississippi State Representative Becky Currie, and was signed into law by Mississippi Governor Phil Bryant in 2018.

This case presents a once-in-a-generation opportunity for the Court to reconsider decades of misguided abortion law that began with Roe v. Wade and has continued under Planned Parenthood v. Casey.

There is no doubt that this case is the most significant pro-life legal opening in half a century and, certainly, in my lifetime. I am very proud that my State of Mississippi is in the center of this.

In the 48 years since the decision in Roe v. Wade, 62 million unborn babies have lost their lives. This is a terrible moral stain on our Nation that we have a chance to reverse at long last.

There are many reasons for the Supreme Court to reconsider its course. For one, medical technology has made significant advances—especially with ultrasound technology—making clear what those of us in the pro-life movement already knew: that unborn children are human beings.

Thanks in large part to the ultrasound technology, we now know that, by 15 weeks, an unborn baby has a fully developed heart with a strong heartbeat, responds to touch, and can make facial expressions, yawn, hiccup, and suck their thumbs.

For another, the United States is a real outlier in the world when it comes to the abortion issue. We are one of only seven countries that allow abortions on demand up until the moment of birth, along with the likes of China and North Korea.

The Supreme Court should uphold Mississippi's law, bringing our Nation closer to the international consensus on human rights for the unborn.

As a legislator, I am confident in saying it is time for our laws to reflect what the rest of the world has already figured out: that life exists before birth and it needs to be protected. The only difference between a fetus and a first grader is 6 years.

Since the Supreme Court announced it would take up the Dobbs case, I have been earnestly praying for this case. I pray for the Members of the Supreme Court to be open to the legal and moral arguments against Roe v. Wade. May God grant them the wisdom for the task and grace for the unborn.

I have also been praying for my friend Mississippi Attorney General Lynn Fitch, our State's solicitor general, Scott Stuart, and the many others in the AG's office who have worked tirelessly to represent our State so well in this case.

With the oral arguments scheduled for tomorrow morning, I pray that God would grant them all confidence and courage, as well as the right words to say in the Court.

Most of all, I have been praying for all the unborn children whose right to life hangs in the balance of this case.

Throughout this time, I have kept the words of I Samuel 1:27 close to my heart: ''For this child I have prayed, and the Lord hath given me my petition, which I asked of him.''

So today, tonight, and tomorrow morning, I will be praying without ceasing. I hope each of you will join me in prayer for this historic court decision that started in Mississippi.

May the Dobbs case restore the sanctity of life and reverse the moral stain of Roe v. Wade.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. MORAN. Mr. President, for nearly 50 years, Roe v. Wade has been a disaster for our country and its citizens. Sixty million unborn lives have been lost to abortion, and our politics have been distorted by a ruling that deprives the American citizen—the voter—of the right to determine questions on which there is constitutional ambiguity.

The Senate confirms individuals to the judicial branch to be judges. They are to judge, not to legislate. Listening to those whom we represent and proposing legislation on their behalf is our job here in the Capitol and the job of our representatives in State legislatures throughout all 50 States. The separation of these powers is crucial to how our democracy functions.

Yet previous iterations of the Supreme Court have seen fit to usurp this legislative power, particularly as it relates to abortion.

In doing so, a majority of these unelected judges and Justices have relied upon specious jurisprudence to eviscerate State laws that protect the unborn.

You don't need to take the word of a conservative Republican from Kansas. Writing when she was a circuit court judge, the late Ruth Bader Ginsburg explained:

> Roe v. Wade . . . invited no dialogue with legislators. Instead, it seemed entirely to remove the ball from the legislators' court.

One more liberal law professor acknowledged that ''Roe short-circuited the democratic deliberation that is the most reliable method of deciding questions of competing values.''

These assessments are exactly right. The fallout of Roe, and affirmed by Planned Parenthood v. Casey in 1992, is obvious. A vacancy to the Supreme Court has become a cage match—a fight here in the U.S. Senate. Someone as eminently qualified as Amy Coney Barrett should have been confirmed unanimously.

Today, many of my Democratic colleagues support packing the Supreme Court with more Justices because they believe the Court will block their agenda, which is ironic because for nearly a half century, virtually every State ever to provide protection to unborn babies has been foiled by the judicial branch. Something terribly wrong has happened to our democracy when so much energy is focused on the Court.

Again, quoting then-Justice Ginsburg on Roe's attempt to put the issue of abortion to bed, she said in 1985, the Court's ''heavy-handed judicial intervention was difficult to justify and appears to have provoked, not resolved, conflict'' and in 1993 declared that the ruling ''prolonged divisiveness and deferred stable settlement of the issue.''

Given these examples of our polluted discourse, no one can reasonably say that the politics of abortion have improved since then. In fact, it has only gotten much worse.

What has improved, however, is our understanding of the science of embryology. Regrettably, it is not enough to say a unique human life begins at the moment of conception for it to receive protection. But we know when unborn babies feel pain; we know when they can survive outside the womb; and a remarkable 4D ultrasound reveals what we already knew: These unborn babies are fully human and deserve the right to life, and yet our legal regime denies them that right.

Because of Roe, a child in America can be terminated for any reason—any reason—up to the moment of its birth. That places the United States in the company of China and North Korea. Surely, a democracy founded on the belief that all people ''are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness'' has a greater respect for human life than these brutal communist regimes.

Tomorrow's Mississippi case will test that proposition. However, there is no doubt that the reversal of Roe will not end the practice of legal abortion. Several States have already enacted permissive abortion laws that would remain even on Roe's demise.

The point here is that my effort and the effort of my colleagues and millions of other Americans to defend life will continue regardless of how the Supreme Court rules in the coming months, including in my State of Kansas. These efforts will depend on civil persuasion of our neighbors and responsive State and Federal legislators. We will need legislation that protects the unborn and assists new families in caring for their child.

Tomorrow, the Supreme Court will hear the most significant abortion case in the last 30 years. Dobbs v. Jackson Women's Health Organization. This case provides the Court the opportunity to relinquish the legislative power it has assumed and return it to the people and their representatives. The Court will be better for it, and so will our politics. And most importantly of all, millions of future voices will get to have their say in the process too.

I now yield the floor to my colleague, the Senator from Nebraska, Senator FISCHER.

The PRESIDING OFFICER. The Senator from Nebraska.

Mrs. FISCHER. Mr. President, Dobbs v. Jackson Women's Health Organization, the case that will come before our Nation's highest Court on December 1, is truly a historic case. It is about a law the State of Mississippi passed in 2018 to ban almost all abortions after 15 weeks of pregnancy.

When I was a member of the State legislature in Nebraska in 2010, we passed the Pain-Capable Unborn Child Protection Act. Nebraska's bill banned most abortions after 20 weeks, the point when science at that time told us that unborn babies start to be able to feel pain. We were the first State in the country to pass a law of this kind, and in our Nebraska unicameral, we passed it with 44 ''yes'' votes and just 5 ''no'' votes.

Nebraska has a unicameral—1 House, 49 Senators. We have pro-choice, pro-life, Republicans and Democrats that voted for this bill. We had pro-choice Republicans. We had a number of pro-life Democrats. In fact, we had a former Democratic National Committeeman vote for this bill. All we cared about was protecting the most vulnerable people in our society—unborn children.

I was proud to support Nebraska's bill. I was proud that pro-life Democrats, pro-choice Republicans, put their differences aside to vote for it. And I am proud today to stand with Mississippi as their law comes before the U.S. Supreme Court.

Back in July, I joined more than 200 of my colleagues in the Senate and the House of Representatives in filing an amicus brief supporting Mississippi's bill. In our brief, we argued that the precedence the Supreme Court set in Roe v. Wade and a later case, Planned Parenthood v. Casey, are outdated. When Roe was decided nearly 50 years ago, babies born before 28 weeks were not expected to survive. Today, the miracles of modern medicine have allowed babies born much earlier to not only survive but to go on to live full and happy lives.

Just last year, a little boy was born right next door to Mississippi, in Alabama, at 21 weeks. He was 132 days premature, and he weighed just 14.8 ounces. Fifty years ago, it would have been unthinkable—unthinkable—for him to live beyond a few days. But this July, he celebrated his first birthday.

Fifty years ago, ultrasounds and sonograms were not widely available. Today, they are an essential part of prenatal care. The pictures that these technologies enable families to see of their unborn children, even at the early stages of pregnancy, are often nearly identical to the newborns they will soon become. The advancements of the last 50 years have left no doubt about the humanity of the unborn. And as science continues to progress over the next 50 years, new developments are going to keep allowing babies born earlier and earlier to survive and to thrive.

The laws of just about every developed country have kept up with this rapid progress, but here in the United States our laws are stuck in the past. The United States is one of only four nations on Earth where certain States allow abortions up to the day of birth. That puts us in the uncomfortable company of China, North Korea, and Vietnam. Ninety percent of countries around the world limit abortion at 15 weeks, the same point as Mississippi's law, and some even earlier. In Europe alone, there are eight countries with laws that are stricter than Mississippi's. That includes Germany, where abortion is illegal in most cases just after 12 weeks. Women seeking

abortions before 12 weeks in Germany also have to go through a 3-day waiting period and a mandatory counseling session.

Mississippi's law isn't that different from Germany's. In some ways, it is even more lenient, but it is still being challenged in our court system based on legal decisions from decades ago.

Our laws are outdated, and America's unborn children are paying the price. Since 1973, more than 60 million abortions have taken the lives of more than 60 million American children, many of whom could have survived outside the womb.

It is past time for the United States to move into the 21st century. The Supreme Court has a chance to help us do that by upholding Mississippi's law in the Dobbs case, and I hope they will.

With that, I would yield to my colleague from Kansas, Senator MARSHALL, who is also a doctor, a gynecologist, and obstetrician.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. MARSHALL. Mr. President, I want to start by thanking the Senator from Nebraska for helping to bring to light the significance of the Dobbs Supreme Court case.

For some 30 years, I had the honor, the privilege of delivering a baby most every day of my life. Some 5,000 babies in residency and another 5,000 babies in private practice. Some days, I delivered none. Other days, it was one or two. There were days when I delivered 10, 11, 12 babies a day.

Some of those babies I could fit in the palm of my hand. Other babies—I delivered several babies over 15 pounds.

It has now been almost 4 years since I delivered my last baby, but I am still often asked: Do I miss obstetrics; and let me tell you, boy, do I miss it.

My favorite part of the whole process, as I recall, though, was after a hard, long labor, seeing that baby emerge from the mother, holding that baby in my hands and waiting for it to cry. Sometimes it was crying as it entered into this world, other times it took 5 seconds, sometimes 30 seconds, sometimes a minute or two would go by as we worked on the baby. But my favorite part of every pregnancy was taking that crying baby and handing it over to a new mom and dad. It was absolutely the most spiritual moment of my life—the closest I ever got to seeing what God was truly like, to see a newborn baby in the hands of its mom and dad, with this just total agape love—this unconditional love. It was just the honor of my life to experience that almost on a daily basis.

But today I want to talk about my favorite OB visit which came at 15 weeks, typically. At about 15 weeks after conception, moms would come in for maybe their third or fourth visit. My first question was always: Are you feeling the baby move? And the mom's eyes would light up. Maybe she had had a miscarriage before or maybe it was an infertile couple or maybe this was her third or fourth baby, but when I asked them: Are you feeling the baby move yet, her eyes would light up.

And mom would lie down on the bed, and I would put my hands on her abdomen and feel the size of her uterus to assess how big the baby was. And so often as I put my hands on her skin, I could feel the baby pushing back or kicking back.

And then we put the Doppler on the mom's abdomen and listened to the baby's heartbeat, and usually if there was a brother or sister in the room, that baby's big brother or big sister would squeal: Mommy, what is that noise? What is that noise? And almost every time, as I heard the sibling ask mom that question, you could hear the baby's heart rate increase with excitement. That baby inside the womb knew that was its brother or sister there that was talking, and it was excited to hear that voice. And the mom would respond: Darling, that is your little baby brother or sister. And as mom spoke, the baby's heart rate would slow back down to what it was before—that calming voice.

So that brings me to the Dobbs case. The Mississippi Dobbs case protects life after that 15-week visit I just described.

I recognize and believe that life begins at conception, but maybe not all of America agrees with me on that. But I do believe with all my heart that a huge part of America agrees, we should not allow abortions on babies that can feel pain or that can respond to their mom's voice or their sibling's voices. Right?

Ask yourself that same question. An unborn baby that can feel pain, that knows its mom's voice, should that baby be deprived of life outside the womb?

I struggle as I watch America be one of seven nations that allows abortions after 15 weeks. And I point out that all these other nations are agnostic or totalitarian nations for the most part. And I struggle as I recall the moms and dads who lost a baby at 15 weeks or at 18 weeks or at 23 weeks. I recall their mourning. I recall their tears.

I recall how, in our hospital, we might be struggling to preserve a pregnancy, to save a baby's life, to be resuscitating a baby while in a nearby town the abortion industry is claiming another life at this same gestational age.

I struggle to think we live in a society that allows this barbaric treatment of the unborn. We hope and pray that this landmark Supreme Court case will result in a decision that reflects the values of most Americans and will protect life after 15 weeks.

Unfortunately, because of a 2019 Kansas Supreme Court case, my home State of Kansas has become an abortion destination—an abortion destination. The Kansas Supreme Court has paved the way for unlimited abortions, abortions paid for with tax dollars. That is why, back home, I will be fighting for the Value Them Both Amendment that protects the values of both the mom and the baby.

Look, America does not want an unlimited, unregulated abortion industry. This is not consistent with our values. I believe most Americans value them both. We value both the mom and the baby. I fought my whole life for moms and babies, and I am going to keep fighting for them both.

Mr. President, I yield the floor to my friend and mentor from Texas, who has been leading the fight up here in DC for years. I look forward to his sharing with us what Texans are talking about on the significance of this Dobbs Supreme Court case.

The PRESIDING OFFICER (Mr. MARKEY). The Senator from Texas.

Mr. CORNYN. Mr. President, I want to start by thanking my colleagues for being willing to stand up and defend innocent human life.

I remember, recently, watching a young woman walk across one of the downtown bridges in Austin, TX, carrying a sign that read: ''Abortion—any time, any reason.''

That is what she was advocating for. I was shocked when I saw it because I thought even the most ardent advocates of abortion would not take that position of denying the humanity of this unborn child, but, apparently, that is what it has become here—48 years after the Supreme Court first created a right to abortion out of whole cloth as a constitutional right.

You look, in vain, in the Constitution of the United States, as well as in the amendments to the Constitution, for any reference at all to abortion. What you will find, if you read the Declaration of Independence, is a familiar statement to all of us. On July 4, 1776, the 13 States then that made up America wrote: ''We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness.''

By the way, there is no asterisk—there is no footnote—that says, if you are an unborn human life, that you are denied this unalienable right to life.

Such noteworthy figures as Ruth Bader Ginsburg, who was probably one of the most aggressive advocates for abortion rights on the U.S. Supreme Court, later in life decried the fact that, by the Supreme Court's holding a right to abortion as a constitutional right, it denied the very sort of give-and-take debate by which our differences are resolved in the States and at the national level.

I would just like to point out some of the misinformation that you hear and read about Roe v. Wade.

If Roe v. Wade is no longer the precedent by which abortion rights are decided, it will not mean that abortion will not be available in many, if not all, of the States. What it will mean is that it will be decided, under our Federal system, on a State-by-State basis,

according to the decisions made by elected State leadership, including the legislature.

In 1973, Richard Nixon was inaugurated for the second time as President of the United States. Suffice it to say that a lot has happened since then—a lot. I think it is entirely appropriate that the U.S. Supreme Court revisits its precedents, including Roe v. Wade—decided in 1973—and decide if that precedent has stood the test of time.

By the way, in serving on the Judiciary Committee, we frequently have nominees for the Supreme Court of the United States come before the committee, and many of my pro-choice colleagues will say: Do you agree, Judge or Future Judge, that Roe v. Wade is the precedent of the U.S. Supreme Court?

Of course, that is along with Casey and the other decisions that have been decided since then, but they act as if the U.S. Supreme Court cannot revisit bad decisions and correct those bad decisions.

To act as though Supreme Court precedent is somehow sacrosanct would still leave us with the likes of Dred Scott, which treated African Americans as less than fully human. Obviously, we fought a Civil War, and 600,000 Americans died—that would be the equivalent of 3 million people today—in a bloody Civil War that tore our country apart.

So being able to revisit those precedents, especially in light of the passage of time and over long experience, is entirely within the purview and entirely appropriate for the Supreme Court to do.

Well, we have heard from my other colleagues that, since Roe was decided in 1973, more than 60 million abortions have been performed in the United States. As originally was decided, Justice Blackmun wrote an opinion and established an event he called viability. Basically, the argument by the proponents of Roe is that somehow, in this decision by Justice Blackmun's saying that abortion should be widely available pre-viability, we should not be able to reconsider or take a look at that. The truth is, Justice Blackmun admitted this was an arbitrary standard.

What does ''viability'' mean?

We have heard that seven countries around the world have more permissive or equally permissive abortion laws as the United States. I, frankly, don't want to be in the same company as North Korea or the People's Republic of China, governed by the Communist Party. I would hope that America would aspire to something different and better and more humane, more in line with our fundamental statement about the unalienable right to life.

But, as to the fact that America is only one of seven countries that allows elective abortions after 20 weeks, which, as I said, puts us in the same category as communist China and North Korea, you would think that would raise a huge red flag as to say something is terribly wrong here.

How is it that we are in the same category as communist North Korea and as communist China when it comes to the value we place on unborn life?

Well, unfortunately, we have seen the right to life become a partisan issue in the U.S. Congress when you take a look at the pro-life legislation which has been introduced over the last years.

We saw last year, for example, our Democratic colleagues filibuster legislation to outlaw elective abortions after 20 weeks, which is when science tells us that an infant can feel pain. Then they blocked a bill requiring physicians to provide lifesaving care to infants who survive abortions. This is care that any other newborn baby would receive, and yet our colleagues—so concerned about the backlash among their pro-abortion constituents—blocked it, denying a child born alive after a botched abortion the same sort of care that any other newborn would be entitled to. They blocked it.

And the latest attack on an unborn baby's right to life is the Women's Health Protection Act. This bill would undermine State laws limiting abortion, even after viability, and undercut the Supreme Court's ruling that defines our current definition of ''viability.''

What does ''viability'' mean?

Even at 20 weeks, can an unborn child live without medical attention and support from their mother or medical personnel?

Of course not.

This was an arbitrary line drawn by the Supreme Court in 1973. As we have heard from many of my colleagues, medicine has, thankfully, advanced considerably since that time.

Well, even though the U.S. Congress seems to be stuck when it comes to the issue of abortion and respecting the right to life of unborn babies, thankfully, the States have taken the issue up, which is why States, like Mississippi, have passed their own legislation to protect unborn babies.

Pro-abortion advocates say, well, 15 weeks—which is what the Mississippi law says. They say that a right to abortion only for the first 15 weeks of a pregnancy violates constitutional rights. But it is interesting. It is no less arbitrary than this notion of viability, which suggests that a child can live—which they cannot—outside the mother's womb even if they are 20 weeks or 24 weeks of gestational age. Interestingly, in a number of States, like Massachusetts and Nevada, abortions are restricted after 24 weeks. California, Washington, Illinois are among States that explicitly restrict abortions after viability.

The American people clearly stand behind the protection of unborn life. This summer, a poll found that 65 percent of Americans believe that abortion should be illegal in the second trimester. That is the second 3-month period of a 9-month pregnancy.

Opposition to third-trimester abortion is even stronger, as 80 percent of Americans are opposed to a third-trimester abortion. Indeed, the Supreme Court of the United States upheld a Nebraska law banning late-term abortion, which is essentially producing a delivery while the child is still alive, killing the fetus, and then completing that abortion. The Supreme Court of the United States upheld a ban on that third-trimester, late-term abortion—that brutal and barbaric practice that even the Supreme Court could not abide.

Last June, a baby born at 21 weeks and 2 days, this last summer, celebrated his first birthday. That is what is at stake here when you are dealing with more than just one person—or you are dealing with more than just one person.

The question is: How do you balance and deal with the rights not only of the woman seeking the abortion, but also of the unborn child?

Right now, under its current jurisprudence, that unborn child is not even considered a human.

America cannot be its best if we devalue the lives of the most vulnerable among us. I believe that babies with heartbeats, fingerprints, and taste buds deserve some protection under the law.

I am proud of the efforts led by our colleague Senator LANKFORD and others to make sure that we actually have a discussion about this issue and don't just sweep it under the rug and we don't just let the pro-abortion lobby mischaracterize what we are talking about, as if eliminating Roe would eliminate abortions in America. It would just allow the States to do it on a State-by-State basis.

But, actually, Roe was made up right. It created a constitutional right that is not even stated in the Constitution itself, and it created an arbitrary time limit in which abortions could be performed or not as a matter of constitutional right.

So I join the rest of the body and this country awaiting the Supreme Court's ruling. I believe that it is more than appropriate for the Supreme Court to revisit its precedence that essentially disparaged and denigrated the right to life of an unborn child.

I would yield the floor to my friend from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. LANKFORD. In December of 1952 and again in December of 1953, the Supreme Court was packed. There were lines out into the hallway, with people waiting to get in to hear oral arguments. In December, the Court would hear arguments on the legality of segregation brought by Thurgood Marshall, representing the Brown family in Topeka, KS.

Just 56 years before Brown v. Board of Education, segregation was protected by the Supreme Court in Plessy v. Ferguson. They ruled that separate but equal facilities were constitutional, thus enshrining the national

disgrace of segregation into America—an absolutely terrible decision by the Supreme Court that haunted our Nation for decades. It took 56 years before the Supreme Court corrected its wrong.

Now that more than a century has passed since the Plessy v. Ferguson decision, the Nation still celebrates the Court that decided the Brown v. Board of Education case, as Justices righted a great wrong against millions of people. There was a simple lesson in that decision: When the Court made a mistake, it should fix its mistake.

In a lesser known case that affects just about every American now, in 2018, the Supreme Court overturned by a 5-to-4 decision 51 years of precedent on the collection of taxes for businesses called the physical presence rule. Many people now know it as the internet tax rule. It changed the way taxes were collected on the internet.

When they made that decision in 2018, there was great confusion and consternation, statements that it would be impossible to implement it and it would bring certain destruction to internet commerce. In fact, in the dissent in that 5-to-4 decision, the minority in the Court stated this:

> E-commerce has grown into a significant and vibrant part of our national economy against the backdrop of these established rules, including the physical-presence rule. Any alteration of those rules with the potential to disrupt the development of such a critical segment of [our] economy should be undertaken only by Congress.

The Court should not act on this important question of current economic policy solely to correct a mistake it made over 50 years ago. It was handwringing by the Court, the minority there, that they opposed correcting the obvious mistake of the Court from 51 years before because it could hurt the cyber economy. In other words, doing the right thing involved a risk.

Well, yesterday was Cyber Monday. It was one of the largest single days of purchasing online in history. The Court did the right thing, and the economy kept going. There was a simple lesson in that decision: When the Court made a mistake, it should fix its mistake, even if it was 50 years later.

Tomorrow, the Supreme Court of the United States will hear oral arguments in what could potentially be the most consequential case for human rights in 48 years.

Tomorrow at 10 a.m., nine Justices will hear arguments and ask questions of the attorney general of the State of Mississippi and counsel representing an abortion clinic in Mississippi. Tomorrow morning, the Court will consider whether all previability prohibitions on elective abortions are constitutional.

Tomorrow, this Court has the opportunity to uphold the self-evident truth to personhood, the facts of science and of our heart's declaration, the right to life, liberty, and the pursuit of happiness. Simply stated, the Court has an opportunity to correct its mistake from 1973, 48 years ago.

In 2018, the Mississippi Legislature enacted the Gestational Age Act, which limits abortion to 15 weeks of gestation except in a medical emergency and cases of severe fetal abnormality.

Jackson Women's Health Organization, an abortion clinic in Mississippi, sued. Federal courts held that the law was in violation of the Court precedent in Planned Parenthood v. Casey. Now it is known as the Dobbs case. It stands before the Supreme Court at 10 a.m. tomorrow.

This case presents an opportunity for the Court to reconsider Roe v. Wade and turn the role of legislating on the issue of life back to the States, where it was pre-Roe v. Wade.

In Roe v. Wade, as this body knows extremely well, the Supreme Court decided the Constitution guarantees the right to have an abortion until the viability of a child, with very little understanding of the term ''viability.'' Years later, in Planned Parenthood v. Casey, the Court also said that the government couldn't place an undue burden on access to abortion, which has been used to block many laws that aim to protect women and children.

Both decisions were completely arbitrary and not based in constitutional law. ''Viability,'' quite frankly, is impossible to define because children develop at different speeds. One child, Curtis Means, left the University of Alabama at Birmingham Regional Neonatal Intensive Care Unit after he was prematurely delivered at 21 weeks, 1 day—the youngest child to be born ever. Another child, though, may not survive if they were even delivered at 32 weeks. Viability was completely invented by the Court in 1973 as a standard and is impossible to actually track.

America has not forgotten about these children. We have not moved on, and we have not just accepted Roe v. Wade, because when we see a child, as this one is at 15 weeks, we actually see a baby, shockingly enough. Forty-eight years ago, the Supreme Court may have decided that a woman has a right to an abortion, but we never lost track of humanity. Abortion is not just a medical procedure; it is the taking of a human life.

I talked this morning with an abortion survivor. And, yes, they do exist by the thousands. She is in her forties. She has children of her own now. She survived a botched abortion and was actually delivered alive during an abortion procedure. She was taken by a nurse to the NICU unit of that hospital, and she is still alive and thriving today. I sat there with that abortion survivor, thinking that abortion is not about random tissue; it is about a person—quite frankly, this morning, the person who was sitting right in front of me.

Now, I understand full well I am a pastor who is now a Senator. I am fully aware that I have a Biblical worldview. My dedication to children is not just because I am a follower of Jesus and believe that every person is created in the image of God; I also firmly can look at the science. The science is clear to anyone who is willing to get past the talking points and actually look into the womb.

At the moment of fertilization, a new and distinct human being comes into existence. It is not just a fertilized egg; it is a new human. This new cell, which is called a zygote, shows behavior that is unlike the behavior of any other cell around it that is in the woman's body. The DNA inside that cell is different than the DNA inside any other cell in the mom's body. That cell has everything that he or she needs to become a fully developed human being.

Everyone listening to me right now—everyone—was once a single-cell zygote, completely dependent on your mom for nutrition. That is why we encourage moms to eat good foods, take prenatal vitamins, stop smoking, and all those things, because we want to protect the development of her child. Why? Because we all recognize that that is a child, and what a mom does now will affect the future for that child.

As the baby grows in his or her mother's womb, it continues to develop. At 15 weeks, as this baby is—and that is what the Mississippi law is all about, is a baby who looks just like that. At 15 weeks, a baby has a heart, lungs, skin, eyes, a nervous system. By 15 weeks or a little over 3 months of pregnancy, this preborn baby is moving around in response to touch. All of her organs are formed, and she just needs more time for them to grow and develop. Her heart already has four chambers. It has already beaten millions of times and pumps more than six quarts of blood per day. She cannot breathe outside the womb, but she is breathing inside the womb. She has arms and legs. She has 10 fingers and 10 toes and normally by this point already shows a preference for being right-handed or left-handed. She has eyes, lips, a nose, fingernails, eyebrows, even taste buds. She can feel pain.

This decision has ethical, moral, and medical implications. Look in the mirror, anyone in this room. You have fingers and toes and lips and a nose and fingernails and eyebrows and taste buds. You can feel your heart beating. The only difference between you right now and this child is time. That is it.

But for some, it is easy to just close their eyes and ignore the self-evident fact because it is easier to talk about Court precedent or choice, because if we look at each child and recognized this child for who she is, it is hard to process that in the last 48 years, 62 million children have died by abortion in America. And for some, they can't allow themselves to acknowledge what is self-evident because it would be too painful to think about 62 million children.

Can I tell you, 62 million children is the combined population of Vermont, Alaska, North Dakota, South Dakota,

Delaware, Montana, Rhode Island, Maine, New Hampshire, Hawaii, West Virginia, Idaho, Nebraska, New Mexico, Kansas, Mississippi, Arkansas, Nevada, Iowa, Utah, Connecticut, Oregon, Kentucky, Louisiana, Alabama, and Oklahoma—combined.

A Court decision that led to the death of 62 million children is a Court precedent that needs to be discarded.

Prior to 1973, each State had its own laws on abortion. That is what would happen again if the Court overturns Roe v. Wade. We will have a patchwork of laws on abortion, just like we do right now on homicide.

In some States, like mine, if a pregnant mother and her child are killed, the perpetrator faces two charges of murder, one for the mom and one for the child. In other States, the perpetrator would only face one charge of murder because that State doesn't recognize that child's existence at all. I think that is absurd, but that is a law in one State, and it changes from State to State. People can speak to their own State legislators about changing that law in their State and about recognizing the value of every child, even a child in the womb, but until they do, that child is a nonentity in some States. That kind of difference in homicide laws is allowed by the Supreme Court already. This Court should give that same right to every State for every preborn child, not just for some.

The law being debated in the Supreme Court tomorrow reflects the will of the people of Mississippi, just as many pro-life laws in Oklahoma and in our legislature have reflected the will of the people of Oklahoma.

The arbitrary, outdated viability standard established by the Court makes it harder for States to protect women from physical risk that accompany late-term abortions. It makes it difficult to allow States to protect preborn babies in the second trimester, who can experience pain. The viability standard prevents States from banning dismemberment abortion. The viability standard deters States from protecting children diagnosed with Down syndrome, developmental disabilities, and children being aborted simply because they are male or female. It also prevents States from protecting the lives of their own citizens at any stage of development.

I don't understand how infants have become a partisan issue. I really don't.

There are some issues, as I talk to my colleagues on the other side of the aisle, where I can see their perspective and their point of view. I may not agree, but I can understand their point of view.

But on this issue I do not understand how some people see a baby sucking their thumb in the womb and they see them only as medical waste. I don't understand how some people can support an abortion in one moment, but when they talk to a woman who has had a miscarriage, they immediately respond with ''Oh, I am so sorry.'' If a miscarriage is the loss of a child, then what is an abortion?

I don't understand how the same person who fights to protect the right to abort children also brings a gift to a baby shower and celebrates a mom and a baby. How can one child be worth celebrating and the other child be medical waste? I just don't understand that compartmentalization.

Frankly, I don't understand how some people who are pro-abortion justify protecting Bald Eagle eggs in Federal law but have no problem supporting the taking of human life in the womb.

Children are not medical waste. Children are beautiful, innocent, and valuable. Some people who are pro-abortion call pro-life people horrible names, and they say they are trying to limit a woman's choice and her freedom while they work to protect her right to have her own baby literally have its arms and legs torn off in the womb so the child would bleed to death in the womb and then each body part would be suctioned out separately.

I don't consider that freedom. I consider that cruel and inhumane.

They say it is a woman's choice. But when does the child get to choose? Some people in our Nation actually celebrate the death of children like it is some glorious empowerment of a woman that she is able to pick and choose which baby will live or die based on her decision. I don't think that is empowerment. I think that is barbaric.

Mother Teresa stated: ''It is a poverty to decide that a child must die so that you may live as you wish.''

Change begins tomorrow. Tomorrow the Court will have the opportunity to uphold our Constitution; eradicate the outdated, oppressive, and deadly precedent; and turn our discussion about life over to the legislators in each State. Now is the time for this Court to overturn Roe v. Wade.

Our Nation prides itself on human rights and individual liberties, but we have this huge, glaring exception: We deny the obvious fact of a child until they are born. We ignore a child's existence until it is convenient.

I really believe, in the decades ahead, our Nation will catch up and we will look back on these years with grief. We will be shocked that when we saw a pregnancy test that said ''positive,'' somehow we didn't figure out that meant positive for tissue; it meant positive for a baby.

I look forward to the day when the United States will be a beacon of justice for every child and not just a few; when we will be a Nation that protects the weak, not just a Nation that stands up for the strong; when we will lead the world to protect the innocent and speak for those who cannot speak for themselves; when America is a beacon of hope for every child.

Southern slave owners in 1830 denied humanity to their slaves. Men in 1900 denied women a right to vote. The United States rounded up Japanese Americans in World War II and put them into camps.

All three of those were considered legal and appropriate at the time. All three of those were fought tenaciously when they were changed, and all three of them are a national embarrassment now.

There was a time when the Court ruled that separate but equal was justice. Then, six decades later, they reversed course, ending segregation. Justice requires, when the Court gets it wrong, that they correct their own mistake. This time there are millions of children counting on the Court getting it right.

''Blessed are those who have regard for the weak; the Lord delivers them in times of trouble''—Psalm 41, verse 1.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

DURHAM INVESTIGATION

Mr. GRASSLEY. Mr. President, on November 3 of this year, Special Counsel Durham indicted Christopher Steele's primary subsource, Igor Danchenko. He indicted him on five counts of lying to the FBI. He lied about his contacts and the identity of his sources.

One of the more serious lies was about Sergei Millian. The indictment shows that Danchenko alleged a phone call occurred between him and Millian about a Trump-Russia conspiracy. That call was part of the basis that the FBI used to get a FISA warrant on Carter Page.

Now, according to Durham, Steele's source lied about the call because that call never happened. This is yet another stunning, fatal defect against the Obama-Biden administration's fake predicate to investigate Trump—specifically, yet another illustration of Justice Department and FBI failure.

Now, as a result of these failures, this country has been dragged through the mud for years. That statement is well understood at this point, but I have more to explain about it.

The indictment also shows that one of Steele's sources was a ''longtime participant in Democratic Party politics'' and that he ''fabricated'' at least some of the information that he gave to Danchenko.

This source, identified as Charles Dolan, ''actively campaigned and participated in calls and events as a volunteer on behalf of Hillary Clinton'' during the 2016 election.

Another one of Danchenko's sources was also a Hillary Clinton supporter. Charles Dolan gifted to this particular Russian subsource an autobiography of Hillary Clinton signed with these words: ''To my good friend, a great Democrat.''

Now—get this—while the Democrats were smearing Trump with false Russia allegations, they were the ones rubbing elbows with Russians and spreading false information in the media, and, of

course, the media, as we know, gladly ran with that information. For example, President Biden's current National Security Advisor, Jake Sullivan, promoted the false story about the Russian bank called Alfa Bank communicating with the Trump organization, when he worked for the Clinton campaign.

Notably, during congressional testimony, several years ago, Sullivan said that he wasn't sure who Marc Elias represented when he presented Trump opposition research to the campaign. Now, for crying out loud, Elias was the Clinton campaign's general counsel.

My oversight work dating back to December 2016 has focused on the Democratic Party's and Clinton campaign's links to the Steele dossier. Last Congress, Senator JOHNSON and I obtained many records relating to Crossfire Hurricane. We were able to get many of them declassified for the public.

I point you to our April 15, 2020; December 3, 2020; and December 18, 2020, press releases on this information. Some of the declassified records show that the FBI had reports in its hand that showed the Steele dossier was most likely tainted with Russian disinformation.

One document indicates that the FBI received a U.S. intelligence report on January 12, 2017, warning of an inaccuracy in the dossier in relation to Michael Cohen. The report assessed that the material was ''part of a Russian disinformation campaign to denigrate U.S. foreign relations.''

That same day, the FISA warrant against Page was renewed for the first time by Acting Attorney General Sally Yates. This is when the Obama-Biden administration and the Justice Department were still in charge.

A similar U.S. intelligence report arrived on February 27, 2017, undercutting a key allegation against then-President Trump. The report noted claims about Trump's travel to Moscow in 2013 ''were false, and they were the product of Russian intelligence services infiltrat[ing] a source into the network'' of sources that contributed to the dossier. Just over a month later, the FISA warrant against Page was then renewed for a second time.

I would be remiss if I didn't mention that the FBI also opened a counterintelligence case on Danchenko and failed to tell the FISA Court about it. If this fact pattern was a movie script, nobody would believe it.

With Durham's recent indictments, we now have even more proof that the Trump-Russia collusion investigation had the wrong name. It should have been the Clinton-DNC-Russia collusion investigation.

The media and many members of the Democratic Party ought to be ashamed of the falsehoods that they were spreading throughout these years. Our political discourse has been damaged for decades to come because of that scheme.

Recently, the Washington Post had to correct over a dozen articles relating to its previous Russia reporting in light of the extensive errors made by that newspaper—years of errors, I might add. I think it is somewhat unprecedented, and I am sure the Washington Post hated to retract and correct the record.

As Durham proceeds, I would say this: Don't take your eyes off of government misconduct. The Justice Department and the FBI hid critical information from the FISA Court that would have cut against their case. They failed to correct the record when they should have corrected the record. Simply put, the Justice Department and the FBI misrepresented information to the court. That conduct can't be allowed to pass.

REMEMBERING TOM RITER

Mr. President, on another matter, just a short point I want to make about a very important voice in agriculture journalism that has gone silent.

Every Tuesday morning—probably for 52 weeks out of the year—I hold a conference call with agriculture reporters and farm broadcasters to discuss news and issues impacting the 2 percent of the Americans who feed and fuel the world. I am talking about our family farmers.

For the past several decades, the first question each week came from a very familiar voice in the agriculture community: Tom Riter of WNAX out of Yankton, SD.

Sadly, Tom passed away on November 21, just a few days before Thanksgiving.

Tom rarely—and I mean very rarely—ever missed my weekly call. In fact, he always kicked off the discussion that was carried on by probably another dozen people—kicked off the discussion with a smart question about farm policy. Undoubtedly, his reports kept his listeners informed on issues that make a big difference to their lives, their farms, their ranches, and businesses in the American heartland.

He happened to be a native of Rock Rapids, IA, not far from Yankton. He was a fellow University of Northern Iowa Panther. Tom joined WNAX in 1999, so he was around that station for 22 years, I think it adds up to. Ever since, I have looked forward to our weekly discussions.

I am grateful for Tom's dedication to his craft, specifically his work to expand the public's understanding and appreciation of the ag community's contribution to our society—most importantly, that 2 percent of the people in this country who produce the food for the other 98 percent.

My wife Barbara and I extend our sympathies to Tom's family and friends, the WNAX family, and his colleagues in the ag press community. We lost a very big voice for American agriculture. He will be greatly missed.

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

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

GUN VIOLENCE

Mr. MURPHY. Mr. President, our collective heart as a nation is breaking for your State. At Oxford High School today, reports suggest that a 15-year-old turned a semiautomatic weapon on his classmates. Three are dead. Eight are injured.

Our hearts are breaking a little bit harder in Connecticut because we know the pain that ravages a community when a shooting happens at a school. Newtown, CT, will never be the same after what happened there now almost a decade ago.

Reports are that at Oxford High School nearly 100 911 messages came into police during the time of the shooting. It gives you a vision into the terror that happens inside a school when a classmate opens fire. I think about this, first and foremost, as a parent of a seventh grader and a fourth grader who are part of a generation that accepts as part of their childhood the risk of not leaving school at the end of the day because of a violent attack. That is the reality of being a kid in school today. I am angry about it as an American, but I am angry about it as a parent, that my children have to go through active shooter drills because this has become a regular facet of being a child in America—exposure to gun violence.

It sickens me to think that my fourth grader has to worry about this when he goes to school every day.

I understand that my Republican colleagues have very strong views on issues related to abortion, but I listened to my Republican colleagues come down here one after another today and talk about the sanctity of life at the very moment that moms and dads in Michigan were being told that their kids weren't coming home because they were shot at school due to a country that has accepted gun violence due to Republicans' fealty to the gun lobby.

Do not lecture us about the sanctity, the importance of life, when 100 people every single day are losing their lives to guns, when kids go to school fearful that they won't return home because a classmate will turn a gun on them, when it is in our control whether this happens.

You care about life? Then get these dangerous military-style weapons off the streets, out of our schools.

You care about life? Make sure that criminals don't get guns by making sure that everybody goes through a background check in this country.

This only happens in the United States of America. There is no other nation in the high-income world in which kids worry about being shot

when they go to school. It happens here in America because we choose to let it happen.

We are not unlucky. This is purposeful. This is a choice made by the U.S. Senate to sit on our hands and do nothing while kids die.

It doesn't even involve any political risk. The changes we are talking about in order to make our schools safe places, they are supported by the vast majority of Americans, Republicans and Democrats. And yet the gun lobby and the gun industry is more important to half of the Members of the Senate than is the safety of our kids, and that is infuriating.

Make no mistake about it, there is a silent message of endorsement sent to would-be killers, sent to individuals whose brains are spiraling out of control when the highest levels of the U.S. Government does nothing, shooting after shooting. Somewhere in these broken brains, they have convinced themselves that they can right perceived wrongs by firing a gun into a crowd. And when Congress—when the highest, most important, most powerful leaders in the land do nothing, shooting after shooting, you can understand why those broken brains imply that as endorsement. We have become part of the problem. Our silence has become complicity.

And I am here to tell you that there is a very low likelihood that your child will die in a school shooting. It is still a very, very infrequent occurrence in this country, given the number of kids who walk into a school every day. But the very fact that every child fears for their life, the very fact that every parent thinks about this when they send their kid to school, that is both a moral and practical stain on this country because kids' brains can't learn when they fear for their lives. No parent should have to sit down and talk to their kid about why, even though you see this happen in Newtown and you see this happen in Parkland and you see this happen in Michigan and you see this happen in California, it won't happen to you, dear. Because when these kids see it on TV every single day, you can't blame them for coming to the conclusion that it may happen to them.

I remember watching on TV once a young woman in the aftermath of a school shooting. There are so many of them now that I can't even remember which one this was. And she said to the TV reporter who was interviewing her: I just assumed that it would happen at my school eventually.

What a sad state of affairs that this is what it has come to.

I am beyond my tipping point, but I needed to come to the floor today because having sat in that chair listening to my colleagues tell me how much they care about human life—well, you have an opportunity to do something about it. You have an opportunity to save lives right now. Kids that are walking into schools tomorrow need you—need you—to step up and pass laws that are going to make sure that only responsible people own guns. And the guns that are used in these school shootings—the semiautomatic rifles, the AR–15 variants—they stay in the hands of law enforcement.

And even if you don't believe that those laws will have the practical consequence of stopping every school shooting, please acknowledge that there is a moral impact of the actions that we take. By signaling to everyone in this country—but in particular these individuals who are contemplating these evil actions—that we don't accept this level of carnage, there will be an impact. And I tell you that because I know history.

There are two massive declines in the murder rate in this country in the last 100 years. It is not coincidental to the 10-year period after the two most significant antigun violence measures passed by Congress.

The first big decline is in the late 1930s and 1940s, right after Congress passes its first bill regulating the possession of firearms in this country. The second big decline is in the 1990s and early 2000s right after Congress passes the universal background checks law and the ban on assault-style weapons.

That is not coincidental. It is because those laws had a practical effect on crime but also a moral effect as well. The proof is right there in front of you of what can happen, of how many lives can be saved if we stand up and act.

So, please, I beg my colleagues, if you are going to come down here and talk about the sanctity of life, explain to the American people why the gun lobby matters more than the safety of our children who are walking into school every day fearing for their life.

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

The PRESIDING OFFICER (Ms. HASSAN). Without objection, it is so ordered.

EXPRESSING SUPPORT FOR THE DESIGNATION OF NOVEMBER 8, 2021, AS ''NATIONAL FIRST-GENERATION COLLEGE CELEBRATION DAY''

Mr. SCHUMER. Madam President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be discharged from further consideration and that the Senate now proceed to S. Res. 437.

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

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 437) expressing support for the designation of November 8, 2021, as ''National First-Generation College Celebration Day''.

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

Mr. SCHUMER. I ask unanimous consent that the resolution be agreed to; that the preamble 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. 437) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of November 3, 2021, under ''Submitted Resolutions.'')

RESOLUTIONS SUBMITTED TODAY

Mr. SCHUMER. Madam President, I ask unanimous consent that the Senate now proceed to the en bloc consideration of the following Senate resolutions, which were submitted earlier today: S. Res. 462, S. Res. 463, and S. Res. 464.

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

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; that 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. 462, S. Res. 463, and S. Res. 464) were agreed to.

The preambles were agreed to.

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

MORNING BUSINESS

TRIBUTE TO KEVIN ''ROWDY'' MURPHY

Mr. COTTON. Madam President, I rise today to acknowledge and honor MAJ Kevin ''Rowdy'' Murphy for his dedicated service in the U.S. Air Force and in the Senate as part of the Legislative Defense Fellowship. Major Murphy joined my office in January of this year, where he has expertly served as a trusted adviser and critical member of my team. He is one of the Air Force's finest fighter pilots, having capably flown the F–15E Strike Eagle for the past decade and graduated from the distinguished Air Force Weapons School.

Rowdy served with distinction while assigned to my office. He was instrumental in bringing a partner fighter training mission to Ft. Smith, AR, he helped establish a Defense Department aviation safety council, and he designed legislative defenses against the threat of fiber optic cables from China.

While Major Murphy excelled at his legislative duties, he truly distinguished himself during the evacuation