

King	Osoff	Smith
Klobuchar	Padilla	Stabenow
Leahy	Peters	Tester
Lujan	Reed	Van Hollen
Manchin	Rosen	Warner
Markey	Sanders	Warnock
Menendez	Schatz	Warren
Merkley	Schumer	Whitehouse
Murphy	Shaheen	Wyden
Murray	Sinema	

NAYS—49

Barrasso	Graham	Risch
Blackburn	Grassley	Romney
Blunt	Hagerty	Rounds
Boozman	Hawley	Rubio
Braun	Hoeven	Sasse
Burr	Hyde-Smith	Scott (FL)
Capito	Inhofe	Scott (SC)
Cassidy	Johnson	Shelby
Collins	Kennedy	Sullivan
Cornyn	Lankford	Thune
Cotton	Lee	Tillis
Cramer	Marshall	Toomey
Crapo	McConnell	Tuberville
Cruz	Moran	Wicker
Daines	Murkowski	Young
Ernst	Paul	
Fischer	Portman	

NOT VOTING—1

Lummis

The PRESIDING OFFICER. On this vote, the yeas are 50, the nays are 49.

The motion, upon reconsideration, is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Lisa DeNell Cook, of Michigan, to be a Member of the Board of Governors of the Federal Reserve System for the unexpired term of fourteen years from February 1, 2010.

The PRESIDING OFFICER. The Senator from Massachusetts.

WOMEN'S HEALTH PROTECTION ACT

Ms. WARREN. Madam President, I rise today to urge the Senate to take action to protect abortion rights and defend our constitutional rights.

A far-right, extremist Supreme Court wants to force their views on every American. Roe v. Wade has protected the right to a safe, legal abortion for nearly 50 years. Though Republicans have tried to challenge it in court many times, the Supreme Court has reaffirmed Roe over and over and over again—until now.

So what changed? Why is something that is repeatedly referred to as “settled law” on the threshold of being swept away like so much dust? Why is a law that literally tens of millions of people have depended on to protect access to a safe, legal abortion suddenly about to evaporate?

We don't arrive here accidentally. We are here because Republican politicians have spent decades plotting for this moment. They have cultivated extremist judges. Groups like the Federalist Society have screened possible candidates and drawn up lists of which possible candidates could and could not be counted on. Extremist donors spent billions in dark money so that their preferred ideologues could chip away at people's fundamental rights and do it from the Bench. Republican candidates

for office pledged to support Justices who would get rid of Roe v. Wade. And, finally, when all of that still wasn't enough, Republicans stole two seats on the Supreme Court, all to force their unpopular minority agenda on the rest of America.

I am here to sound a warning. Republican extremism has been carefully nurtured for years. Now Republican extremism is spreading, and now it is obvious that Republican extremism knows no bounds.

Let's talk about the facts—the facts of Republican extremism—and let's begin with who pays the price for Republican extremism. Changes in abortion laws will have terrible consequences, but those consequences will not fall equally on everyone. No, those with money will always have the option to leave the State or leave the country to travel where abortion is safe and legal. No, the people who will pay the biggest price will be the most vulnerable among us—the mama already working two jobs to help make ends meet to support the children she has; the women working jobs who have no paid leave and who can't take 3 days off work to go to another State; the women in South Dakota scrambling to make an appointment at the only abortion clinic in the entire State; the 12-year-old who has been molested; the person who has been raped; the women in Texas who need lifesaving care their doctors can't provide; and the women all across the country, especially women of color, already facing shamefully high maternal mortality rates—because in America, carrying a pregnancy to term is 43 times riskier than a legal abortion.

These are the facts about overturning Roe v. Wade, and these are the people—disproportionately low-income women, women of color, and women in rural communities—who will pay the price for Republican extremism.

Overturning Roe is just the beginning. Republican State legislatures all across the country have already been emboldened by this Supreme Court, introducing hundreds of anti-abortion bills this year alone. States are now introducing bills to declare it a crime for someone to obtain an abortion, for someone to provide an abortion, or for someone just to help someone locate where they might get an abortion.

And where will the Republican extremists turn next? Will they investigate every miscarriage? Will they put every obstetrician and gynecologist on the watch list? Will they monitor location data for every person who pulls into the parking lot of a Planned Parenthood clinic?

Let's be absolutely clear about what will happen if this decision stands. Republicans want to do more than criminalize abortion; they want to criminalize women for making decisions about their pregnancies and their own health. This isn't theoretical. It is already coming to pass.

In Texas, where abortion has been virtually inaccessible to millions of

Texans for the last 8 months, a young woman has been charged with murder for an alleged self-induced abortion.

An Oklahoma law has passed that would outlaw abortion even in the case of rape or incest. But what Republicans are really after is criminalizing women's very bodies.

In Louisiana, Republicans are pushing for the most extreme bill yet, legislation that would classify abortion as a homicide. If enacted, this bill could criminalize women for using certain forms of birth control or even for having a miscarriage that she had no control over.

And we know who will be the most affected by the overcriminalization of women's bodies. It will be women of color who are already overpoliced and face the greatest barriers to accessing healthcare.

The intrusiveness of these State laws is vile. Efforts to give fertilized eggs “personhood” rights and to criminalize abortion could make IVF procedures criminal, depriving someone who wants to get pregnant the only option available to her.

As some States get more and more aggressive about intruding into the private lives of millions of women, just this weekend, the Republican leader, MITCH MCCONNELL, signaled he is open to even more extremism. He said that a nationwide abortion ban was “possible” if Republicans retake the majority—a nationwide abortion ban applicable in every State, including those States that are currently working overtime to protect access to abortion; a nationwide abortion ban applicable to girls who have been molested and to people who have been raped and to women who are already working three jobs to support the women they have. Republican extremism is spreading. Republican extremism knows no bounds.

For me, this isn't about politics; this is personal. I have lived in a world where abortion was illegal. I learned early on that when the law bans abortions, only safe and legal abortions will actually be banned. I lived in a world in which women bled to death from back-alley abortions, a world in which infections and other complications destroyed women's futures, a world in which women's educations and lives were derailed by an unplanned pregnancy, a world in which some women took their own lives rather than continuing with a pregnancy they could not bear.

I have also lived in a world where abortion is legal. For decades, expanded access to abortion has allowed people to make decisions about their own bodies and lives, promoting access to life-changing opportunities and careers that have previously seemed out of reach. But the Republican extremists and the extremist Justices they have put on the Supreme Court just don't care. They want to send us back to the days when women's rights to control their own bodies and their own futures simply did not exist.

American freedoms are under attack. The liberty of more than half our population is under attack. Republicans have planned long and hard for this day, and now that it is here, we must stand and fight.

Tomorrow, the Senate will vote on the Women's Health Protection Act to enshrine the right to an abortion in Federal law. We need the Women's Health Protection Act to prevent radical rightwing State legislatures from ever enacting extreme bills like Texas's SB 8 or Mississippi's 15-week ban. With WHPA, we will take the steps necessary to protect our human rights. It is just that simple.

And for everyone who says we don't have the votes in the Senate to get this done, I say, then get in the fight and give us the Senators who will get it done. Don't tell us what we can't do to stop Republican extremism; get in the fight to help us beat these abortion restrictions into the dirt. Get in the fight to recognize the dignity and liberty of every American.

After this vote, there will be no ambiguity. Every American will know exactly where their elected representatives in Congress stand, and every Senator will have to explain whether they defend the right of every person to have control over their own bodies and their own futures or whether they will stand by as women's constitutional rights are brazenly stripped away.

Whenever this Court strikes down freedoms and rights guaranteed by the Constitution, Congress must defend Americans every single time. I am angry that a group of unelected ideologues on the Supreme Court think that they can turn current law upside down and dictate to tens of millions of people across this country the terms of their pregnancies and their lives.

But the Supreme Court does not get the last word on the right to a safe and legal abortion. The American people, through their leaders right here in Congress, can take action. And that is why I will vote to support the Women's Health Protection Act. That is why I will fiercely oppose any threat to our liberty. And that is why I will continue to fight with every bone in my body to protect the right of every woman to control her own future.

Republican extremism is spreading. Republican extremism knows no bounds. Tomorrow, we have a chance to fight back, and we will fight back.

I have lived in a world where abortion is illegal, and we are not going back—never.

I yield the floor.

THE PRESIDING OFFICER (Mr. MURPHY). The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, when I introduced the Women's Health Protection Act in 2013—yes, in 2013, almost 10 years ago—the idea that Roe v. Wade would be overturned by the U.S. Supreme Court was virtually unthinkable. We accepted 50 years of established precedent, long-accepted law in this country—as something that was virtually unimaginable.

Women relied on it. Our society took it as a core principle of our constitutional law, much as *Brown v. Board of Education*, *Marbury v. Madison*, *Roe v. Wade*, tenets and pillars of constitutional law in this country. And when we asked nominees to the U.S. Supreme Court, the three most recent of them—and I personally asked this question—is *Roe v. Wade* established law, they said to us that they would rely on stare decisis, which for everyday Americans is, basically, we will follow established precedent as articulated year after year by the U.S. Supreme Court.

The now well-reported Alito draft of an opinion overturning *Roe v. Wade* came like a thunderbolt, an earthquake, a seismic blow that constitutional scholars thought was unthinkable.

The draft itself is strident and brash. It is disrespectful in a way that Supreme Court opinions never are. It is unprecedented in its tone and approach, saying that *Roe v. Wade* was egregiously wrong, failing to accurately portray what it held and the reasons for its holding.

There is no question in my mind that the Court, in its final opinion, will smooth the edges of that draft. It will try to tone down the rhetoric. It will dress it up. But the result will be the same. No matter how the Court may try to dress it up, it will have the same impact on millions of Americans and their families because the U.S. Supreme Court is poised to issue the most radical ruling in recent history—perhaps in the entire history of the United States—the most extreme contraction of fundamental constitutional rights in the history of the United States.

Let's indulge ourselves for a moment in a belief in the American dream and the exceptionalism of America, which is to expand rights and liberties. The story of America is expanding freedoms and liberties for all of us, not reducing it, restricting it. But this Supreme Court is poised to eradicate a fundamental right that millions of Americans have relied on for half a century. The Court has signaled that it will inflict an enormous leap backwards, with incalculable costs and chaos for countless women and their families. If the Court indeed overturns *Roe*, 23 States have laws that would immediately go into effect to be used to restrict the legal status of abortion.

Today, 90 percent of American counties already lack a single abortion provider—not one in 90 percent of American counties—and 27 cities have become so-called abortion deserts because people who live there have to travel 100 miles or more to reach a provider. Without the protections of *Roe*, this situation will become even worse for millions of Americans. Women in Louisiana, just to take one example, will be 630 miles from the nearest abortion clinic. Women in Florida, Texas, Mississippi, Utah, and many other States would be in a similar position.

Access to reproductive freedom will depend on a woman's ZIP Code, not on her personal choices or her needs.

Abortion bans without *Roe* will disproportionately impact low-income women in those 23 States poised to ban abortion.

Justice Alito—perhaps not surprisingly—fails to address the ways that the Court's ruling will disproportionately impact communities of color all around the United States. There is an issue here of racial justice because these restrictions disproportionately affect Black women and other racial minority communities. Today, fewer than 1 in 10 abortion providers are located in neighborhoods where the majority of residents are Black. That is a simple, straightforward fact of life. And the closure of clinics will make it only worse.

The simple fact is that *Dobbs* will turn back the clock. It will roll back protections relating to fundamental rights.

May I say that the same people who argue that mask requirements designed to protect public health infringe on their fundamental liberties are perfectly happy sending the government into a hospital room as a couple makes an incredibly difficult, personal life decision. The same people who see masks as an infringement on bodily autonomy are perfectly happy with the government telling a woman who comes to a hospital, possibly in mortal danger of internal bleeding from an ectopic pregnancy: You will have to die. No doctor can help you.

That is not bodily autonomy; that is not liberty.

After the Court's final decision in *Dobbs*, today's young women, the young women of 2022, will have fewer rights than their grandmothers. Young women today will have fewer rights than two generations ago. To someone who recalls the seminal decision in *Roe v. Wade* in 1973 and the promise of that moment, it is unacceptable.

I was a law clerk to the author of *Roe v. Wade* in the term after he wrote the opinion. Justice Blackmun and the Court decided by a 7-to-2 majority—7 to 2; Justice Blackmun was appointed by a Republican President—that this right is fundamental. Whether you criticize the decision—and there have been plenty of people who criticized that opinion—it has been established law, relied on, incorporated in precedent after precedent. And now, in the Women's Health Protection Act, we ask that it be incorporated in statute, that the *Roe v. Wade* standard be enshrined and embodied in a statute, just as Connecticut did in its State statute in 1990—a law that I championed when I was in our Connecticut State Senate.

In lieu of well-established Supreme Court precedent, Justice Alito relies on a 17th-century English jurist who advocated for marital rape and who tried women for witchcraft. This isn't just judicial activism; this is extremism. This is fringe history cloaked in a judge's robe.

And do you know what is conspicuously absent from Justice Alito's radical draft opinion? What is absent is women. Justice Alito gives absolutely no credence to the empirical evidence before the Court—evidence offered by health experts and economists who demonstrate the ways in which women have relied upon abortion access to make decisions about their health, their lives, their careers, and their future. Instead, he gestures at the fact that women have the right to vote as evidence they don't need the right to control their lives and their own bodies. I am sorry, but the right to vote is where rights begin; it is not where they end.

And we know the truth, whether or not Justice Alito acknowledges it: The Court's world without Roe would not just impact one segment of society, one demographic, one geographic area; it will affect all of us. One in four American women will undergo an abortion in her lifetime—one in four.

To the men of America, all of you love someone, you know someone, you treasure someone who has had an abortion, who has needed an abortion. You can't sit this one out.

It is all of us, men as well as women. We all have a stake in this radical decision that will affect all of America and make us a lesser nation with fewer rights and liberties.

The Court's draft opinion in Dobbs is just the next step in a multidecade fight which the Court has waged on abortion access. It has already shown willingness to dramatically curtail the right of a pregnant person to decide whether and when to have a child. Just ask women in the State of Texas. They are living in a State without the protections of Roe v. Wade, with a dangerous anti-abortion law, SB 8, which contains a 6-week abortion ban. Six weeks is far before many women even know they are pregnant, as all of us in this Chamber know.

Texas's dangerous law deputizes private citizens to enforce the State's onerous abortion law. In Texas, a rapist can sue a doctor if they provide an abortion to a rape survivor. Someone who drove their sister to a healthcare clinic where she has an abortion could be sued, again, by anyone in the United States—anybody—with a \$10,000 government prize money waiting for that bounty hunter. This is extremism—extremism—in a judge's robes.

I am proud to say that the State of Connecticut today has a law—literally, the Governor signed this law today—making sure that people are protected in Connecticut against those kinds of bounty hunters. My hope is that other States will follow Connecticut in providing that kind of basic protection.

It has never been more urgent for the Congress at the Federal level to pass the Women's Health Protection Act. The Women's Health Protection Act would protect rights established by 50 years of Court precedent, protecting the right to an abortion prior to fetal

viability. It would put an end to laws like the 15-week ban on abortion that is now before the Court in the Dobbs case.

Importantly, as well, the Women's Health Protection Act would put an end to medically unnecessary restrictions posing as health restrictions that single out abortion care with one goal in mind: to block and impede access to safe, needed healthcare—laws like the so-called TRAP law, or targeted regulation of abortion providers; such as minimum measurements for room size or hallway width that have no rationale other than the transparent desire to curtail access; laws that require providers to offer medically inaccurate information when providing abortion care, like in Alaska, Kansas, Mississippi, Texas, and West Virginia, where healthcare professionals are forced to tell women—give them medically inaccurate information about links between abortion and breast cancer. It would put an end to a reality where our doctors are required by law to lie and mislead about the risks of a safe medical procedure, and it would restore an evidence-based approach to informed consent.

In short, it would essentially guarantee the right that exists now, and it will exist until the Supreme Court rules that you can decide whether and when to have children.

Let us be very clear about what the Women's Health Protection Act does and what it doesn't do. It does not force any unwilling medical provider to perform abortions if they wish not to do so. It says that doctors, nurses, and hospitals may provide abortion care, not that they must do so.

This measure is an evidence-based, scientific approach to the protection of women's healthcare, and it restores a future where all of us are free to make personal decisions that shape our lives, our futures, and our families with dignity and respect, without political interference in a decision made between a patient and a doctor, much as all healthcare decisions should be.

The implications of the Court's draft decision in Dobbs and what we are expecting from the Court in coming weeks simply can't be overstated or exaggerated, but it would be foolish to believe that the Court's conservative supermajority will stop even at Roe.

Justice Alito's draft opinion, even if it is never issued by the Court, is the road map where this Court will go in the future. It is permeated with support for the notion that "fetal personhood," a dangerous theory furthered by States like Louisiana that seek to make abortion a crime of homicide from the moment of fertilization, if adopted, the Court's novel, invented theory of personhood could and may well lead to nationwide prohibitions on abortion. And most recently, just over the weekend, the minority leader of the Senate has made clear that in a post-Roe world, a Federal ban on abortion is on the table; so did State officials who spoke over the weekend.

It is more than a cloud on the horizon; it is an impending, real, imminent storm upon us. A ban nationwide on abortion, that would override even the States like Connecticut that are seeking to legislate protections for women that will make us a safe harbor and haven.

The draft opinion also invites challenges to a host of fundamental rights that were also not widely recognized in 1868, the moment in which Justice Alito freezes us in time. He literally freezes constitutional rights regarding reproductive liberties in that long-gone moment.

The draft opinion cast invites challenges to a host of fundamental rights, including contraception, *Griswold v. Connecticut*; interracial marriage, *Loving v. Virginia*; same sex marriage, *Obergefell v. Hodges*; and sexual intimacy between consenting adults, *Lawrence v. Texas*.

You don't need to be a constitutional scholar to understand the clear and present danger to American democracy in this draft opinion.

This Court may dress it up, but the results and the reasoning will be the same: radical extreme fringe—and directly contrary to what three nominees testified in their confirmation hearing. Oh, we respect established precedent, of course, *stare decisis*, fundamental principle.

The legitimacy and credibility of this Court is deeply in peril at this moment, and our democracy really depends on the credibility and respect that the American people accord the Supreme Court of the United States. It has no armies or police force. It has no power of the purse. Its authority depends directly on trust and credibility, the sense of legitimacy that the American people accord it.

In the United States, public support for legal access to abortion is at the highest it has been in two decades, a cruel irony for this Court. And today the overwhelming majority of voters believe that everyone should have access to the full range of reproductive healthcare, including annual screening, birth control, pregnancy tests, and abortion. It is a matter of health.

And at the same time, millions of Americans across this country are absolutely terrified. They are angry and horrified about what the Supreme Court is poised to do because they depend on accessible women's healthcare. If the Supreme Court overturns Roe and we have taken no legislative action, we will find ourselves in a nation where young women of this country, not only have fewer rights than their grandmothers, they have fewer rights than any of them thought possible.

We have to resolve that we are not backing down, we are not going away, we are not going back in time. It has never been more urgent to elect people, Members of this body, who will protect fundamental rights. And I guarantee that in elections to come, reproductive rights will be on the ballot. The women

and men of America will mobilize. They will be galvanized on this issue because the Women's Health Protection Act will be on the ballot, and we will have more votes in this body so that Members will be held accountable for what they do or fail to do. And, ultimately, the American people and the world are watching.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. DAINES. Mr. President, at the National Prayer Breakfast in 1994, Mother Teresa famously said:

I feel that the greatest destroyer of peace today is abortion, because it is a war against the child, a direct killing of the innocent child.

She went on to say:

Any country that accepts abortion is not teaching the people to love but to use any violence to get what they want. That is why the greatest destroyer of love and peace is abortion.

That was Mother Teresa at the National Prayer Breakfast here in DC in 1994. I agree with those words. Frankly, it is shameful that the Democrats and pro-abortion activists have resorted to despicable tactics—some even illegal, some violent—in a last-ditch effort to intimidate the Justices in the Dobbs case to get the outcome that they want.

What began with the unprecedented leak of the majority draft opinion last Monday has quickly devolved into protesting at the Justices' homes, threatening and disrupting church services, vandalizing pregnancy resource centers that offer support services to pregnant moms, and even throwing Molotov cocktails at the offices of a pro-life organization. Frankly, it is chilling. It is unacceptable. We cannot let the far left's outrageous behavior obscure the fact that the Dobbs draft opinion authored by Justice Alito is a triumph of the Constitution and the rule of law.

There is no right to abortion in the text, in history or structure of our Nation's founding document, and the draft opinion masterfully marshals 98 pages of argument and evidence to demonstrate that very fact.

This watershed decision would be a tremendous victory for the fight for life and turn the page on a dark chapter of our Nation's history in which more than 62 million unborn children have been tragically killed. If the draft opinion stands—and I pray that it does—it transfers that power from unelected judges and gives it back to the American people, back to legislatures and elected representatives to enact compassionate laws that protect unborn babies and their mothers.

If the Democrats exploiting the unprecedented leak of the majority draft opinion, if it is to stir up the far left base and intimidate Justices, that is not bad enough, they are now trying to pass a radical bill to impose abortion on demand without limits across the entire country, even up to the moment of birth. Leader SCHUMER has once

again scheduled a vote for tomorrow on the "Abortion on Demand Until Birth Act."

Now, my distinguished colleague from Connecticut used the words "radical" and "extreme" a number of times in his remarks. Let me tell you what is radical and extreme about what is going to be voted on tomorrow. This is barbaric. It is a radical abortion bill that would mandate that every single State be a late-term abortion State like California or New York, where unborn children can be brutally aborted up to the very moment of birth.

Let me say that again, the Democrats would allow abortion up until the very moment of birth itself. The Democrats' radical abortion bill would confer special benefits on the predatory abortion industry and eliminate popular State laws that protect both pre-born children and their mothers.

Commonsense laws requiring parental involvement in abortions for minors, health and safety standards for abortion facilities, informed consent laws, late-term abortion limits, bans on sex-selective or Down syndrome selective abortions, and conscience protections for doctors who don't want to perform abortions would be eliminated. That is how radical this bill is that will be voted on tomorrow.

Under this radical abortion bill, an unhatched sea turtle would have more protections than an unborn human baby. If you look at Federal law, if you were to take or destroy the eggs of a sea turtle—now, I said the eggs, not the hatchlings, that is also a penalty, but the eggs—the criminal penalties are severe, up to a hundred thousand dollar fine and a year in prison.

Now, why? Why do we have laws in place to protect the eggs of a sea turtle or the eggs of eagles? Because when you destroy an egg, you are killing a pre-born baby sea turtle or a pre-born baby eagle. Yet when it comes to a pre-born human baby, rather than a sea turtle, that baby would be stripped of all protections, in all 50 States, under the Democrats' bill that we will be voting on tomorrow.

Is that the America the left wants? I would ask my Democratic colleagues if the pre-born child in the womb is not a living human being, then what is it? Unborn babies feel pain, unborn babies have a heartbeat, they smile, they yawn, in fact, just last week in a telling slip of the tongue, President Biden himself admitted that abortion involves a child. A child. That is correct.

This is, in fact, the truth and the brutal reality of abortion that every abortion kills a precious child, the Democrats have tried for decades to avoid admitting this. And the science is clear, it has come a long way since 1973. It is time for the law to catch up with great advances that have been made in science and technology, in medicine, that indisputably show the humanity of an unborn child.

Instead, however, the Democrats' radical abortion bill denies the science.

It would completely erase pre-born children from the law. That is chilling. Under the Democrats' bill, a pre-born child simply for the crime of being unwanted, inconvenient, or unplanned could be subjected to brutal dismemberment procedures in which the unborn child bleeds and feels excruciating pain as she dies from being pulled apart limb from limb.

The Democrats' abortion bill would codify an extreme abortion regime that is aligned with seven Nations that would have the most brutal—the most brutal laws that relates to abortion, also includes China and North Korea. That puts the United States in that category if this were passed.

It would impose abortion up until the moment of birth, without any limits, in all 50 States. In a nutshell, this radical bill would make the United States of America one of the most dangerous places in the world to be a pre-born child.

As I asked my colleagues in the hallway on the Democrats' side, give us just one restriction you might put in place for abortion, you just don't hear a response for that.

In tomorrow's vote, I pray that my colleagues will reject this horrific and barbaric legislation and take a stand for the most vulnerable among us. As the Justices continue to deliberate in the Dobbs case, I pray the Court will resist the intimidation tactics of the far left. By sticking to the Constitution, and repudiating the unprincipled and abominable Roe and Casey decisions, the Court has the opportunity to make history and strike a blow for justice for the most defenseless among us. The American people, those born, and millions yet unborn, deserve nothing less.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. MARSHALL. Mr. President, late last Monday, an unprecedented leak of a draft Supreme Court document opinion in the case of Dobbs v. Jackson Women's Health was published.

In reaction, SCOTUSblog, a leading Supreme Court blog stated:

This leak is the gravest, most unforgivable sin.

Chief Justice Roberts called the leak "absolutely appalling." Yet the White House is mute on this point.

And folks back home in Kansas? Well, they are aghast as well. They all agree—at least every Kansan I have talked to—this leak is a blow to the integrity of the Court and a blow to our faith in this hallowed institution.

In the days since the leak, we have also seen Democrats and their activists utilize another frequent strategy they deploy when things don't go their way: violence and disruption.

We have all seen the disgusting multitude of images of pro-life offices being vandalized and bombed, and we all bear witness of Catholic masses disrupted on Mother's Day—on Mother's Day, of all days. Is nothing sacred in

this country anymore? We have seen the threatening violence at the personal homes of Supreme Court Justices. Yet, for days, the White House was quiet. And just like the riots of the summer of 2020 and the looting that continues today, the White House turns a deaf ear to violence, and they swallow their tongue when the violence supports their own agenda.

Listen, these threatening so-called protests at the Justices' homes are a violation of the law of this land. They are not valid protests. These are attempts to intimidate and influence the Court to destroy the independence of this judiciary.

This violence is wrong. It is evil. It is an attack on Christianity. It is an attack on the faith and values that this Nation were founded upon. Americans know it. We all feel the hatred.

I have to note, Americans understand the majority leader has provided no such condemnation but, rather, has decided to once again bring back his "Abortion on Demand Act" to the Senate floor. This bill is the most egregious, the most horrific attack on the lives of unborn children and the health of moms in American history. If Democrats had their way, these babies—these twin babies I delivered more than a decade ago—could have been aborted the moment prior to the C-section.

The overturning of *Roe v. Wade* simply returns this emotional issue back to the States, to the elected voices of the people—no more, no less.

The Mississippi Dobbs case simply protects life after 15 weeks, when a baby can feel pain, when a baby can recognize its mom's voice, when a baby can recognize the voice of its sibling. But let me tell you exactly what the Democrats' extreme "Abortion on Demand Act" would do. It goes far beyond *Roe v. Wade*.

This bill invalidates any and all State laws that protect not just the unborn child but the health and well-being of the mom as well.

It likely leads to American taxpayer dollars funding abortions at home and around the world.

Next, it is truly an attack on our faith. This bill will tie up faith-based hospitals in courts for not offering abortion services.

This bill allows sex-based abortions.

It eliminates the requirement for informed consent of the patient or parental consent.

This bill eliminates conscience protections. As an obstetrician myself, this hits near and dear to my heart. This bill is an attack on my faith and an attack on the faith of many doctors and nurses who refuse to take part in abortions. They would be forced out of their professions. They would be forced out of medical schools, out of residency programs. So many aspiring students would decide not to go into medicine.

This bill is a total disregard to the mother's health by placing no value on the mom's life and well-being. This radical bill eliminates the health

standards of a surgery center for this procedure to be performed in a surgery center. In fact, this bill would allow these services to be offered in a garage or a back-room apartment.

Shockingly, it provides the right to provide abortions to any healthcare provider—not necessarily a physician but to certified nurse-midwives, nurse practitioners, a physician assistant. This bill will lead to the death and infertility of many, many women. This procedure is not a simple procedure. It should not be placed in the hands of inexperienced people. This type of procedure is only done after 4 years of undergraduate, 4 years of medical school, and probably 2 or 3 years of residency. In the most skilled of hands, this type of procedure can lead to serious loss of life.

Finally and more specifically, this bill strikes down State laws that restrict telehealth abortions. These are chemical abortions, and they would become a common means of birth control—again, leading to many, many more visits to the emergency rooms for these women who are taking medicines unsupervised.

Finally, I have to correct something one of my friends across the aisle said. He stated that we from the pro-life community would not treat women with ectopic pregnancies. Nothing is further from the truth. This case of *Roe v. Wade* has nothing to do with treating ectopic pregnancies. I personally have treated hundreds of women with ectopic pregnancies. I believe that life begins at conception, but treating an ectopic pregnancy is a life-threatening situation for the mom. And the Catholic Church supports the treatment of ectopic pregnancies. But that is the type of scare tactic my colleagues across the aisle want to use.

Finally, let me just conclude with this: I never imagined I would be fighting harder to save the lives of moms and babies on the floor of the Senate than I did in the emergency room or the delivery room in my obstetrics practice for some 30 years.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Mr. President, my colleagues and I are here today to highlight the fact that our Democratic colleagues have shown the American people how truly radical they are when it comes to abortion.

The Women's Health Protection Act—what I believe should be better known as the "Abortion on Demand Until the Moment of Birth Act"—casts a vision of abortion in America, one utterly without limitation.

Federalism is one of the truly genius ideas behind the U.S. Constitution. Federalism means that we make the majority of our decisions at a more local level rather than at the national level. When we rely on the principle of federalism, more people across the country have more reason to be content with the laws they have. People

have a greater say in the legislative process at the local level, which means they get more of the kind of government they want and less of the kind of government they don't want.

For nearly the last half-century, the decisions in *Roe v. Wade* and *Planned Parenthood v. Casey* have abused the Constitution by reading into the Constitution a right that exists nowhere in the Constitution.

These wrongly decided cases have wreaked havoc on public trust in government, on the republican nature of our government, on the public's understanding of the Constitution. More gravely, these decisions have permitted the euphemistically described "termination" of 63 million American lives. That is more than 45 times the number of American lives lost in war since the founding of our Nation—every war combined. Forty-five times that. Let that sink in for a minute.

Abortion is a tragedy. It is one that is scarring our Nation's history because of what it says about how we respect human life. Those scores of millions of lives represent—each and every one of them—unique and unrepeatable genetic makeups and identities and potentials. They represent the loss of Americans of all races, varying physical and mental abilities, all political affiliations and professions, with many targeted because of their race, sex, or disability. Their termination is a loss of ideas, of innovation, and of compassion. Those abortions erase all potential families and communities. Those abortions represent the loss of infinite potential, connection, and love. Abortion is a tragedy that scars our history.

So when I read Justice Alito's draft opinion in *Dobbs v. Jackson Women's Health Organization*, I was elated—elated—because it relies on federalism and a sound reading of the Constitution to reassert that there is no constitutional right to an abortion. Just because a combination of lawyers wearing robes 48 years ago decided that would be the case does not make it so. Our Constitution is difficult to amend, and it is deliberately that way. They didn't follow this procedure; they tried to circumvent it, and they were wrong.

Regulating abortion is a matter reserved for the American people and their elected representatives, not nine unelected Justices. For that very reason, a number of people have turned against it, and because they can't characterize it the way that it actually is, they mischaracterize it.

Then they go so far as to encourage people to show up to the homes, the private residences, of the Supreme Court Justices in question. There is no reason to do this that doesn't involve an implicit threat of violence. When you show up at someone's home, you are sending an unmistakable message: We know where you sleep. That is why this is expressly prohibited under Federal law. There is a Federal criminal law prohibiting this under 18 U.S.C. section 1507.

Now, stunningly, the White House—the White House—the President's personal spokesperson, Jen Psaki, just in the last few hours, has repeated this charge, has encouraged people to do this, saying:

We certainly continue to encourage protests outside of judge's homes.

This is wrong, and I call on the President of the United States personally to undo this. He is encouraging unlawful behavior that is inherently dangerous and is inherently threatening.

This radical bill that has emerged in the days immediately following the leak of the Dobbs draft opinion is shrouded in the lie of protecting women's health while allowing for killing babies by any means, however gruesome, violent, atrocious, heinous, or cruel, right up until the moment of birth, preempting any State laws that might choose to protect life. Those late-term abortions not only kill viable babies, but they are unreasonably needlessly cruel, and they are extremely dangerous procedures for the mothers themselves.

Unlimited abortion is also widely unpopular. Only 17 percent of Americans believe that is the right policy. Among medical professionals, the feelings are similar. Research shows that over one-third of OB-GYNs in America would not even refer a patient for an abortion. But this bill as written would require those same doctors not only to refer but also to provide abortions or risk their employment, notwithstanding any ethical objection they may have to it, notwithstanding any religious objection they may have to it.

By waiving the Religious Freedom Restoration Act, carving it out—the Religious Freedom Restoration Act, or RFRA, as it is known, a religious liberty protection enacted by an overwhelming supermajority of Democrats and Republicans—this bill would require hospitals and healthcare workers to perform abortions in violation of their own religious convictions.

With this bill, Democrats in the House and the Senate are attempting to take this issue away from the people, away from the States, and force their radical abortion agenda on the American people as a whole. Now, make no mistake, this is their vision for America, fully funded by the abortion industry. It also perpetuates the tragedy of abortion—one that is a scar on our country's history.

I hope and pray that State legislatures across the country will follow the example of the State of Utah and pass laws to protect the lives of preborn babies and their mothers.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. YOUNG. Mr. President, every year in schools around our country, students are taught about the Declaration of Independence. This remarkable document outlines the ideals on which the United States was founded and the principles on which our government

and our very identity as Americans are based.

Perhaps the best known and most quoted line from the Declaration is that line about all being endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness.

From our earliest days—when such a concept truly was revolutionary—to the present day, as Americans, we believe in the dignity and value of every human person. This is an ideal that we should always aspire to. And in the spirit of that conviction, I believe that our Nation has a moral responsibility to protect unborn children—to protect life.

Through amazing advances in science, families and medical professionals now know that at 15 weeks, a baby can feel pain; a baby can move fully formed fingers and toes; a baby has a fully developed heart, pumping 26 quarts of blood per day.

Despite what these advances in modern science tell us, the current abortion policy in the United States is more in line with communist China and North Korea. We are only one of seven countries around the world that allow abortion to take place past the point at which a baby can feel pain in the womb—one of seven countries in the world. Some Americans might be surprised to learn that even in progressive Europe, 47 out of 50 countries have limits on abortion after 15 weeks.

Yet the legislation before the U.S. Senate would block States from protecting the unborn and enshrine late-term abortion into our Federal law. Going beyond codifying *Roe v. Wade*, this sweeping legislation would strike down commonsense, broadly supported laws that many States have adopted since that decision, including laws meant to protect the health and safety of mothers. This bill does nothing to protect the health and safety of women, and it would certainly not protect the unborn. And it would make these sweeping changes contrary to the wishes of the majority of Americans.

In fact, recent polling found that 61 percent of Americans say abortion should be either illegal or that the policy decisions associated with abortion should be left up to the States.

So I would urge my colleagues to vote against this bill, given our increased knowledge and understanding of how babies develop, given our understanding of the science. This is simply the wrong direction to take public policy.

I also want to take a moment and acknowledge that the issue of abortion is a very tough one for so many Americans, and, given recent developments, this is a topic on the minds of many Hoosiers and many Americans. I understand that. I want to reiterate my commitment to helping mothers and families choose life and supporting them in that choice. We must ensure mothers and unborn children are cared for, loved, and supported, and this includes

increasing the resources available to help women facing unexpected pregnancies. We must support America's 2,700 pregnancy centers that provide vital services to millions of people each year at virtually no cost as well as provide more support for adoptive services.

These steps are vital as we seek to further promote a culture that promotes values and protects life. Now, let's remember and live up to that founding American ideal. We believe in the dignity and value of every human person.

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

Mr. WICKER. I commend the Senator from Indiana and join him and my other colleagues in decrying the legislation that we will be asked to move to the floor tomorrow. But before I speak on the substance of the bill, it needs to be reiterated why this bill is even before us.

The only reason we are debating this bill today is because of the extreme and unprecedented breach of protocol that took place at the Supreme Court. The leaked draft in the Dobbs case was a full-blown assault on the U.S. Supreme Court and on the independence of our judiciary. It was an attempt to incite mob pressure against the Justices, which has, in part, succeeded by inciting pressure against the Justices in an attempt to bully them into changing their final votes.

And I do trust, based on the information that we have about the nine Justices, that that attempt will not be successful.

We saw over the weekend disturbing videos of protesters outside the homes of Supreme Court Justices. There is growing concern for the safety of our Supreme Court Justices and the safety of their families.

This is shameful. A Supreme Court Justice should never have to fear for his or her safety or the safety of their families for doing their jobs. We, as elected Members of the Congress, are subject to public opinion. The Supreme Court is not supposed to be subject to public opinion and should never have to fear for their safety.

The leak and the mob reaction should be condemned by both parties in the strongest possible terms, and yet there have been very few voices on the other side of the aisle addressing this matter. Certainly, the majority leader of the Senate has not said a word about the outrage of the leak or the mob protests, nor has the President of the United States.

What happened to respect and care for our institutions?

Instead of protecting the Court, our Democratic friends seem to be, whether inadvertently or not, legitimizing this attack on the Court by moving to consider extreme legislation which is out of touch with the mainstream of Americans.

So now let me speak briefly about the legislation. It has been said that

this is a mere codification of the Court's holding in *Roe v. Wade*. That is, in fact, not the case. Instead, the bill that we will be asked to move to the floor tomorrow is an attempt to expand abortion dramatically across this country, to expand abortion in a way that only a small handful of the most repressive governments on the face of the Earth permit.

The bill would eliminate even the most modest protections for unborn children across all 50 States. It would force all 50 States to allow gruesome late-term abortions that even the political left all over Europe have long ago outlawed.

As my friend from Indiana said earlier, some 47 European countries generally ban abortion after the first 15 weeks. Banning abortion after 14 weeks are our allies of France and Spain; banning abortion after 13 weeks, Finland; banning abortion after 12 weeks, Germany, Belgium, Italy, Switzerland—certainly not governments that are thought of as prisoners of the extreme right. The nation of Portugal generally bans abortion after 10 weeks.

Of course, as we know, the Mississippi law that brought this case to the Supreme Court, the *Dobbs* case, has a slightly more permissive provision than even these friends that I just mentioned from Western Europe. It would be a 15-week ban.

But this bill that we are asked to vote on tomorrow, which certainly will fail, would push America further outside of the global mainstream than we already are—and we already are way outside this mainstream.

Because of scientific advances, we know that an unborn child's heartbeat begins at 6 weeks. We know a child can feel pain as early as 20 weeks. Many of us, including my wife and I, have put the sonograms of our grandchildren, have displayed them on our refrigerators in our homes. What we know about the development of children—their faces, their eyelashes—has brought about a change in the minds of many Americans.

In 1996, 56 percent of Americans called themselves pro-choice. Only 33 percent said they were pro-life. But because of science and because of those sonograms and because of what we know about their ability to feel pain—their movements, their eyes blinking, their eyelashes—today the two sides are just about evenly split, pro-choice and pro-life. But even those who identify themselves as pro-choice are deeply opposed to late-term abortions. And make no mistake about it, if somehow the Schumer bill tomorrow were to pass, late-term abortions would be legal in all 50 States.

Eighty-one percent of Americans think that late-term abortions should be illegal. Our friends on the Democratic side should think about that. This bill goes against 81 percent of American public opinion in that regard. Sixty-five percent say abortions should be illegal in the second tri-

mester—not the third trimester, in the second trimester—65 percent of Americans.

I hope our Democratic friends across the aisle think about that before they vote for this extreme piece of legislation brought by the Democratic leader, which would put us in league with the People's Republic of China with all of their respect for life, with North Korea with its deplorable record of respecting human life. With those two countries and five others on the extreme left, it would put us in league with them. That is not where the American people want us to be.

If a State has a 24-hour waiting period, for example, the Schumer bill tomorrow would outlaw that. Taxpayer funding of abortion, the Hyde amendment, which prohibits this and has done so for decades and decades, would be abolished. The parental rights of teenage girls to have a say and to be able to counsel their daughters on the pivotal decision about having an abortion would be eliminated by this.

Religious exemptions. A practicing Catholic, who deep in their soul understands this to be infanticide, would be required, if they are a physician, to perform an abortion with no religious exemption.

Is that what my colleagues on the other side of the aisle are hoping for? It is what they would get if the Schumer bill were to pass.

This is not a serious attempt at consensus building. This bill simply reflects, regrettably, the iron grip that Planned Parenthood has on one of our major political parties in this country.

We will reject this effort tomorrow. I commend my colleagues who intend to stand with the American people and vote no on this attempt to rank us with the worst regimes on the face of the globe and impose late-term abortions on the entire country.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Wisconsin.

MS. BALDWIN. Mr. President, I am on the floor here today to address the same topic as my colleague who just spoke. And before I jump into prepared remarks, I wanted to offer just a few points of rebuttal because on this topic it seems so frequently that we all talk past each other and don't generally listen to one another.

The Women's Health Protection Act of 2022, which I lead with Senator BLUMENTHAL, would, indeed, codify *Roe v. Wade*, but it would additionally give clarity to the States about what further restrictions they could put in place.

I hail from the State of Wisconsin, where our State legislature, over many, many years, has brought forth all sorts of measures—some of which have been signed into law, many of which have been challenged in court, and some of which have been vetoed—but these are restrictions on access to comprehensive reproductive healthcare, including abortion care,

that limit access, that make it much more difficult, which is what *Roe v. Wade* intended to prevent. They have nothing to do with the health or the life of the mother. In fact, in some cases, they actually do harm to maternal life and health.

There are measures in places across the United States that deal with the corridor width of clinics—the corridor width. It would force, if these laws were to go into effect, many clinics to have to either reconstruct themselves or move. This is clearly something meant to limit access.

There are laws and bills that relate to admitting privileges at local hospitals, which are absolutely not medically necessary and will allow all the area hospitals to team up to deny those privileges, and then the clinic won't have a physician able to work there. There are 24-hour waiting periods.

I listened to what my colleague had to say about the blanket overturning of *Roe v. Wade*. It would mean, when a woman's life is in jeopardy at some point in her pregnancy, she wouldn't have the ability to save her life and her reproductive health because she wouldn't have access to abortion care.

Then to characterize this bill as extreme, in my mind, is so opposite the truth because, to me, what is extreme is forcing, say, a teen to bring a rapist's child to term or forcing a young woman to give birth to her sibling in cases of incest.

My colleague talked about the polls. I don't know what he was looking at. He was talking about pro-choice versus anti-choice. Everything I have seen shows that the overwhelming majority of Americans believes that *Roe v. Wade* is settled law and should remain in place and that only a small percentage believes it should be overturned in its entirety.

In going on to my prepared remarks, I rise today to join my colleague Senator RICHARD BLUMENTHAL in support of the Women's Health Protection Act of 2022—a bill that would protect a woman's right to access safe abortion care throughout the United States, no matter where she lives, without unnecessary and unwanted political interference.

Congress is responsible for enforcing every American's fundamental rights guaranteed by our Constitution. Throughout history, when States have passed laws that make it harder or even impossible to exercise those rights, Congress has taken action to put in place Federal protections.

I want to remind my colleagues of this responsibility. I also want to share a story from one of my constituents.

Angela and Abby, her wife, knew they wanted to start a family, so they sought treatment at a fertility clinic in Wisconsin. In 2019, after years of trying, Angela became pregnant. It was a pregnancy they had wanted more than anything, but Angela soon found out that she had what is called a molar pregnancy. This occurs when a tumor

forms instead of a healthy placenta. Her pregnancy was not viable. Her doctors moved quickly, and Angela had a safe and legal abortion.

She wrote to me earlier this week:

Had abortion been illegal, I would have died.

Access to a safe abortion saved Angela's life. For others, an abortion kept a family out of poverty or allowed them to complete their educations or start careers. Abortions have protected women from being tied to their rapists and have spared them of the emotional and physical trauma of carrying an unviable pregnancy to term.

I was only 10 years old when Roe v. Wade was decided. For 50 years, just about, this decision has stood. In the words of Justice Kavanaugh, it is "settled as a precedent of the Supreme Court," but, apparently, precedent means nothing. Access to safe and legal abortion is under direct attack as an activist Supreme Court appears poised to legislate from the bench and take a constitutionally protected right away from tens of millions of Americans.

For women like Angela, the gravity of this draft decision from the Supreme Court cannot be overstated. Americans can remember when back alley abortions killed and sterilized women across the country. This decision, if finalized, will not stop abortions from happening; it will only prevent safe abortions from happening. It will disproportionately impact poor women and women of color, who will not have the privilege of making their own healthcare decisions. If Roe is overturned, 13 States would immediately ban abortions, and others, of course, would move to do so.

If Roe is overturned and we don't pass the Women's Health Protection Act, Wisconsin women will be taken back to the mid-1800s. What do I mean by that? We have a law on our books in Wisconsin which criminalizes abortion procedures. If Roe is overturned, doctors in Wisconsin would be charged with felonies for performing abortions and face up to 6 years in prison and \$10,000 in fines. The rights of victims of rape and incest would be taken away. The right for women to choose for themselves and their families would be taken away.

I sure am not taking women in Wisconsin back to 1849, and we cannot allow an activist Supreme Court to leave this generation of women behind with fewer rights than their mothers and their grandmothers enjoyed.

The Women's Health Protection Act is the only bill that can put an end to the restrictive State laws that have already put thousands of women in jeopardy. The legislation meets the urgent need to protect the provider, patient relationship; to protect the healthcare professionals who provide care; and to protect the freedom and constitutional rights of women to access this care.

I believe a woman's right to choose is protected under the Constitution, and so does a clear majority of Americans

want Roe v. Wade to be upheld. It is our responsibility to take action for women like Angela and on behalf of the American people.

I urge my colleagues to vote yes on the motion to proceed to the Women's Health Protection Act of 2022.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. SMITH. I thank Senator BALDWIN for her thoughtful remarks.

Mr. President, I rise today in support of the Women's Health Protection Act, and I urge my colleagues to join us in standing up for fundamental rights to freedom, autonomy, and self-determination.

Make no mistake: That is what this vote is about—who has the power; who has the freedom to decide when your own health, livelihood, and life are on the line.

There is nothing more American than the values of freedom and individual autonomy; yet the U.S. Supreme Court is about to declare that women in this country are not guaranteed the freedom to make their own private decisions about abortion.

Justice Alito, MITCH MCCONNELL, Senate Republicans, and radical Republican State legislators around the country believe that they should have the power—that they know better than American women, whose lives and stories they will never know.

To that, I say: How dare they?

When I worked at Planned Parenthood, I saw firsthand the capacity of women to make good decisions about their health, their bodies, and their lives. To suggest otherwise is insulting to the dignity of women as full, adult human beings and as equal citizens of this Nation, but that is where we are. Justice Alito's draft opinion is a wake-up call and a call to action. Reading his opinion was like a gut punch, but it was not a surprise, and it didn't just happen.

This is the result of a decades' long campaign by Republicans and their dark money donors to put anti-choice Justices on the Supreme Court, to overturn Roe, and to strip women of their constitutional rights. This is why this vote is so important. For the first time in my living memory, the Supreme Court is about to take away a fundamental constitutional right, and it is important that Americans see who is on their side and who is responsible for this.

Extremist Republicans have been working for this goal for decades; yet, now that this moment is almost here, they keep trying to change the subject. In fact, they want to talk about anything but, including when they spread misleading information about what the Women's Health Protection Act would really do, which is to put the protections of Roe into statute.

So why are Republicans running from this issue after having campaigned on it for years?

Well, it is because Americans don't want to overturn Roe, and anti-choice

Republicans know this. They know that they are on the wrong side of history and on the wrong side of public opinion and of over half the American electorate. That is why this vote is so important. We will not let them dodge their responsibility for this outrageous attack on women's freedom.

Now, some Republicans are saying that this is all a bit of a tempest in a teapot. They say: Don't worry. All the Supreme Court is about to do is to hand power back for the States to decide on abortion.

Colleagues, do not believe this. The American people deserve to know where this goes next.

Today, we are fighting on the Senate floor to preserve in law the basic protections of Roe v. Wade, but extremist Republicans have been clear. Their end goal is to secure a nationwide ban on abortion. As Senator MCCONNELL said this weekend: It is not a secret that the Senate Republican caucus is opposed to reproductive rights and that, if Senate Republicans win the majority, a nationwide ban is "worthy of debate."

That is the post-Roe future if Republicans are in charge.

Even though a majority of Americans in all States believes that abortion should be legal, Republicans have been clear that a nationwide ban is their goal. At the same time, Republican State legislators are brazenly moving forward. They are moving forward with extremist policies that go way beyond depriving women of their essential freedoms—they punish and criminalize women.

Take, for example, a Missouri mother of two, facing a high-risk pregnancy, who travels to Illinois for an abortion because she is worried about being there for her existing children. Missouri Republicans want her to be labeled as a felon when she returns home.

Take a woman in Louisiana who has an abortion after her IUD failed and she had an unexpected pregnancy. Louisiana Republicans want her convicted of homicide.

Take the Texas woman, who hoped and prayed for years for a baby, only to have her doctor find a fatal fetal anomaly at 22 weeks. Texas Republicans want her to carry that pregnancy for another 18 weeks, no matter the risk to her life and no matter the trauma she faces as people congratulate her on her upcoming baby when she knows she will never know that child.

So I say again, how dare these Republicans think that they know better than the women who live these stories.

This is the post-Roe world that Republicans want, and we won't stand for it. If you think this struggle doesn't affect you or someone you care about, think again.

One in four American women will have an abortion—women who are Democrats, Republicans, Independents, women from all places and all religious faiths. For these women, abortion isn't

about politics; it is about healthcare. Most of them never expected to be part of this statistic, but life doesn't always go as we plan. Every day, women deal with situations they never imagined, and they deserve the freedom and the autonomy to decide for themselves what to do and what is best for them.

With this vote to pass the Women's Health Protection Act, we are showing whom we stand with and what we believe—the fundamental freedom of people to make the best decisions for their health, their families, and their futures.

Thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I ask unanimous consent for the following Senators to be permitted to speak prior to the scheduled vote: myself for 20 minutes, Senator TOOMEY for 5 minutes, and Senator BROWN for 5 minutes.

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

Ms. CANTWELL. Mr. President, I am not sure I will use all 20 minutes, but you never know on a subject this important and this vital to women and families across the America. It may take a little more than a few minutes to talk about this issue, and that is that 70 percent of Americans believe that we should not overturn Roe v. Wade or a woman's right to her own reproductive choice.

This is so critical that 70 percent of Americans are in agreement. This was part of a Pew Research report. Twenty-five percent don't agree, and about 5 percent are not sure what they think. But anybody who thinks this isn't about settled law or about mainstream views in America is wrong because it is about almost 50 years of settled law, and it is about what mainstream Americans believe are their constitutional rights. That is why it is so important for us to listen to those Americans and their long-held beliefs, starting with the laws that we got from England and baked into our Constitution, the right to privacy.

Yes, people are right. The word "privacy" isn't mentioned, but it is in various amendments believed to be rights within the Constitution. But we have a Supreme Court made up of men and Ivy League institutions who now discuss in a decision—we don't really know exactly where it came from—this notion that privacy and a woman's right to her own reproductive choice somehow doesn't deserve stare decisis—that is, predicated on previous law—and somehow isn't in the Constitution.

Well, I have got news for a lot of people. If you have a Supreme Court that is going to take a run and run from privacy in the Constitution, as this decision does—as this decision does—it barely mentions the case law predicated that made decisions about a woman's right to privacy based on those issues. It is barely mentioned.

Now, I am sure it is because those Justices decided, if they had to agree

that privacy was really there as a right, which we as Americans believe it is—against the government's unwarranted search and seizure on you, the government spying on you, the government taking action against you that has not been followed in law—you know, I spent 2 years on the Judiciary Committee, and I really couldn't believe this.

Somebody told me—actually, a conservative judge passed this information on. If you ask them whether they believe in Roe v. Wade or settled law, they will tell you: Oh, yeah, it has been there. But if you ask them whether they believe in rights to privacy enumerated in the Constitution and do they believe in the penumbra of rights that basically give us this right that *Griswold v. Connecticut*, that *Casey v. Planned Parenthood* was decided on, a true, true conservative who wasn't going to uphold the law will tell you they didn't believe in that.

So that is the conundrum. We had a bunch of the smartest guys in the room from Ivy League schools who came here and hoodwinked the Senate, saying things like: Oh, I will follow or I think stare decisis is very important. Yet the same people are about to put their name on a document that says we don't really think there is any strong holding here. We don't think there is any strong case. Well, there is a case. There is a case for privacy.

I remember my first days on the Judiciary Committee, when John Ashcroft, then-Attorney General, tried to come before the committee and make light of the fact that the government was spying on Americans. When I said to him: Mr. Ashcroft, this is a serious issue of the FBI and others using software technology to spy on the lives of Americans, he said: You remind me of a joke.

I couldn't believe it. I remind him of a joke? And he went on to tell the story about how a little boy sat on Santa Claus's lap, and he said: I know whether you have been bad or good. And he says: Oh, you are not a Santa Claus; you are John Ashcroft. He thought this was hilarious, and I reminded him that not everybody in America was laughing.

Now look at where we are, 20-some years later, fast-forwarding on the rights to privacy that we have in the United States and how every day we have to fight for those rights to privacy.

I know the Presiding Officer knows this because he has joined me on these issues, particularly as it relates to children's online privacy issues and so many other issues that this body and this institution are going to have to decide on, but Americans know—70 percent of them agree that this is a mainstream, settled issue and now are shocked to find that, somehow, somebody is proposing something to overturn it.

I am not even sure people understand. I just had a conversation with

somebody who said: Oh, you mean they are going to give some rights to men in determining the pregnancy and some rights for women?

I said: No. They are talking about making abortion illegal. They are talking about passing a law that takes the reproductive rights and choices of women and turns them back into the dark ages.

This person got it right away. They said: Who do you want caring for women—someone in a back alley or a trained healthcare professional?

That is really what we are talking about here. American healthcare technology has come to the point that women who do not want an unwanted pregnancy can have the choice of a morning after pill. There are lots of different ways for them to deal with planned and unplanned pregnancies. Yet this institution wants to tell them, by the Supreme Court, that they don't have a privacy right; that it doesn't exist; that *Connecticut v. Griswold*, which, if you think about it, was about contraception—it was really about whether women at the time had the right to have contraception and plan pregnancies.

I know the Presiding Officer knows about this time period. We both come from big families. We know all about big families.

All of a sudden, in that decision, in *Connecticut v. Griswold*, the right to privacy—the penumbra of rights within the Constitution—was determined to say that women have the right to control their bodies and have contraception. The fact that this is not the basis of upholding the law after almost 50 years—I can't even explain how unbelievable it is that somebody would not fully discuss and cite it. And if they don't believe in the penumbra—but I am guessing the reason they don't want to even discuss the penumbra of rights is because they know darn well we live in an age and time in which privacy needs utmost protection, and individuals need people like us to be voting for things that are going to protect individuals' rights of privacy in the era of big government, of big corporations, of undue intrusions in, yes, even our own healthcare. We need protection.

We are now here talking, though, about overturning these rights that affect the healthcare lives of women. We are not talking about the healthcare of men. We are not sitting here—I can't tell you how many times in the last 15 years that I have been here that every budget decision, every major almost-going-over-the-fiscal-cliff when John Boehner was the Speaker—oh, if we don't have a vote to get rid of a woman's right to choose—every budget issue down to the last wire is always about whether you are going to get rid of a woman's right to choose. It has been the fight of the other side of the aisle all along to try to say they are going to control women's bodies and women's healthcare choices.

We know that you are not going to get rid of abortions if you pass this

law. You are not going to get rid of them. When we passed Connecticut v. Griswold and Casey, that is when we basically went down the road of making sure that women weren't killed in back alley abortions. We actually saved lives of women, and we started getting people to take care of planned pregnancies and make progress of having people on contraception.

We are not going to get rid of abortions by listening to the Supreme Court or passing something. They will happen. It will go back to any back alley approach or other issues to try to deal with it.

So I ask my colleagues: What are you thinking when you are advocating for a return to pre-Roe? What exactly do you think is going to happen in the United States of America? I can tell you, you are going to leave women without the ability to control their own bodies, without the ability for them and their doctor to make decisions.

So many of these issues are about that woman and her doctor making a decision. You know, we make laws to deal with the parameters and the exceptions to the rule. This is a process by which we have laid out what we think is reproductive healthcare choice and then directed people to deal with their physician on these issues. But the other side would like to take these issues to the extreme and say that women have gone too far on their own healthcare choices.

I guarantee you, there are many times where it is a decision between the life of the mother and the life of a child. Do we really want government making that decision, or do we want the physician and the individual woman making that decision?

I ask my colleagues: Do you believe the right to privacy exists within the Constitution or are you like the Supreme Court? You don't believe in the decisions of previous Supreme Court Justices? You don't think they have solid standing because you don't believe that privacy is a long-held view of the United States? I guarantee you, it is fundamental to who we are as a country, and it is fundamental to who we are today and why individual women should have that right and have that protection.

But people aren't even thinking about the broader impacts. Secretary Yellen testified today:

Eliminating the right of women to make decisions about when and whether to have children would have very damaging effects on the economy and would set women back decades. *Roe v. Wade* . . . enabled many women to finish school and increase their earning potential.

No one has even talked about exactly how this would work. I am confused about how it would work State by State. I will also tell you, this Supreme Court really—I don't even know what to say about it except for when I interviewed one of the Supreme Court Justices, who I am pretty sure is making this decision—I said: This is very im-

portant to the State of Washington because the people of the State of Washington have voted to make *Roe v. Wade* the law of our State.

And he said: Oh, Senator, Senator, you are mistaken.

I said: I am mistaken about my State, about what happened?

He said: You mean your legislature voted.

I said: No, sir, the people in my State voted by initiative in the nineties to codify these rights into our State law because that is what the people of my State believe.

So the arrogance of this Court, you can see, continues not to listen to the views of 70 percent of Americans.

I believe that you should be able to ask Justices what their judicial opinion and philosophy is. They should tell you. If these Justices did not believe that this was the law of the land and should be upheld, if they didn't believe in these rights of privacy, they should have told everybody clearly.

But it is hardly in the mainstream view of Americans.

Tomorrow we will have a chance to say whether we believe in these privacy rights, whether we believe in a woman's reproductive choices, whether we believe that 50 years—just about 50 years—and 70 percent of the American people are worth listening to. I would listen and pass this legislation tomorrow because I guarantee you, if it is not just this privacy right, why are you going to trust them on any other privacy decision in the future if they are not going to be fighting to uphold your privacy rights on women's reproductive health?

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

NOMINATION OF LISA DENELL COOK

Mr. TOOMEY. Mr. President, I rise today to speak on the nomination of Professor Lisa Cook to serve as a Governor of the Federal Reserve Board.

Two weeks ago, Senate Democrats tried to cancel the vote that was scheduled on Professor Cook's nomination.

In his floor remarks, the chairman of the Banking Committee stated that Senate Republicans have been "AWOL in the fight against inflation for months." The irony of that, of course, is that it was Democrats who wanted to cancel the vote. Republicans were ready to vote and not just on Professor Cook, mind you. We wanted to vote on the other Fed nominees as well. I objected to canceling the vote because we were ready to vote, and we wanted to vote, so the vote took place.

Professor Cook's nomination failed that day on a procedural vote by a margin 47 to 51. Then, immediately after that, I asked consent to vote on the two remaining Fed nominees who have been processed in the committee but haven't been voted on. Those would be Chairman Jerome Powell, who has been nominated to be Chairman again, and Professor Philip Jefferson, who both could have been confirmed to the

Fed that day, as they could have been confirmed months ago.

But the Democrats objected to us having a vote a couple of weeks ago. It is really pretty amazing. Let me just be clear for the record. The Democrats hold the majority. The Democrats control the schedule on the Senate floor. And our Democratic colleagues have tied up for months the nominations of multiple nominees, including two—two—Fed nominees who have either unanimous or very nearly unanimous support. That is Jerome Powell and Philip Jefferson.

So if confirming Fed nominees is so important to our Democratic colleagues in the fight against inflation, it makes you wonder about this strategy of canceling votes and not holding votes when Republicans have been trying to confirm the nominees.

But I have a theory as to why this is, and I think it is because our Democratic colleagues know that Professor Cook is simply unqualified to serve as a Governor of the Federal Reserve Board. They don't want to leave her stranded as the final Fed nominee after all the other nominees get confirmed, so they are holding the nominations of Chairman Powell and Professor Jefferson hostage in order to push through their preferred candidate, their top priority.

I want to address this specific point that the chairman has made in the past because he has made this several times. He has suggested that somehow Republicans oppose Professor Cook's nomination because she is a Black woman. Let me just be as clear as I can. That is a very offensive charge to make. It is actually outrageous. It is also blatantly and demonstrably false.

In this Congress alone—a little over 1 year—Banking Republicans have unanimously supported eight Black nominees, six of whom were women: Cecilia Rouse, the first Black woman to serve as Chair of the CEA; Nuria Fernandez; Alexia Latortue; Adrienne Todman; Alanna McCargo; Ventriss Gibson, the first Black woman to serve as Director of the U.S. Mint. Republican Banking Committee members voted unanimously in favor of confirming each of those six Black women, but we still hear this absurd and outrageous charge.

Philip Jefferson—if our Democratic colleagues ever allow us to have a vote on him—will be the fourth Black man to serve as a Fed Governor. He was voted out of the committee 24 to 0.

Let me just be very clear. Banking Committee Republicans didn't support these nominees because of the color of their skin; that is not the criteria by which we evaluate candidates. We supported them because each of them was qualified for the roles to which they were nominated. Frankly, that ought to be the criteria for evaluating any nominee, if you ask me, including Professor Cook.

So let me address some of the arguments you are likely to hear regarding Professor Cook's qualifications.