

and I understand why. The majority leader Senator SCHUMER and Speaker PELOSI realized that delaying the appropriations process and not going through this regular order gave them immense power because they could decide what went into that omnibus bill. They could say yes to some and no to others, and they knew that the only alternative would be a government shut-down and that rank-and-file Members of the Senate and the House would be left with no other choice than to vote yes or no.

Congress cannot continue to operate like this. We have to swear off this newfound habit of continuing resolutions and last-minute omnibuses and return to a regular, on-time appropriations process. It is more transparent. It allows every Member of the Congress to participate, to offer amendments, to debate, and to vote—something denied to rank-and-file Members of Congress when you do this through an omnibus bill at the end of the year. But we shouldn't stop there. We need to look at broader reforms to the government's spending habits. The good news is that there are a number of ideas that have been proposed.

Last Congress, Senator ROMNEY, the Senator from Utah, introduced something he calls the TRUST Act, which creates a process to save Social Security and protect this critical lifeline for Americans. Social Security, you might recall, is going to become insolvent in the coming years. This is a responsible way to save Social Security and to address what is, roughly, a part of the two-thirds of the Federal spending. In other words, about a third of it is discretionary spending we appropriate, and the other two-thirds is mandatory, or automatic, spending. I am a proud cosponsor of this legislation, and would encourage the President and our Democratic colleagues to consider it as part of the debt ceiling discussion.

I am also a supporter of a balanced budget amendment to the Constitution. As I said, Republicans and Democrats are responsible for where we are today, but it would finally make clear that we have to live under the same sort of spending limits that every family in America has to live under and that every local and State government has to live with—a balanced budget. Now, that is common sense. Families and businesses across the country have no choice but to operate within a balanced budget.

My State of Texas has a balanced budget requirement, and lo and behold, it just started the current legislative session with a \$33 billion surplus. We are looking at a \$30 trillion debt. My State has a \$33 billion surplus in part, I believe, because it is required by law to balance its budget each year.

I have introduced, cosponsored, and voted for balanced budget amendments in the past, and I plan on doing so again this year. That should be part of the conversation.

There is a wide range of ideas from our colleagues that would help the Federal Government get its financial house in order, and I would hope that the President would take these ideas and his responsibility seriously. No matter how inconvenient this may be for President Biden, we are operating under a divided government. The “drunken sailor” approach may have worked when the Democrats controlled both Houses of Congress, but it won't succeed now. It is time for the administration to sober up and get serious about bipartisan solutions. It is the only path out of this mess.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HICKENLOOPER). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I suggest the absence of a quorum.

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

Mr. DURBIN. Mr. President, I ask for permission to complete my remarks before the recess.

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

ABORTION

Mr. DURBIN. Mr. President, 50 years ago this last Sunday, the Supreme Court ruled that reproductive healthcare in America is a constitutionally protected right and that Americans have the freedom to make the most personal decision imaginable: when—and whether—to start a family. The case was called *Roe v. Wade*.

For those who were alive when it was decided, we remember what it meant for millions of Americans: the freedom to make their own reproductive health decisions. Remember, at the time *Roe* was decided in 1973, our Nation had a long, long way to go in living up to the promise of equal justice under the law. As just one example, women were often required, at that time in history, to ask their husbands for permission to apply for credit cards. In many banks, widowers and divorced women had to bring along a man who would cosign for a credit card. Can you imagine that?

Fifty years later, we still have a long way to go, of course, but *Roe* was a breakthrough. It was a vision of an America that could be looking to the future of opportunity.

Well, today, sadly, marks a very different anniversary. You see, it was 7 months ago today when six rightwing, judicial activists on the Supreme Court sent us back in time. Of course, I am referring to the Supreme Court's decision in *Dobbs v. Jackson Women's Health Organization*—the crowning achievement of the Republican-led, decades-long campaign to overturn *Roe* and abolish reproductive rights in America.

The *Dobbs* ruling is one of the most irresponsible and dangerous decisions

ever handed down by the U.S. Supreme Court. It ripped away a constitutional right from individuals, handing it over to politicians in suits.

With the *Dobbs* decision, the ultra-conservative majority not only overturned a nearly 50-year-old precedent that had been reaffirmed many, many times, they twisted the facts to reach the outcome they wanted.

What do I mean by that? Well, in his majority opinion, Justice Alito claimed that abortion cannot be constitutionally protected because it is not “deeply rooted in the Nation's history and tradition.” He is wrong because whatever you think about abortion, it has deep roots in our country. As the dissenting Justices in *Dobbs* wrote, “embarrassingly for the majority—early law in fact does provide some support for abortion rights.”

The dissent noted that common law authorities did not treat abortion as a crime before the point of fetal movement in the womb—also known as quickening. And as Justice Alito himself conceded, historians dispute whether prequickening abortions were punished before the 19th century.

So there is no credibility to Justice Alito's argument for overturning *Roe*. It wasn't originalism by any stretch. It wasn't textualism. It was an ideologically motivated outcome based on historical cherry-picking.

Someone asked the question the other day: After this decision, should the Justices be asked to wear red and blue robes instead of black robes?

Over the past 7 months, Republican lawmakers picked up right where the Thomas-Alito Court left off. In State after State, they have ripped away reproductive rights from millions of Americans.

Overturning *Roe v. Wade* has unleashed a healthcare crisis in our country. In just 7 months, 24 States have banned or severely restricted access to abortion or are preparing to do so. Many of these bans provide no exceptions, even for rape and incest victims, and many are insufficient in protecting the health and lives of mothers. And all of these bans have added layers and layers of government bureaucracy for women seeking emergency care.

If these Republican lawmakers have actually listened to all of the medical professionals who sounded the alarm on overturning *Roe*, if these lawmakers had actually listened to all of the Americans who took to the streets in protest or the millions of voters who rejected their radical agenda, then maybe you would understand the simple, indisputable truth: You cannot ban abortion out of existence.

The only thing these laws have changed, if anything, is pushing women into dangerous and deadly situations. We have already seen the barbaric consequences in these Republican abortion bans. And they haven't just endangered the lives of women living in red States; they have put every woman in danger.

Christina Zielke is one of those women. She recently shared her story

on NPR. This past July, Christina and her husband were overjoyed when they discovered she was pregnant. It was their first pregnancy. But that joy turned to sorrow after the first ultrasound. The doctors couldn't detect a heartbeat, and they concluded it was a miscarriage.

When Christina asked the doctor, "What do I do next," the doctor recommended giving her body time to pass the pregnancy tissue—a process that can take days or even weeks. So Christina and her husband decided to wait and move on with their lives.

Soon after that appointment, the two of them drove from their home in Washington, DC, to Ohio to attend a family wedding. But during the drive, Christina started bleeding. She assumed her body had finally passed the pregnancy tissue. But later, in the middle of the night, she started bleeding again. It was serious.

It was at that time that Christina and her husband, at the advice of a nurse, went to an emergency room in Painesville, OH. Now, remember, Christina's doctor had already told her that her pregnancy ended in a miscarriage. But when she arrived at that Ohio hospital, the medical staff refused to provide her any care because they were afraid of violating Ohio's new abortion ban.

So while Christina was still in danger, still bleeding, and carrying a fetus with no heartbeat, the hospital discharged her and refused to treat her. She objected, even showing them her records confirming the miscarriage. She was ignored and sent home.

Hours later, she returned to that same ER. By that point, she had lost so much blood she had lost consciousness. The paramedics had to use a sheet to pull her limp body out of a bathtub and onto a stretcher. Christina's family thought she was going to die. And let's be blunt: The only reason her life was in peril was because of Ohio's State law banning abortion.

This is America's post-Roe reality: women denied urgent care because doctors and nurses are afraid of breaking State laws. Ohio's abortion ban subjects healthcare providers who violate it to felony charges, up to a year in prison, loss of medical licenses, and fines up to \$20,000. The law is so unclear in Ohio that even medical professionals struggle to navigate its narrow exceptions.

When you hear stories like that by Christina, imagine if it was a member of your family—your wife, the mother of your children, people who want to live desperately and simply need the healthcare to make it happen—it is really no surprise that Americans are fleeing red States to access essential healthcare in blue States.

My State of Illinois, for instance, has become a leader on reproductive freedom—a so-called oasis. Every single State that we border has either restricted abortion or abandoned it outright. For women living in the Mid-

west, our reproductive health facilities are indispensable. Look at the numbers. Before Roe was overturned, only 6 percent of women seeking abortions at Illinois Planned Parenthood facilities traveled from out of State—6 percent. Since the Dobbs decision, that number has jumped to 30 percent.

And I want to commend our State's leadership because they stepped in to provide care for women who have been betrayed by their own States. Earlier this month, Governor Pritzker signed a bill into law protecting women traveling to Illinois for reproductive care. Sadly, these efforts to protect reproductive freedom have also made Illinois providers a target. Just 2 days ago, after Governor Pritzker signed a bill into law, someone firebombed a Planned Parenthood clinic in Peoria—a clinic that doesn't even perform surgical abortions.

In post-Roe America, the mere act of seeking reproductive advice and care—even for a procedure as simple as a Pap smear—has taken on new risks. Lawmakers on both sides need to condemn this and any form of politically motivated violence against any person or entity.

If there is any doubt that the Dobbs decision has unleashed chaos, consider the impact on maternal health outcomes. Even before Roe was overturned, our Nation had the highest maternal mortality rate in the developed world—America, the highest maternal mortality rate in the developed world. And as of 2020, those death rates are more than 60 percent higher in States with abortion restrictions.

This is not a problem without a solution: Studies show that more than four in five pregnancy-related deaths are preventable. These mothers can be saved. And one way to prevent them is by expanding access to postpartum health coverage. That is why I have worked with Illinois Congresswoman ROBIN KELLY to pass a law that gives States the option to expand health coverage under Medicaid from 60 days postpartum to a full year. We led this effort because in our State, one-third of pregnancy-related deaths happen after 60 days postpartum.

So for States that have now outlawed abortion, you would imagine the first thing they would do is to take advantage of this new benefit and expand health coverage for its expecting mothers on Medicaid. That sounds like a no-brainer, right? Apparently not. Today, there are 15 States that have not extended Medicaid postpartum coverage, and 12 of these States have also passed laws restricting abortion. If they are truly dedicated to the new mother and her baby, why wouldn't they give them healthcare coverage for a full year after the baby is born to save their lives and the babies' lives?

So if you are a woman living in a State like Idaho or South Dakota, you can be forced to carry a pregnancy to term, but once you have had your baby, those States—Idaho and South Da-

kota—refuse to cover your healthcare during the most critical, dangerous postpartum period.

Let's get real. There is no world in which this position can be described as "pro-life."

We in the Senate can make a difference for all the women in America who have been abandoned by their States, and we can do it by restoring and codifying the right to reproductive freedom by passing pro-family policies, like the MOMMA's Act, which mandates Medicaid expansion and postpartum coverage.

Unfortunately, it seems the new MAGA majority in the House has other plans in mind. Just this past week, Majority Leader STEVE SCALISE pledged to a group of anti-choice activists that the overturning of Roe was "only the first phase of this battle." Those are his words. His Republican colleagues have already made good on it. Less than 1 month into the new Congress, House Republicans have introduced a dozen anti-abortion bills.

Here is my promise: Every one of those bills is destined to fail if it comes to the Senate. They are going nowhere because this majority and President Biden understand that all Americans deserve reproductive rights. And until we have a Congress and Supreme Court willing to protect those rights, we need to do everything in our power to stand against this extremist, anti-choice agenda.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:47 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. LUJÁN).

The PRESIDING OFFICER. The Senator from Wyoming.

(The remarks of Mr. BARRASSO pertaining to the introduction of S. 31 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

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

(The remarks of Mr. CARDIN pertaining to the introduction of S. 53 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. CARDIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.