

the extreme and frightening goal of overturning *Roe v. Wade* and of taking away a woman's constitutional right to safe, legal abortion in the United States of America.

Most recently, the Trump administration has put forward a deeply harmful rule that would jeopardize access to affordable reproductive healthcare for the millions of men and women who depend on title X, our Nation's family planning program, which historically has had bipartisan support. If this rule goes into effect, providers at health centers that receive title X funding will be blocked—gagged—from even telling patients about where and how to get a safe, legal abortion as part of a discussion of reproductive healthcare options.

The rule would also impose new, medically unnecessary requirements that would make it impossible for Planned Parenthood centers, which serve 41 percent of the title X patients, to continue to participate. Four million people—disproportionately young people, low-income women, and women of color—go to title X-funded centers, including to Planned Parenthood centers, for birth control, for lifesaving cancer screenings, for STD tests, and more each year, and this rule puts the care they depend on in jeopardy.

The Republicans here in the Capitol may have no idea what it would mean for patients to lose access to the providers they trust and the affordable care they need, but that is not because those patients and their doctors and their communities have not been speaking up—they have been. People across the country—women and men, doctors, city and county health officials, religious groups, advocates—told this administration as it was developing this rule that they did not want to see providers at title X barred from giving them medically sound information or have patients be denied access to providers they trust at Planned Parenthood because the Republicans think they know better.

The final rule the Trump administration released shows it ignored those who personally know how much it matters to have unbiased, quality care at title X centers, including at Planned Parenthood. The Republicans might have ignored those voices, but we Democrats are not going to. So I am releasing a memo today that will highlight statements that were submitted in strong opposition to this rule by people from across the country. I want to make absolutely sure that the Republicans have every opportunity to hear what patients and providers have to say. I want to give a few examples.

One patient called her visit to a Planned Parenthood to get a Pap smear a “lifesaver.”

Another wrote: “Young people like me rely on Title X for access to family planning services at the provider of our choice.”

A mother and sister from Nevada told the Trump administration:

I too have sisters and four daughters. We are capable, adept, and able to make decisions for ourselves. We want to make informed decisions. . . . Withholding information is misinformation and manipulation.

County health officials and healthcare providers repeatedly urged the administration that this rule would “interfere in the doctor-patient relationship” and was “an infringement on the ethical principles that medical providers adhere to” with potentially “irreversible” impacts in struggling communities.

Since it, apparently, needs to be said on the Senate floor, I would like to remind my colleagues that what these patients, healthcare providers, and community leaders are saying about the importance of a woman's ability to make her own healthcare decisions is not controversial. People in this country overwhelmingly agree that women should be able to get birth control. They agree that no matter how much money you make or where you live, you should be able to get a cancer screening that could save your life and, yes, that women should be able to exercise their constitutional right to safe, legal abortion.

I challenge the Republicans today to read the memo I am releasing. Listen to the women and men whom this rule hurts and from the people who are working to help them get the care they need. Then join the Democrats in standing up against this dangerous, unethical step backward because, right now, it is pretty clear, once again, that the Republicans want to make women's health a political battlefield instead of a serious priority.

Let me be clear. The Democrats are going to keep standing up for a woman's right to the care that is right for her. We are going to continue to stand up for women's access to affordable birth control, for women's constitutionally protected rights, and against those who want to put politicians in the doctor's office, where they do not ever belong. If that is a fight the Republicans want to have, we are ready and so are people across the country, like the brave ones who spoke up against this very harmful rule.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

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

#### BORDER SECURITY

Mr. TILLIS. Mr. President, I come to the floor today to talk about what I believe is a real crisis at the southern border. I think there is even a case to be made that we have challenges at the northern border, but I want to focus on what the narrative here in the country has been over the past couple of

months, weeks, or really years since I have been here—sworn in in 2015.

I think it is very important. We all know that we have the Executive order from the President or the emergency declaration. He clearly believes there is a crisis at the border—so much so that he was willing to invoke an authority Congress granted beginning in 1976—the National Emergencies Act—and then amended throughout the 1980s. He believes he is within his authority to declare an emergency so that he can get resources down to the southern border as quickly as possible.

It is no secret that I disagree with the method the President is using to provide funding down at the southern border, but make no mistake about it—I do believe there is a crisis at the border, and I take exception to my colleagues on the other side of the aisle who say the President is manufacturing a crisis.

I serve on the Judiciary Committee. I have since 2015. Yesterday, we got a briefing from Homeland Security that was truly startling in terms of the statistics on the number of crossings—a record number of crossings; severalfold; in one case, 10 times—over the past few months. I believe one of the reasons we are seeing the increase in illegal crossings is that those who are coming from countries other than Mexico—who are the majority of illegal crossings today—believe that if they get across the border, there is a very low chance they will be returned to their country of origin.

Speaker PELOSI said it is a manufactured crisis. It is not a manufactured crisis. Take a look at the data. It is a real crisis. The majority leader said the same thing. I think it is a crisis on several levels. One has to do with the number of people coming across the border today.

There is something that is very important that I think was missed by many people in the committee hearing yesterday. There were a number of my colleagues on the other side of the aisle whom I work with—in fact, I worked with Senator DURBIN on a solution for the DACA population. I am not necessarily considered a hawk on all things immigration. But I will tell you that when I hear the senior Senator from Illinois say that everyone who is coming across the border is fleeing a dangerous situation in their country of origin, that doesn't necessarily reconcile with the fact that almost 80 percent—8 out of 10 claims of asylum are adjudicated not to be valid. Eight out of ten claims for asylum are adjudicated not to be valid. And I don't hear anybody on the other side of the aisle saying that we should change the standard for an asylum claim. So for someone to say that everyone coming from these countries is fleeing a fear of some sort of harm by staying in their country or maybe staying in Mexico while they sort things out—that is simply not true.

If you take a look at the severalfold increase in illegal crossings, 80 percent

of them are deemed invalid in terms of a threat to life or liberty from their country of origin based on our standard for asylum. I am not making this up; this is a matter of court records. These cases are being adjudicated by officials who were appointed by Democrats and Republicans, so it is not as though we have someone down there setting a different standard for asylum. Eight out of ten asylum claims for people crossing the southern border are deemed invalid.

But now what is happening is that we are spending so much time adjudicating, detaining, and processing this influx of illegal crossings that we are creating a more dangerous situation because bad actors are getting through. Our resources are being spent trying to process this influx of crossings that we have to stop. How do you stop it? You stop it by preventing future flows. You stop it by changing the treatment of a family who crosses from Mexico being different from a family who crosses from Ecuador, El Salvador, or any other Latin America country. You treat them all the same. You treat them respectfully. You try to give them an opportunity to make their case, but you also send a clear message that if you can't come through the normal asylum process, which means you show up and you lawfully request that your asylum claim be heard, then you cross the border and you put yourself and your children at risk.

We have a crisis at the border. I spent a week—in fact, Senator CORNYN will be speaking after me. Senator CORNYN invited some of us to spend a week down on the southern border, and it was very revealing to see what is going on there—seeing crossings happen right before us, seeing cane along the Rio Grande River that prevents border security from even seeing somebody who may be 10 feet away as they are snaking through in the middle of the night. We were on horseback, we were in low-draft boats, and we were in helicopters. We saw the crisis at the border in real time. That was last year. Now we have severalfold more people coming across the border.

The crisis has several layers to it. One of the ones that I think every American should get behind is that the crisis is occurring because our resources are being diluted by trying to police these borders and apprehending people, 8 out of 10 of whom will ultimately be deemed not to have a valid asylum claim. While we are tracking them down, the cartels are smuggling millions of doses of poison across our border that are killing people every year. These are the deaths that have been reported, and they are reported, sadly, almost on an annual basis—tens of thousands of people dying as a result of drugs coming across the southern border. Because our resources are spread so thin, I think this will get worse if we don't figure out how to secure the border.

We have deaths of immigrants. Every year on American soil, we recover

nearly 300 bodies of people who paid hundreds or thousands of dollars to the cartels so that they could pass through the plazas at the southern border. There is no way you can cross the southern border without paying a fee to these organized crime gangs who literally control the border. In fact, we were told yesterday in the committee that it will cost you \$500 to put your foot in the Rio Grande River, and if you don't, you are probably going to die before you ever leave Mexico.

We have no earthly idea of the thousands of people—men, women and children—who die trying to cross the border and can't pay a toll at the appropriate time, or they get caught up in a conflict between the cartels along the plazas of the southern border, but I know thousands of people have died. Over the last 20 years, nearly 10,000 bodies have been recovered on American soil—men, women, and children—because this has become one of the most profitable enterprises for the human smugglers, human traffickers, and drug traffickers in Mexico. That is a crisis, ladies and gentlemen, and it is a crisis that we need to recognize.

Gang members. Thousands of MS-13 gang members have crossed the border illegally, and here is the sad reality. When they successfully cross the border, they go into Hispanic communities. They go into communities, many of them communities where the majority are legally present, and make them more dangerous. They hide there. They coopt them. They actually recruit kids into their gang activities and use minors to do a lot of the illegal activities—distributing drugs, trafficking humans, and all the other illicit activities that the gangs are involved in. That is a crisis.

The human toll is devastating. When we were down at the border, we were told of one massacre—this is one instance—where there was a coyote. That is a person who is responsible for moving people through the plazas, ultimately, to cross the border illegally. In one instance, we had a human trafficker—a human smuggler—who apparently took a lot of the money that should have been passed back to the cartels to pay for the passage of these folks trying to get across the border, and they didn't have the money to pay the cartel.

So what did the cartel do? They ordered the massacre of 72 people. This is one group—one group—of 72 people on the other side of the border who were murdered—men, women, and children. They never got to the United States.

The sad fact is, statistically speaking, after they had spent virtually all of their life's belongings, if they had gotten across the border, 8 out of 10 of them probably wouldn't have had a valid claim to asylum. We have to figure out a better way to help these countries, where these folks want to come to the United States and enjoy our liberties and enjoy our economic blessings. Crossing the border illegally is not the way to do it.

That is why I have consistently supported any measure to secure the border. There is no recommendation that President Trump has made that I haven't supported. I supported a package last year that was nearly \$25 billion for people, technology, and infrastructure to secure the border—to build all-weather roads, to build walls where necessary, or structures, to invest in technology, and to provide more personnel to secure the border—not to harm these folks but to help them, to actually protect people in the border States, but also to send a very clear message: Don't try to come to this country illegally, where your claim for asylum is more likely than not going to be rejected, and the likelihood that you and your children could be hurt is very high.

So there is a crisis at the border. We need to fund the President's priorities. The President's immediate priorities require \$5.7 billion to fully fund his 10 key priorities at the border. I support that. I applaud the President for taking the steps he did. I am going to do everything I can to continue to come down here and send the message to those who may be contemplating making the dangerous trip—from whatever country where they may be living—with their children and potentially being harmed, to not do that. Let's find another way to help them and their country of origin. Let's find another way to let them request asylum that doesn't involve making the dangerous trip and then, potentially, being denied.

I also wanted to come to the floor today to send a very clear message to the President and to the administration: I support the border plan. I support funding the wall, people, technology, and infrastructure proposals that the President has made. We just have to do it in a sustainable way, and we have to do it in a way that goes far beyond the \$5.7 billion we need right now to fund the President's immediate priorities.

I want to end by thanking Senator CORNYN. Senator CORNYN said something yesterday that I think was extremely important. It is interesting for somebody in a State, maybe in New England or far, far away from the border, to say: There is no crisis. We don't have an issue down at the border.

I have to believe that somebody like Senator CORNYN, who knows this issue, knows the threat, knows the impact, and knows the human toll better than just about any of us, can say: Why don't you come down there and spend some time with me? Why don't you do what so many others have done to see it firsthand?

Now, let's get out of the politics and saying that it is a manufactured crisis the President is acting on. It is a real crisis. Human lives are at stake. So many lives have been lost. We have to stop the carnage, get the politics out of it, secure the border, and move on to immigration reform and so many other things that we should do.

With that, I yield the floor, and, again, I thank Senator CORNYN for all the great work he has done on this issue and for his leadership. I am glad to follow him into any issue that, hopefully, will get us to secure the border. I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, at the risk of sounding like the mutual admiration society, let me express my appreciation to the Senator from North Carolina, who gave an outstanding presentation, talking about the crisis that exists at our southern border. I really can't improve on it, but I will try.

Fortunately, Senator TILLIS is one of those rare Senators who actually has traveled down to the border at my invitation. As he said, he rode horseback as we tried to find our way through the carrizo cane, which obscures visibility for the Border Patrol, and he saw it for himself. I appreciate his bringing the benefit of that experience here to the floor and adding to this important debate.

I was struck by a hashtag I saw being used in the House of Representatives. It is "FakeEmergency"—hashtag "FakeEmergency."

Well, let's mention two sets of parents. For the 7- and 8-year-old boy and girl who recently died in CBP custody at the border who made their way from Guatemala, I don't think this is a fake emergency for them. As Customs and Border Protection Commissioner McAleenan said, many of these immigrants who come all the way from countries like Guatemala suffer from exposure, including dehydration. Many of them are physically or sexually assaulted. Then, there is the danger of infectious diseases, because many have not been vaccinated for common childhood diseases that American citizens would be protected from.

Unfortunately, they are a commodity to the criminal organizations that transport people for roughly \$5,000 per person. The cartels—the criminal organizations—are commodity agnostic. They will just as soon usher a migrant from Central America up here who wants to join a family member and perhaps find a job. They will just as soon charge somebody who will ultimately be trafficked and become the victim of modern-day slavery, involuntary servitude, or sex slavery, or they will be happy to move drugs, heroin, methamphetamine, cocaine, marijuana—you name it. In fact, 90 percent of the heroin that comes into the United States comes from Mexico, and of the 70,000-plus Americans who died from drug overdoses just last year, according to the Centers for Disease Control, a substantial portion was from the opioids. In other words, that came from Mexico—whether they be pills, fentanyl, or heroin, which is perhaps the cheapest form of opioid.

The Senator from North Carolina and I serve on the Judiciary Committee,

and we heard at length from the Commissioner McAleenan of Customs and Border Protection. The picture he painted was pretty bleak, but it bears repetition. Unfortunately, around here it is hard to know when people are listening. Sometimes you have to say the same thing over and over and over before it begins to penetrate people's consciousness. But this is important. So we need to emphasize this.

Many migrants make this arduous journey for days, weeks, or sometimes for months, traveling without food or water. When they arrive, they are often sick and require extensive medical treatment. Of course, there is, as I indicated a moment ago, the horrific stories of physical and sexual abuse. The percentage of women and girls who are sexually abused en route from their homes in Central America is revolting, to use a word.

The Border Patrol spends a vast amount of their time dealing with the human needs of children. In other words, these are law enforcement officers who are basically trying to supply diapers and juice boxes to children who are coming with their families and overwhelming our capacity at the border. While the cartels exploit the fact that the Border Patrol is tied up with this sort of processing of asylum seekers, the drugs come into the country. That is part of the cartel's plan. They have studied our laws. They know where there are gaps in coverage. They know what they can do to distract law enforcement officers so that drugs and human trafficking can get through the border.

Despite all of this and despite the facts that the Senator from North Carolina detailed, we still hear our friends on the other side refusing to engage or offer any solutions whatsoever. As a matter of fact, one of our colleagues on the Judiciary Committee yesterday said: We need to preserve the two things that are the biggest obstacles to getting to a solution. We need to preserve those. In essence, what she was saying is that we need the Border Patrol not to secure our border. We need the Border Patrol to just wave people on through, like a traffic cop. As long as we have these gaps in our asylum laws where we treat people from noncontiguous countries differently than we do from Mexico or Canada and as long as they can wait for years before their asylum claim can be finally adjudicated by an immigration judge, the criminal organizations are winning. They have won because they can successfully place a person in the United States, notwithstanding our laws, by overwhelming our resources at the border and in our interior.

I have talked about the need to increase border security many times on the floor, and I know I risk sounding like a broken record, but as long as we have people in the other body sending out hashtags on social media calling this a fake emergency—when President Obama himself, in 2014, called this a

humanitarian crisis—it is going to be necessary, I am afraid, to keep telling the story and talk about what is necessary in order to bring security to our southwest border.

My State has 1,200 miles of common border with Mexico. Our relationship with Mexico is very important because they are one of our main trading partners. There are a lot of good and important things that come back and forth across the border in terms of people legally visiting the United States and in terms of commerce and trade. I have seen one estimate that about 5 million American jobs depend on trade with Mexico. It is not just Texas, either. But the toll that the current status of our immigration laws has on the lives of immigrants crossing our border is real, and the strain it puts on our ability to engage in legitimate trade and commerce to flow freely through our ports is real as well. All of these need to be addressed and without delay.

Let me talk a little bit about the records that have been broken. We saw last month alone that 76,000 people illegally crossed the border and were apprehended by U.S. Customs and the Border Patrol—76,000 people. According to the Commissioner, we are on track to see 600,000 to maybe 650,000 during the next calendar year. This is an 11-year high and averages more than 2,000 people a day. This is not a record we want to be proud of.

We have seen a growing number of family units. The reason why the cartels and criminal organizations bring family units is because they know what our law requires in terms of separating the children from the adults and then placing the children with a sponsor in the United States, only to have them raise their asylum claim in front of an immigration judge years hence. As I said, many simply don't show up for that, and so game over.

We have seen a growing number of family units coming across the border, a 338-percent increase in 2018. The cartels have studied our laws. They are advertising down in Central America, saying: If you want to come to the United States, all you have to do is come as a family unit. We have studied American law, we know where the gaps are, and we are going to exploit them.

Already Border Patrol has apprehended more family units than in all of 2018, and the border regions of Texas are feeling the strain. Our local officials—the mayors, the county judge—and our medical facilities are just not designed for this massive influx of humanity. In the Rio Grande Valley, family unit apprehensions have increased 209 percent since this time last year. Here is a staggering figure: In El Paso, TX, it is a 1,689-percent increase.

As Secretary Nielsen said yesterday, testifying in front of the House, our border is at the breaking point. Our capacity to deal with this influx of humanity is creating a genuine crisis. These are not just percentage points or numbers; they illustrate the human

misery and the challenges of the dedicated law enforcement personnel along the border and also the folks who work trying to deal with the children, whether it is providing them medical care or trying to find them a safe place to live in the United States. This is not a manufactured crisis. This is a real crisis.

In a normal political environment, these numbers would raise the alarm bells, and we would take action—we would actually do something about it—but we aren't operating in a normal political climate, to be sure.

Back in 2006 and 2008, Republicans and Democrats voted on something called the Secure Fence Act. It wasn't particularly partisan or political. This year, the Speaker of the House, NANCY PELOSI, called physical barriers "immoral." The Democratic leader of the Senate, the Senator from New York, said not one penny was going to be appropriated for any physical barriers along the border.

For those who would argue this is a fake crisis, I would ask them to check with the Texans who live across the border and deal with this every day.

I recently got an email from a friend of mine who has a ranch outside of San Antonio, my hometown. He said he and his wife basically have to arm themselves, and they have to take precautions against people coming across their land because they don't know whether it is going to be some hungry migrant who is just simply looking to find their way to San Antonio or to Houston and then north or whether it is going to be people wearing backpacks carrying fentanyl and heroin. They just don't know, so they have to prepare. They basically have to lock their doors, and they are captives in their own house.

So what has changed since we talked about this back in 2006? What has changed?

My question is more of a rhetorical one because we know Democrats will stop at nothing to prevent President Trump from delivering on his promise to provide border security, even if it means turning their backs on something they have historically supported.

As you might imagine, I have made a point to spend a lot of time in communities along the border. I have talked to the experts—our Border Patrol agents, sheriffs, mayors, landowners, and countless others—on how to best deal with this security and humanitarian crisis. These are the people who know best. They are the experts. They know how best to secure the border.

They will be the first to tell you that when it comes to border security, one size does not fit all. I have mentioned before my friend Judge Eddie Trevino from Cameron County. I was in a meeting with Senator CRUZ—my colleague from Texas—local stakeholders, elected officials, along with Customs and Border Protection and Border Patrol. What Judge Trevino told us then was: Look, if it is the experts, the Border

Patrol agents, telling us what we need, we are all in, but if it is people from Washington, DC, trying to micro-manage the border, who don't know anything about it, then count us as skeptical.

What we have heard from the experts is that border security is a combination of three things: barriers in hard-to-control places, people, and technology.

While a physical barrier may work best in an urban or high-traffic area, it doesn't make any sense in places like Big Bend National Park. Anybody who has been out west to Texas knows the cliffs over the Rio Grande River, in parts, can rise to 30 feet. It doesn't make much sense to put a physical barrier there.

The determination of what is needed and where it is needed should not be a top-down Federal mandate. It should come from the experts who know the threats and the challenges along every mile of the border and whom we entrust on a daily basis to secure it.

We should continue to listen to our vibrant border communities, which are the economic engine of the region, and ensure that we can maintain the flow of legitimate trade and travel also through these areas.

Implementing a solution that would allow our law enforcement experts to work with the Federal Government on the right combination of technology, people, and physical barriers is what we ought to be focusing our attention on.

I would add just a footnote to that on dealing with this problem of people abusing our laws on asylum. Again, the cartels have figured this out. I have worked with my friend HENRY CUELLAR, who is perhaps one of the last remaining Blue Dog Democrats in the House of Representatives. He represents Laredo, TX. We actually introduced a bill called the HUMANE Act, which would establish parity of treatment of immigrants coming from non-contiguous countries like Central America. Unfortunately, we weren't able to get that passed.

We could fix this pretty quickly, but it requires our Democratic friends to drop their Trump derangement syndrome and come to the negotiating table in support of something they have historically been for during this time of need.

The crisis is staring us in the face, and it demands action. I can only hope our colleagues across the aisle will answer that call.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SCOTT of Florida). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. FISCHER). Without objection, it is so ordered.

#### NOMINATION OF ERIC E. MURPHY

Mr. BROWN. Madam President, judges are making decisions around the country right now on voting rights, on civil rights, on LGBT rights, on women's rights, on healthcare, on sentencing, and on corporate power. Several times over the last couple of years, this body has said no even though almost every Republican in this body—all with good, government-paid health insurance, all with good salaries, all well-dressed, all of the above—has tried to repeal the Affordable Care Act or take away Medicaid or take away consumer protections so that people who have preexisting conditions would have their insurance canceled. They all stood on that.

Do you know what? Because millions and millions were affected, enough people in this country said no and pushed back and stopped the Republican majority from taking away the protections for preexisting conditions, and they stopped insurance companies from canceling people's insurance who got too sick and too expensive and who could never get insurance in the first place.

So do you know what those in the Republican majority did? They went through the courts. They voted for and supported Supreme Court Justices and district judges and circuit judges who have put their thumbs on the scales of justice and have picked corporations over workers, chosen Wall Street over consumers, and chosen insurance companies over sick people. Over and over again, this body tried to do it, but democracy rose up and said: No, you aren't going to take our health insurance. No, you aren't going to let the insurance companies run everything. No, you aren't going to let Wall Street run everything. No, you aren't going to do it.

Do you know what? Because they couldn't do it through Democratic participation and because they couldn't do it by going down to MITCH MCCONNELL's office, who is the Republican leader—they couldn't walk down the hall, all of their lobbyists, and stop that from happening—they decided to try doing it through the Federal judiciary. Remember what I said. They have put their thumbs on the scales of justice. They have chosen Wall Street over consumers. They have chosen insurance companies over sick people. That is what this vote is about. That is what this judge is all about today.

This body confirmed a judge yesterday who would limit rights for a generation. These are judges who are almost all inexperienced. These are lawyers who are in their thirties or early forties. They are not who we used to pick. President Obama used to do this; President Bush often did this; and President Bush, Sr., used to do this. They would pick sort of—"prudent" would be the word that President Bush, Sr., would use—wise, prudent lawyers who believed in public service and didn't believe in some far-right agenda