

are not theirs to make and that they must travel, in some instances, across State lines and across time zones to access basic reproductive care, the march is still not over. When a radical, conservative, MAGA majority of the Supreme Court overturned decades of precedent by repealing the protections of *Roe v. Wade*, the march is still not over.

On this 105th anniversary of the passage of the 19th Amendment, we must confront the ugly truth: that women, sadly, have fewer freedoms than they did just a few years ago. Let's remember that. As we are all commemorating the right to vote on this 105th anniversary of the passage of the 19th Amendment, we must confront the ugly truth that women, sadly, have fewer freedoms than they did just a few years ago.

RIGHT TO CONTRACEPTION ACT

Mr. SCHUMER. So, Mr. President, tomorrow, the Senate will take action. Tomorrow, the Senate will defend the freedom of choice with a vote on the Right to Contraception Act, led by Senators MARKEY and HIRONO.

Federal protections for contraceptives are a critical piece of protecting women's reproductive freedoms, and this legislation would codify the right to contraception into Federal law. As MAGA Republicans continue to block protections for access to contraception on the State level—in States like Virginia, Nevada, and Arizona—it is all the more reason to move to protect contraception at the Federal level.

To those who think that Federal action in protecting access to birth control is unnecessary, just look at what is happening in States like Virginia and Nevada and Arizona, where Republicans are openly blocking these very protections.

I would hope that protecting access to birth control would be the definition of an easy, uncontroversial decision here in the Senate, but the vote will tell all when we gavel in tomorrow. And there will be more action to come.

Last night, I began the rule XIV process for the Right to IVF Act, led by Senators DUCKWORTH and MURRAY and BOOKER, to place it on the legislative calendar and make it available for consideration on the floor. I intend to bring this legislation protecting access to IVF up for a vote very soon.

Millions of Americans have relied on IVF to have children, but after a stunningly radical decision by the Alabama Supreme Court jeopardized access to IVF, families are rightfully worried that this option could be stripped away. So Senate Democrats will act to safeguard and strengthen IVF access for all Americans so that everyone has a chance to start a family.

In the coming weeks, Senate Democrats will put reproductive freedoms front and center before this Chamber so that the American people can see for themselves who will stand up to defend their fundamental liberties.

BORDER SECURITY

Mr. SCHUMER. Mr. President, on the border, later today, President Biden is expected to issue an Executive order addressing the problems happening at our southern border.

As the President makes his announcement, let's be very clear about one thing: Legislation would have been the more effective way to go. President Biden has been clear from the beginning that he prefers legislation, but given how obstinate Republicans have become, turning down any real opportunity for strong border legislation, the President is left with little choice but to act on his own. Republican intransigence has forced the President's hand.

For years, Republicans have insisted, again and again and again, that the border was in crisis, but when they had the opportunity to correct it, they killed the strongest bipartisan bill Congress has seen in decades. Why did they kill it? At the behest of Donald Trump, who said he wanted chaos at the border until after the election.

Shame on our Republican friends. They say they want to protect the border. Donald Trump comes out with a very crass statement—"Let's keep in chaos so I might win the election"—and they go along? They do a 180-degree turn? That is a disgrace, and it has forced President Biden to act the way he does, which is a lot better than doing nothing but not as preferable as passing legislation, as the President admits.

We had an opportunity to pass a strong bipartisan border bill back in February and just over a few weeks ago. Both times, Republicans put politics ahead of bipartisanship and blundered the best chance we have seen in decades to pass a border security bill America urgently needs. Americans will not easily forget it.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

BORDER SECURITY

Mr. MCCONNELL. Mr. President, 1,231. That is how many days it has taken President Biden to do something—anything—about the humanitarian and security crisis that has consumed our southern border and is engulfing our country.

Here is another number: There are 154 days until election day. In other words, the Biden administration has waited nearly its entire term before lifting a finger to address the open borders anarchy that it invited. In that amount of time, the CBP has reported more than 7.8 million encounters with illegal migrants at the southern border, and that is not counting the 1.6 million known "got-aways."

Fentanyl poisoning is now the leading cause of death among American adults between 18 and 45. The lethal pipelines that began with Chinese chemical makers flow north across a broken U.S.-Mexico border.

And perhaps most disturbing is the increasing number of individuals on the Terror Watchlist who have exploited the border chaos to set foot on American soil.

With an election just months away, the President hopes that an issued Executive order will demonstrate that he cares about this crisis and is trying to fix it, never mind that his order would still allow more than 900,000 illegal aliens to come in every year at the southern border. This is on top of the half-million illegal parolees President Biden intends to continue waiving into the country. Combined, that is more than the population of 10 States. It is a new Dallas, TX, every year. This is like turning a garden hose on a five-alarm fire. And the American people are not fools. They know that this play is too little, too late.

NOMINATION OF NANCY L. MALDONADO

Mr. MCCONNELL. On a different matter, I have spoken repeatedly about how Adeel Mangi, President Biden's nominee to the Third Circuit, is unqualified for the bench. But the red flags on this administration's nominees aren't limited to radical associations and ethical lapses.

Judge Nancy Maldonado, a trial judge nominated to the Seventh Circuit, has distinguished herself with sheer—sheer—incompetence.

Thanks to reforms put in place by then-Judiciary Committee Chairman Biden, Federal courts keep track of how many fully briefed motions have been sitting without a decision for at least 6 months, a report often known among judges in Chicago as the Biden list.

It was a good reform because justice delayed is justice denied. And as it turns out, Judge Maldonado has by far the largest number of motions pending for more than 6 months among the judges of the Seventh Circuit, with 125. She would need to rule on one of these motions every workday for the next 6 months just to clear her existing Biden backlog.

There are only a handful of judges in the country who are this far behind on their work. Judge Maldonado's Biden backlog puts her beyond the 99th percentile of all district judges nationwide in terms of slowness.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Christopher T. Hanson, of Michigan, to be a Member of the Nuclear Regulatory Commission for the term of five years expiring June 30, 2029. (Reappointment)

The ACTING PRESIDENT pro tempore. The majority whip.

BORDER SECURITY

Mr. DURBIN. Mr. President, when I hear the Republican leader come to the floor and talk about the fact that President Biden has waited until this point in his first term to issue an Executive order on border security, I can't help but think how long the Senate has waited to do anything on immigration.

The Senator from Kentucky knows as well as I do that for more than 30 years, this Senate has failed to pass any meaningful immigration legislation.

Part of the problem on our border today harkens back to decades of neglect by the Senate and the House of Representatives to meet their constitutional responsibility to upgrade our laws.

How many times have you heard it said that our immigration legal system is broken? They are right. I happen to know that. I have paid personal attention to this issue for a long time.

For the Senator from Kentucky to berate President Biden because he waited until this moment in his first term to take action is to ignore the obvious.

We passed comprehensive immigration reform in the U.S. Senate, and it was passed by more than 60 votes. It was sent to the Republican House of Representatives. They refused to act on it.

To bring it closer to home, we were told last October not to pass any defense supplemental bill unless it included a provision related to border security. So we waited for a bipartisan group of three Senators—one Republican, one Independent, and one Democrat. Senator LANKFORD led the effort on behalf of Republicans. We waited until they produced a work product which, in fact, President Biden embraced. Though it was controversial, I felt it was a reasonable step forward.

What happened at that moment? We had a chance to do something—finally, to do something—in the Senate on immigration. We had a bipartisan bill, a bill which was crafted by able Members of the Senate and addressed the major problems facing us on the border.

What happened? Do you remember? I will tell you exactly what happened. Donald Trump, former President of the United States, announced he opposed

the bill, instructed any Republican who happened to agree with his point of view to oppose it as well, and then said: And if you want to assign any blame, blame me. Well, I am blaming him. A chance to pass legislation was stopped by Donald Trump and the Republicans in the Senate even though they initiated the process themselves.

That is the reality of the status that President Biden faces on the border.

We are facing the largest refugee crisis in modern history all over the world, and we are seeing it on our southern border and in the United States as well. The question is, Will we do anything?

President Biden has decided to step forward with an Executive order which would limit the access of individuals between ports of entry on the border in an effort to slow down the pace of those presenting themselves. That, to me, is a step in the right direction.

I wish he would do more. I wish he would also do something to help those immigrants in the United States who have shown that they can be worthy citizens of this country, have contributed mightily toward the betterment of this country, and have been here long enough to prove that that is true. I think they deserve opportunities and legal recognition. I think that should be included.

But for now to argue from the Senate floor, where little or nothing has taken place on immigration reform in more than 30 years, that President Biden isn't moving quickly enough is a really difficult argument to understand, let alone explain to anyone.

Let me say another word. To call those people who present themselves for asylum in the United States and who are waiting for their case to be resolved in court illegal aliens is a misnomer. They are here by a legal recognition status as asylees seeking protection. A final status has not been determined, and that will determine what their final classification will be. But at this point, they are legally in the United States awaiting a hearing. To call them illegal is not proper.

JUDICIAL NOMINATIONS

Mr. President, let me say a word about the situation in Illinois on judges. I was a little surprised the Senate Republican leader raised this issue.

As chairman of the Senate Judiciary Committee, I spent a large part of my time in the last 3½ years bringing judges to the Federal bench. We now have over 200 judges who have been approved in a very closely divided U.S. Senate, and I have paid close particular attention to my own State of Illinois.

Nancy Maldonado is the nominee for the Ninth Circuit. She is currently serving as a Federal district court judge in Chicago. No one—absolutely no one—on that court has argued that she is lazy or is not carrying her share of the load when it comes to the cases pending before her. She was caught in a situation where she was sent more cases than usual and has not had an opportunity, as other judges have in the

The Biden list requires judges to explain why they are so far behind. Judge Maldonado blames her record on “complexity of the case,” “voluminous transcripts/briefs to be read,” and “heavy civil and criminal caseload.” Does the President think his nominees will face less complex cases on the court of appeals, lighter caseloads, less voluminous transcripts or briefs?

Why on Earth would our colleagues consider giving new and greater responsibilities to a judge who is clearly struggling with the ones she has already gotten or, for that matter, why would they consider promoting someone whose instinct is to pass the buck?

I wish I were making this up: When our colleagues asked Judge Maldonado about her case backlog in written questions, she blamed her clerks. That is probably cold comfort to prisoners seeking relief for inhumane treatment or litigants paying months of legal fees awaiting her decisions. Apparently, it is not the woman with a judicial commission who is responsible for justice delayed; it is the 25-year-old brandnew lawyers on her staff. But passing the buck is what Judge Maldonado does.

The junior Senator for Louisiana asked her how she defined “assault weapon” in a brief supporting Illinois’ assault weapons ban, and the judge said she didn’t know because she didn’t write the brief. She was only—get this—the counsel of record.

Do our colleagues really expect a promotion to the court of appeals to turn things around? Do they really think one of the Nation’s least productive jurists actually deserves such a promotion?

It doesn’t have to be like this. Without even leaving Chicago, Washington Democrats will find a different trial judge, Judge Mary Rowland.

Judge Rowland has impeccable liberal credentials. She satisfies the left’s desired diversity metrics. The only difference? She is actually good at her job.

Her Biden list is three cases. And her reason? These opinions are being drafted but need to have hearings. Complex cases and voluminous briefing don’t faze Judge Rowland.

This matters. The Seventh Circuit is a busy court. They hear oral arguments for every case that has a lawyer and publish all of these opinions as precedent. It is also the last stop for almost all litigants in Wisconsin, Illinois, and Indiana.

Confirming Judge Maldonado to that court would be taking a judge who has proven herself incapable of swimming in the shallow end of the pool and throwing her into Lake Michigan.

The people and litigants of the Seventh Circuit deserve better. And if my colleagues want to see basic competence in their judges, they ought to reject this nominee.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.