

past, to relegate those cases to other judges for consideration.

It is noteworthy that those who are critical of Judge Maldonado should know that in all the decisions she has rendered on the bench in the several years that she has been there, not one single case has been rejected by the reviewing appellate court.

She is a worthy person to serve on the circuit court, not to take anything away from the judge whom Senator MCCONNELL praised, Mary Rowland. She is a dear friend of mine. It took me 10 years to get her on the Federal bench, and it was worth the wait because she is that good. But to argue that she is any better than Nancy Maldonado, I don't think that even Mary Rowland would try to make that case. So I hope Senator MCCONNELL would reconsider the issues which he raised.

RIGHT TO CONTRACEPTION ACT

Mr. President, I would like to speak on a separate topic at this point.

Fifty-nine years ago this week, the Supreme Court ruled in *Griswold v. Connecticut* that all married Americans have a constitutional right to use contraception. This decision has served as the foundation for other landmark Supreme Court decisions, including the expansion of the right to access contraception to other Americans in 1972.

For those of us who remember the time when *Griswold* was decided, we remember what it meant for millions of Americans. With that decision, finally, was the freedom to make their own reproductive family healthcare decisions, something which we take for granted in this country today.

When *Griswold* was decided in 1965, our Nation still had a long way to go in living up to the promise of equal justice under the law.

As one example, in 1965, women were often required to ask their husbands for permission to apply for credit cards—hard to believe, right? In many banks, widowers and divorced women had to bring a man to the bank with them to cosign for a credit card. We have certainly made a lot of progress, and 59 years later, we still have a long way to go.

But the *Griswold v. Connecticut* decision was a breakthrough. It was a glimpse of the Nation that we can be.

Sadly, 2 years ago this month, six rightwing judicial activists sent us back in time. I am referring to the Supreme Court's decision in *Dobbs*—the crowning achievement of a Republican-led, decades-long campaign to overrule *Roe v. Wade* and abolish fundamental reproductive rights in America.

The *Dobbs* ruling is one of the most irresponsible and dangerous decisions ever handed down by the Supreme Court. It ripped away a constitutional right from individuals and their families and handed it over to politicians.

With the *Dobbs* decision, the ultra-conservative majority on the Court not only overruled a nearly 50-year-old precedent that had been reaffirmed

over and over again but also twisted the facts to reach the outcome they wanted.

What do I mean by that? 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.”

Judge Alito is wrong again because, whatever we may think about the issue, it has deep roots in our history. As the dissenting Justices in *Dobbs* wrote: “embarrassingly for the majority—early law in fact does provide some support for abortion rights.”

Justice Alito's argument for overruling *Roe* has no credibility. It wasn't originalism; it was an ideologically motivated outcome based on his historical cherry-picking.

Incredibly, Justice Clarence Thomas wanted to go even further. He believes the constitutional right to privacy is a fiction. In a concurring opinion in *Dobbs*, Justice Thomas declared that the Court should “eliminate” the legal doctrine behind the constitutional right to privacy and “reconsider all of this Court's substantive due process precedents, including *Griswold*, *Lawrence*, and *Obergefell*.”

That means one of the Justices who eliminated the right to abortion also thinks that the Court should reconsider the constitutional right to contraception as well as the constitutional rights to marriage equality and consensual relationships between LGBTQ people.

Over the past 2 years, Republican lawmakers have picked up where the Supreme Court left off. In State after State after State, they have ripped away reproductive rights from millions of Americans, with devastating consequences.

Overruling *Roe v. Wade* has unleashed a healthcare crisis in America, and 24 of the 50 States have either barred or severely restricted access to abortion or are attempting to do so. Many of these bans by the States provide no exceptions for rape and incest, and many are grossly insufficient in protecting the health and lives of mothers. Some of these bans are even written in a way that appear to limit access to contraception.

You may hear some of our colleagues across the aisle argue that Democrats are exaggerating when we say the right to contraception is at risk. They claim there is nothing to see here.

Well, tell that to the millions of Americans impacted by the successful effort to overrule *Roe v. Wade*, which has inserted politicians and judges into the most personal decision imaginable. Tell that to the Americans who are worried that some of those politicians and judges now have their sights set on contraception, particularly after Justice Thomas urged his colleagues to reconsider the Court's holding in *Griswold*.

That is why my colleagues Senators MARKEY, HIRONO, and DUCKWORTH re-

introduced the Right to Contraception Act, which I am cosponsoring. The bill would protect the rights of patients to access and use contraception and of healthcare providers to provide contraception and information about contraception. It would codify the right to contraception the Supreme Court first recognized in the *Griswold* decision. It would also allow patients, providers, and the Justice Department to go to court to enforce these rights.

This week, the Senate has an opportunity to make history and counteract some of the repressive policies that Republican State legislatures have put in place post-*Dobbs*. Tomorrow, the Senate will vote on cloture on the motion to proceed to the Right to Contraception Act. My Senate colleagues will have to decide how they want to be remembered during this historic vote. Do they want to be remembered for blocking the effort to protect the right to access contraception or for standing on the right side of history and protecting reproductive rights?

I urge my colleagues to join me during this anniversary week of the *Griswold* decision and help pass the Right to Contraception Act and ensure that Americans will always be able to access free and safe contraception.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Republican whip.

BORDER SECURITY

Mr. THUNE. Mr. President, a couple of weeks ago at a White House press briefing, the President's Press Secretary was asked why the President isn't doing anything on the border, given the fact that he has the authority to act unilaterally. And the White House Press Secretary responded:

But why should he have to do it unilaterally?

Why should he have to do it unilaterally? It was, perhaps, a typical response from a White House that would like to portray itself as the victim of the border crisis rather than the cause, a White House that would prefer Congress take action on the border rather than run the risk of taking action itself and annoying some Democratic voters. But it was an outrageous statement, nonetheless.

Why should he have to do it unilaterally? Well, for starters, because President Biden is the President and thus bears a special responsibility for our national security and because, as President, he has the authority to take a number of measures to help secure our Nation's border. For a President not to do anything in the face of the kind of crisis we are dealing with is unconscionable. But most of all, President Biden should be taking action because he is responsible for this border crisis.

Why should he have to take action unilaterally? Because he created this border crisis unilaterally. On the day he took office, the President began dismantling the border security policies of his predecessor, and illegal immigration began surging in response. It has

never stopped. The President has presided over not 1, not 2, but 3 successive years of recordbreaking illegal immigration. With more than a million and a half illegal crossings so far this year, it is entirely possible he could end up presiding over a fourth.

Those recordbreaking immigration numbers I mentioned don't even convey the full magnitude of the problem. In addition to the staggering 7.8 million-plus illegal border encounters recorded under President Biden, we have also seen huge numbers of "got-aways," and those are individuals that the Border Patrol saw but was unable to apprehend. Of course we have no idea how many unknown "got-aways" there have been, and that is a serious national security problem.

When turning yourself in to the Border Patrol with a claim for asylum is likely to result in years of essentially legal permanent residence or, as we discovered this weekend, *de facto* amnesty, it is especially concerning that we have hundreds of thousands of individuals choosing not to turn themselves in and escaping into the interior of the country. Some of them may simply be in search of a better life, but it is highly likely that others may have more malign intentions.

U.S. Border Patrol Chief Jason Owens, in a March interview with CBS News, said the number of known "got-aways" is keeping him up at night. This is his quote:

That is a national security threat. Border security is a big piece of national security. And if we don't know who is coming into our country and we don't know what their intent is, that is a threat. And they're exploiting a vulnerability that's on our border right now.

That same month, FBI Director Christopher Wray told the Senate Select Committee on Intelligence:

We are seeing a wide array of very dangerous threats that emanate from the border.

Let me repeat that. From the FBI Director: "We are seeing a wide array of very dangerous threats that emanate from the border."

He also noted, alarmingly:

There is a particular network that has—where some of the overseas facilitators of the smuggling network have ISIS ties that we're very concerned about.

There is a particular network that has—where some of the overseas facilitators of the smuggling network have ISIS ties that we're very concerned about.

As I said, it would be unconscionable for any President to stand by and watch a crisis like the one we are facing at our southern border without taking action. The fact that President Biden has allowed this national security crisis to rage for 3-plus years unchecked is a betrayal of his responsibilities as President.

While protecting our national security may not have motivated this President, protecting his election prospects apparently does. With polls showing immigration as a top issue, Democrats have been rushing to give the impression that they are serious about

border security. Now we are hearing that President Biden may be announcing measures to secure the border, possibly as soon as today. I will believe it when I see it, especially given this weekend's report that the Biden administration has been offering mass amnesty to hundreds of thousands of individuals whose asylum cases have been closed without a decision.

It does sound like the President will be announcing something, and I hope it will involve some real reforms. But it is disturbing that it is taking the fear of losing an election to motivate the President to take action on a national security crisis that has raged for more than 3 years, and it raises serious questions about how long the President's interest in border security will last. If he wins another term, will he still care about the border, or does it take an election to keep him motivated about his national security responsibilities?

At any rate, if concern for our national security won't do it, let's hope that his fear of defeat in November will indeed motivate the President to actually get the situation at our southern border under control. Given his record so far, though, I am not holding my breath.

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

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

ANNIVERSARY OF D-DAY

Mr. TUBERVILLE. Mr. President, this week marks the 80th anniversary of the Allied invasion of Normandy.

Operation Overlord on June 6, 1944, was one of the most significant events in human history. In those early morning hours, more than 24,000 soldiers and 1,200 aircraft conducted a massive and daring airborne assault behind enemy lines. This was done to isolate the coast and prevent the enemy from reinforcing its defenses.

Then, at dawn, the largest amphibious assault ever conducted—160,000 U.S., British, and Canadian troops poured out of 6,900 ships and vessels to storm the beaches against a crushing enemy fire. Omaha, Utah, Gold, Juno, Sword—the beaches' names are still famous today.

The first days were not promising for the Allies, but slowly over the next several weeks, the Allies extended their tenuous foothold and amassed more and more forces, eventually numbering 2 million on the beaches of Normandy.

After a German counterattack in early August failed, the breakout would begin. Paris would be liberated just weeks later, on August 25. Then, 5 days later, the enemy would withdraw back across the Seine into Germany—the end of Operation Overlord.

Losses were severe. On June 6—D-Day—alone, the Allies suffered more than 10,000 casualties. At operation's end, that number would swell to nearly a quarter of a million, including more than 153,000 wounded and 72,000 killed or missing—more than were killed in the entire war in Vietnam.

Most of D-Day's participants were young men in their teens and early twenties. Men with little or no combat experience and their whole lives in front of them landed on those beaches; men like my father, Charles Tuberville, a farmer from Arkansas, who was not yet 19. He was 18 years old when he landed at Utah Beach on that very day of June 6. I can't imagine what it must have been like to carry such an incredible burden at such a young age, to leave your family and loved ones, knowing you might not make it home. My dad would tell you it is because it was their duty. They loved their country, and their country needed them. They also understood that America and the freedoms we enjoy were worth fighting for.

I think of those men today, and I can't help but worry for my sons' and this country's future.

In the months leading up to this important 80th anniversary, we have been inundated with images from college campuses across our Nation. We have seen young people of similar age to the D-Day heroes protesting in support of terrorists, openly calling for the destruction of the society and freedoms that my dad and all these men paid for on D-Day with their blood.

So how did we get here? How did we go from producing the type of men and women who are willing to die on the beaches for freedom and our Constitution—how did we get here?—to college students who are openly supporting groups that chant "Death to America"?

Sadly, our education system has failed the younger generation. Many of our major universities are more concerned with woke ideology than with quality education. They have no interest in teaching students the truth about our country and our founding principles. Many of our students are being taught to hate this country, to hate Americans, and the results speak for themselves.

More and more, high school students today can tell you everything you want to know about the made-up "gender spectrum." They can carry on a conversation about that. But, you know what, they struggle to read at grade level and do basic math.

Our progressive education system, controlled by teachers unions, has made us rank 26th in the world in math—26th in the world in math—and 6th in reading. It is embarrassing. It is unforgivable. The teachers unions try to silence parents and cover for incompetence while our children are suffering.

Merit is now "problematic," as our Nation has been taken over by the neo-