Unfortunately, just like the President who nominated her, Judge Jackson has provided no evidence of that vision. I am a ''no'' vote on her confirmation.

I yield the floor.

The PRESIDING OFFICER (Ms. SMITH). The Senator from Oregon.

Mr. WYDEN. Madam President, I have already announced that I intend to support Judge Jackson's nomination. Her character and her qualifications are unassailable, but, unfortunately, that hasn't stopped a number of Senate Republicans from treating her disgracefully. Too often, behavior in the hearings was simply shameful.

It doesn't have to be this way, and it wasn't always this way. For example, even though I disagreed with him on plenty of issues, I voted for Chief Justice John Roberts, and he was treated very fairly by Democrats. Serious questions were asked and answered, and there wasn't anything resembling the over-the-line, juvenile theatrics like those shown for Judge Jackson.

Things changed when President Obama's final nomination was stolen by Republicans. They refused to even hold a hearing or consider the sitting President's nominee on just fabricated grounds.

Democrats are trying to maintain a sharp focus on legal questions and personal qualifications. Faced with sideshows and personal attacks, we stuck to issues. What was particularly striking about those attacks was they were attacks against somebody whom Senate Republicans had voted for unanimously when she was nominated to a lower level court.

My view is, the radicalization of the Court and the nominations process are just poisonous to our democracy, but that was what was on display when Republicans attacked Judge Jackson.

I want to start setting the record straight on several of the key issues.

First, Judge Jackson is squarely within the sentencing norm for cases involving child sexual abuse material. She was smeared anyway as going soft on predators. It was a gross and baseless accusation, more of a dog whistle to conspiracists than an attempt at honestly vetting a nominee. Even the National Review—nobody's idea of a liberal publication—published a column that called the comments of our colleague from Missouri, Senator HAWLEY—it called his attack ''meritless to the point of demagoguery.'' Those were the words of the National Review.

The fact is, on this hugely important issue, the whole question of kids' safety, as the Presiding Officer of the Senate knows, there is a big difference between talking about protecting child victims and actually doing the work. Far too many of our Republican colleagues just come down on the wrong side of the divide.

It is absolutely right that government at every level has failed to protect kids from exploitation online. That failure has a lot of causes. One is that the Justice Department, for reasons I will never understand, has consistently declined to put enough manpower and funding behind protecting these vulnerable kids. Another reason is that Members of Congress talk a really big game, but when there is serious legislation to protect vulnerable kids, they disappear.

Now, I have proposed an alternative. It is the Invest in Child Safety Act. It puts serious funds into tracking down the child predators and prosecuting these god-awful monsters and protecting the kids they target and abuse. It would create a new executive position, to be confirmed by the Senate, to raise this level of protecting kids and strengthen oversight.

Now, instead of supporting that legislation, where we put real prosecutors and real investigators to the task of protecting our kids, putting more law enforcement on the beat, a number of Senate Republicans spend their days going after section 230 of the Communications Decency Act. So, yet again, vulnerable kids are being used as pawns by politicians to advance their agenda.

I simply believe that child abuse and exploitation is too serious an issue for U.S. Senators to cheapen it with baseless accusations and ill-conceived legislation. This is the last subject—protecting our kids—that elected officials ought to be playing politics with.

WOMEN'S HEALTHCARE

Madam President, I am going to use the remainder of my time to discuss another issue that came up often in the debate, and that is the right of American women to control their bodies. I am talking here about Roe v. Wade.

The Supreme Court has effectively overturned Roe already when you look, for example, at the various States. The Court has overturned Roe for millions and millions of people. They did it on the shadow docket by allowing an obviously unconstitutional bounty law in Texas to go into effect. Now States all over the country are passing similar laws, and in some States, they are going even further to restrict the fundamental right of women to control their own bodies.

The fact of the matter is, this debate is not just about Roe. It is becoming commonplace for Republicans to say out in the open that the Supreme Court ruled incorrectly in Griswold v. Connecticut, the 1965 case that affirmed the right of married people to use contraception. That is what this debate has become all about—not just the right to a safe and legal abortion; it is about rolling back the right to birth control.

Republicans are saying that the case that affirmed the right to use birth control was wrongly decided. That is what our colleague from Tennessee who just spoke said ahead of the hearings on Judge Jackson's nomination.

It is enough to leave you wondering: What year is this? What century is this?

Connecticut's ban on contraception was based on a Federal law from the 1870s, a law from a time when women's rights were few. They couldn't even vote.

For Connecticut to have that kind of law on the books in 1965 was a ridiculous infringement on the liberty and body autonomy of American women. Estelle Griswold, the women's rights activist whose name is atop the case, once half-joked that the State would have to ''put a gynecological table at the Greenwich toll station'' to prevent women from going to New York to get the contraception they needed.

But the history in Connecticut shows, as is often the case, this old restriction on personal liberty fell hardest on women without means, even when the law was badly out of date.

The Supreme Court ruled correctly when it struck down Connecticut's law in 1965. To say otherwise is appalling and alarming. The Court recognized that the government ought to stay out of people's private decisions about family planning. A few years later, the court correctly applied the Griswold precedent to single women. A year after that came Roe.

These cases are linked. Put together, the attacks on Roe, and now Griswold, they are about letting the government control when somebody decides to start a family. We are talking about rolling back 80 years of basic human rights.

Prior to her appointment on the Supreme Court, Ruth Bader Ginsburg wrote in these debates over Roe:

> Also in the balance is a woman's autonomous charge of her life's full course . . . her ability to stand in relation to man, society, and the state as an independent, self-sustaining equal citizen.

When the Court upheld Roe in 1992, the majority ruled that ''[t]he ability of women to participate equally in the economic and social life of the Nation has been facilitated by their ability to control their reproductive lives.''

If women can't legally obtain birth control and they can't legally obtain abortion care, they no longer have legal control over their bodies. Let's be clear.

If women do not control their own bodies, they don't control their own lives. And if Americans don't control their own lives, they are not free and equal under the law.

Tossing out Roe—the way this Court has—is an act of judicial radicalism. Every Republican Supreme Court nominee swears up and down that they respect precedent; they won't legislate from the bench. Then they go out and toss out Roe on the shadow docket.

For Republicans now to be going after Griswold is staggering and dangerous. For Senators to be attacking this ruling 57 years after the case was decided is ridiculous.

This is not just because birth control is part of basic health regimens. It is because women in America have an equal right to chart the course of their lives and when to become pregnant.

Now, Republicans often talk about their position in the context of States' rights. Too often, what they are saying is they believe in States' rights only if they believe the State is right, and we see that on issue after issue.

And, finally, it is important to consider these debates in the context of what is happening in statehouses around the country. Republican legislatures are effectively banning abortion. They are passing laws that do more to protect rapists than rape victims. They criminalize abortion care, and in other cases they are criminalizing the act of helping women obtain the healthcare they need.

Some States want to make it impossible to use these kinds of medicines and therapies to safely end pregnancies early. A Republican lawmaker in Missouri recently proposed forcing women to carry ectopic pregnancies to term, which is effectively a death sentence.

The bottom line is, what is happening today, in 2022, is collectively the most extreme attack on reproductive health, freedom, and equality in America I can remember.

And I am just going to close by saying this is not the same debate as we have had over Roe. State-level Republicans are going way beyond that point.

For Republicans here in this Congress to be going after Griswold—after birth control—is a shocking escalation in the fight they are making to roll back the rights of women.

American lives and liberty are at stake. Americans need to be prepared to fight for freedom and equality in the months and years ahead. I am sure going to be out there with them.

In the meantime, I believe Judge Jackson is going to make an outstanding Supreme Court Justice and a bulwark for the rights of women and all Americans.

This is a historic confirmation, one that is long overdue. I am proud to give Judge Jackson my vote, and I urge my colleagues to support her nomination as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

UNANIMOUS CONSENT REQUEST—S. 3959

Mr. HAGERTY. Madam President, I am here today to discuss what I saw this past weekend when I took a trip to our southern border in Texas.

I led a delegation of eight sheriffs and mayors from my home State of Tennessee. We went to see what is happening, what the effects of the border crisis are, and to hear from them and allow the border agents to hear from them the effects of the border crisis in our own communities in Tennessee.

Our mayors and sheriffs are seeing record drug overdoses, gang violence, and other forms of criminal activity right there in Tennessee.

We learned that what is really happening at our border is quite simple: Well-financed, operationally sophisticated drug cartels, with the help of the Chinese Communist Party, are exploiting our immigration policies and human economic desires to make billions of dollars from drug and human trafficking.

Ignored by the Biden administration and the corporate media, this increasingly powerful criminal enterprise is expanding further into American communities.

Our trip revealed two key insights. First, under Biden policies, this national security crisis is unmanageable. Second, and paradoxically, this crisis is well within the Federal Government's ability to fix.

My central takeaway was this: If every American saw what we saw and heard, this would end. America wouldn't tolerate this. It is a crisis.

Here is the cartels' business model: Fentanyl ingredients are shipped from China to Mexico. In Mexico, the cartels turn these chemicals into astonishingly potent drugs bound for the United States.

Last year, fentanyl seized at the border was more than enough to kill every American. And that is just what we caught. Think about what has not been caught. Think about what is getting through.

The cartels control the entire Mexican side of the U.S. border, and each migrant must pay thousands of dollars for safe passage to these cartels. Often, they have to pay through subsequent indentured servitude. Many young women become victims of human trafficking.

So in this vicious cycle, the more illegal immigration, the more money for the cartels; and the more money for the cartels, the more drugs they produce.

For cartels, the illegal immigrants are more than an expendable revenue source. They are a tool for facilitating transport of drugs and criminals. The cartels push scores of migrant customers across the border so they can occupy American border agents. Then they exploit the resulting gaps in patrol coverage to move across drugs, gang members, those they refer to as ''high-value'' individuals, terrorist-watch-list members, and others.

Border Patrol agents told me that, given the recordbreaking border crossings they are currently facing, there are times when every agent is busy processing migrant paperwork, leaving the border wide open for drug and human trafficking. The drugs and gang members and the accompanying violence will then flood into our American communities.

As one agent put it: The people crossing the border don't stay in this area, and neither do the drugs.

More than 100,000 Americans died last year from drug overdoses, mostly from fentanyl, which are really more akin to CCP-engineered poisonings. Several thousands were Tennesseans. The Tennessee sheriffs and mayors on this trip told me that deaths from illicit drug overdoses in their counties are at record highs. Our Tennessee sheriffs know the families in their communities. They told me the toughest part of their job is to see a mother or a grandmother, to go to their home and tell them that their son or their grandson will never return. It is heartbreaking. Each one of these obituaries has the CCP's fingerprint on it.

The migrants' money and usefulness to distract border agents are essential to the cartels' operations. These illegal immigrants are incentivized to come because of our current catch-and-release policies.

To illustrate the current policy of absurdity, last Friday, around midnight, near a stretch of—of course—unfinished border wall, right outside of McAllen, TX, our vehicle came across about 15 recently arrived migrants. They approached us and asked us where they could find the Border Patrol agents. They wanted to turn themselves in, having been coached by their cartel handlers that this was the first step to U.S. Government-funded release into America. Our policies are so upside-down that the suspects are looking for the officers.

Nevertheless, U.S. Border Patrol and other law enforcement Agencies are working tirelessly day and night to protect our Nation. Understandably, morale is at an all-time low with a Biden administration that refuses to give them the tools that they need to deal with this crisis.

Border Patrol can process a maximum of roughly 5,000 migrants a day. Right now, they are facing nearly 8,000 migrants a day. And when the Biden administration lifts title 42 authority, they fear that the number could exceed 15,000 per day.

Therefore, and unsurprisingly, the constant plea I heard from Border Patrol agents was this: We need effective policy, not more agents, not more equipment. Bad policies are what have created this incentive to cross the border, and eliminating these policies is the only fix. Our agents signed up to protect our border, not to facilitate its demise.

Border agents in Laredo told me that the Migrant Protection Protocols, known as MPP, were a perfect illustration of the need for policy change. MPP was a policy that required migrants seeking asylum in the United States to remain in Mexico until it was determined whether or not they were actually entitled to asylum. Most are not.

When it was implemented in 2019, the agent said it was like flipping a switch because this stopped people coming when they knew that they wouldn't get in.

This ''Remain in Mexico'' policy cut illegal border crossings dramatically in fiscal year 2020. Yet the Biden administration nixed the MPP, and, not surprisingly, border crossings more than quadrupled in fiscal year 2021.

With the help of their media allies, Washington Democrats ignore this crisis and they hope that the American people will too. They don't travel to

the border because they don't want to answer for the crisis that they have created. They have chosen appeasement of loud, radical immigration groups over American security, over American sovereignty.

President Biden and Vice President KAMALA HARRIS haven't seen the border stations where the agents sacrifice day and night, mentally and physically, battling a crisis that their Departments haven't given them the tools to address.

For many Americans, this crisis seems far away, at least until it is too late—until it is their child, their grandchild, their brother and sister who become a statistic.

That is the other thing that I heard constantly from Border Patrol and law enforcement agents: We need someone to tell America what is happening here.

With the President and media averting their eyes and abdicating their responsibilities, it becomes even more critical to spread the word before more American lives are needlessly lost, before more migrants' lives are destroyed in the journey or through indentured servitude once they arrive, and more communities are damaged beyond repair.

So what can we do to address this crisis?

Even though the border cries is worse than ever, the Biden administration is voluntarily ending title 42 pandemic-related authority for expedited removal.

The Border Patrol agents I met this weekend believe that this will make this recordbreaking crisis substantially worse. Such a surrender of American security would be intolerable.

And there is another health crisis that title 42 is critical to battling. The cartels send migrants across at strategic points to bog down Border Patrol agents with paperwork processing that takes five times longer without title 42. Then they use the resulting enforcement gaps to move fentanyl across the border.

We have to close these enforcement gaps with better policy.

So I have introduced legislation to add drug smuggling as an additional basis for title 42 authority. Overdoses have become an epidemic in America. This legislation would allow the Secretary of Health and Human Services to use title 42 to combat drug trafficking across the border. This bill would give our Border Patrol agents the tools they need to quickly remove migrants who illegally cross the border, substantially freeing up agents to focus on actually stopping drug traffickers.

More than 100,000 Americans died last year from drug overdoses, many from fentanyl coming from across our southern border. We desperately need title 42 to fight this drug epidemic. It is a tool that would quite literally save American lives in every State in the Union immediately.

So, as in legislative session, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be discharged from further consideration of S. 3959 and the Senate proceed to its immediate consideration. I further ask that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Senator from Hawaii.

Mr. SCHATZ. Madam President, reserving the right to object.

This is not the right way to get at the fentanyl problem. This gives the Secretary permission to shut down all asylum seekers from a country on the basis of any type of drug, no matter how much is in possession, how frequently that drug is possessed, what country they are coming from. We are calling for essentially a complete shutdown of the asylum program because there might be fentanyl somewhere. But it also gives the Secretary authority to stop asylum seekers coming from any country for any drug at any scale.

Now, title 42 authority is a serious thing. It is a blanket authority to block anyone presenting themselves for asylum. We have seen the horrific images in Ukraine. We know between 4 and 5 million people are already refugees, and we know that the United States, as the indispensable Nation, wants to take a leadership role in accommodating these refugees in Europe and, if necessary, in the United States.

People presenting themselves for asylum, escaping their dangerous home country—that is actually part of the American dream. That is, in a lot of ways, how many of us arrived, right? There may not have been this statutory framework, but the principle involved was not just that you came from some other place far away to make a better life for yourself—sometimes it was that, but sometimes it was to escape the pogrom, as was the case with my grandparents, from Kyiv to Odesa, actually to Canada, and then to Hawaii.

And so this authority is no small thing. And to give the Secretary of HHS this blanket authority to essentially shut down all asylum seekers because we are afraid—appropriately afraid—of a specific drug is just a little ham-fisted.

And I appreciate the Senator's remarks. I think there are better ways to work on this, and therefore I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Tennessee.

Mr. HAGERTY. Madam President, I want to thank my colleague from Hawaii for his remarks, but I want to explain what just happened here.

My colleague objects, despite the fact that recordbreaking numbers of Americans are currently dying from overdoses, fueled by fentanyl coming across our border. This legislation is a tool to help save American lives. Indeed, 100,000 American lives were lost last year to drug overdoses. These lives are being deprived of the American dream forever. So Democrats are categorically opposed to commonsense border security tools to prevent drug trafficking into America no matter how bad the drug overdose numbers get? How much longer will it take to change course from the Biden administration policies that have created this national security crisis? How much longer will we allow our immigration system to be manipulated by a massive transnational criminal alliance between the Chinese communists and billion-dollar cartels who are shipping deadly quantities of illicit drugs into the United States?

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

NOMINATION OF KETANJI BROWN JACKSON

Mr. LEE. Madam President, today, I rise to share my concerns with the nomination of Judge Ketanji Brown Jackson to serve as an Associate Justice on the U.S. Supreme Court.

Let me begin my remarks by noting that I have enjoyed getting to know Judge Jackson. My visits with her and conversations with her in the committee and otherwise and also my interaction with Judge Jackson's family have all reinforced what I know of her generally, which is that she is a good person, a noble citizen, and someone who has earned very impressive academic and professional credentials.

After graduating from Harvard Law School, she ended up clerking at all three levels of the Federal judiciary and worked at a number of positions over the years as a lawyer. She has now, as a judge, served as a Federal district judge, which is a trial court position, and has served on the U.S. Court of Appeals for the DC Circuit, which is an appellate court position. If confirmed to the U.S. Supreme Court, she will have served at all three levels of the Federal judiciary, which is itself an impressive accomplishment and one that I think would benefit the Supreme Court. Any time they have the insight of someone who has served in that many roles, it can be helpful.

She is a good person in many respects and comes with impressive qualifications academically and professionally, but I do have concerns, and those concerns are what I want to turn to now.

Many of them date back to efforts by groups like Demand Justice to shame and intimidate Judge Jackson's former boss and the Justice whom she would be replacing if confirmed to this position, Justice Breyer, into retiring by paying for a billboard mounted on a truck to drive around the Supreme Court of the United States, bearing the slogan ''Retire, Breyer.'' These same groups are now the same groups that are spending money—millions of dollars—to advocate for Judge Jackson's speedy confirmation. Then there was the shameless leaking of Justice