EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Eric D. Miller, of Washington, to be United States Circuit Judge for the Ninth Circuit.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask unanimous consent to speak as in morning business.

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

S. 311

Mrs. MURRAY. Mr. President, I am on the floor to talk about a vote that simply should not have taken place this evening. It was a vote on yet another attack from our Republican colleagues on women's health and their right to access safe, legal abortions—this time in the form of an anti-doctor, anti-woman, anti-family piece of legislation that medical experts strongly oppose. Republicans have spread a lot of misinformation about this bill, so let's be clear what it is not about and what it is actually about.

This bill is not about protecting infants, as Republicans have claimed, because that is not up for debate, and it is already the law. This bill is also not at all about ensuring that appropriate medical care is delivered, because it would make it harder for healthcare providers to provide high-quality medical care that their patients need and deserve.

The leading nonpartisan organization of OB/GYNs in our country has said this bill should never become law. It calls it ''gross legislative interference into the practice of medicine'' and ''part of a larger attempt to deny women access to safe, legal, evidence-based abortion care.'' In fact, 17 top health and medical organizations wrote to Congress to insist that Democrats and Republicans vote this bill down.

Since this bill is not about infants or appropriate medical care, I am sure many people are wondering what exactly it is about. What would this bill really mean for women and families and healthcare providers?

If you are a woman, this bill would mean, if you were one of the very, very few women who needed an abortion late in your pregnancy, you could be legally required to accept inappropriate, medically unnecessary care—care that may directly conflict with your wishes at a deeply personal, often incredibly painful moment in your life—because politicians in Washington decided their beliefs mattered more than yours.

If you are a medical provider, this bill would supersede your years of medical training and your oath to deliver the best possible medical treatment to your patients. It would apply a one-size-fits-all set of requirements that does not reflect the reality that every pregnancy is different, and it would subject you to criminal penalties if you were to choose to let medical standards, not politics, drive the care you offer to your patients.

For families who struggle with the painful reality that the children they had hoped for could not survive, as is tragically the case in many of the cases we are discussing, this legislation would take precedence over families' wishes as they grieve.

This bill is government interference in women's healthcare, in families' lives, and in medicine on steroids. As I said, it is anti-doctor, anti-woman, and anti-family. It has no place in becoming law. Its proponents claim it would make something illegal that is already illegal. So why are we debating this legislation that would take women backward when there are so many ways we should be advancing medicine, improving women's healthcare, and supporting families? As far as I can tell, it is because this bill is about something that Republicans care about more than almost any other priority; that, unfortunately, is the rolling back of women's constitutionally protected rights and trying to take us back in time before the Roe v. Wade decision.

Since day No. 1 of the Trump-Pence administration, this party has pulled every possible stop to appeal to its extreme anti-abortion base. Just last week, the Trump-Pence administration put forward a rule that would prevent healthcare providers at clinics that are funded through the title X family planning program from so much as informing patients about where to get an abortion even if that patient directly asks them for advice. This rule means trusted medical providers across the country may not be able to serve women and men who rely on them for contraception, cancer screenings, and more—all because Republicans are determined to make abortion impossible in the United States. That is just one of many examples.

To recap, this bill is completely unnecessary. It is harmful to women and families, and it would criminalize doctors. It is intended to do nothing except to help Republicans advance their goal of denying women their constitutionally protected rights. I am against it in the strongest terms. Everybody who cares about women, families, and doctors and about upholding the Constitution should be too, so I am glad the Senate voted tonight to stop this anti-doctor, anti-woman, anti-family bill from going a single step further.

The next time Republicans want to have a conversation about protecting infants and children, I am happy to talk about the babies and children who have been separated from their parents at the border or about improving access to early childhood education or about making sure coverage for maternal healthcare and preexisting conditions is not taken away. These are problems that do exist and that do need to be solved, and we are just as ready and willing to work on those as we are to stand up and say ''absolutely not'' to this harmful bill.

NOMINATION OF ERIC D. MILLER

Mr. President, in the very near future, my Senate colleagues will be asked to take an unprecedented vote—a vote that never should have been scheduled here in the first place.

Republican leaders are demanding that we move ahead and vote on President Trump's nominee to serve on the Ninth Circuit Court despite the fact that I and my colleague Senator CANTWELL have not returned our blue slips on behalf of our constituents in Washington State and despite the fact that the hearing for the nominee was a total sham. This is wrong, and it is a dangerous road for the Senate to go down. Not only did Republicans schedule this nominee's confirmation hearing during a recess period when just two Senators—both Republicans—were able to attend, but the hearing included less than 5 minutes of questioning—less questioning for a lifetime appointment than most students face for a book report in school.

Confirming this Ninth Circuit Court nominee without the consent or true input of both home State Senators and after a sham hearing would be a dangerous first for this Senate.

This is not a partisan issue. This is a question of the Senate's ability and commitment to properly review nominees. Yet, here we are on the Senate floor, barreling toward a vote to confirm a flawed nominee, who came to us following a flawed nomination process—all because a handful of my Republican colleagues will apparently stop at nothing to jam President Trump's extreme conservatives onto our courts, even if that means trampling all over precedent, all over process, or any semblance of our institutional norms.

Maybe Republican leaders are hoping most Americans aren't paying attention to what is happening right now in the Senate—that somehow tossing out Senate norms in order to move our country's courts to the far right will go unnoticed.

Well, I am standing here right now to make sure everyone knows because I, for one, fear the short- and long-term consequences of letting any President steamroll the Senate on something as critical as our judicial nominees—the very men and women who are tasked with interpreting our Nation's laws and making sure they serve justice for all Americans.

I fear the consequences of abandoning the blue-slip process and, instead, bending to the will of a President who has demonstrated time and again his ignorance and disdain for the Constitution and the rule of law.

At a time when we have a President whose policies keep testing the limits of law—from a ban on Muslims entering the United States to a family separation policy at our southern border—it is very important, more than ever, that we have well-qualified, consensus judges on the bench.

Let's be very clear. Trump cannot steamroll the Senate by himself. But in

the Republican leadership, he has found Members willing to throw out every rule, every tradition, every safeguard in the book to give him what he wants.

So this vote, which is happening soon, and this new precedent of turning a blind eye to the blue slip should stop every one of my colleagues—Republicans and Democrats—in their tracks because, today, the two home Senators still holding their blue slips are my colleague Senator CANTWELL and me, but in the future, it could be any Member of this body.

I am doing this for very good reasons—reasons very much in line with why the blue-slip process exists in the first place. I am doing this because I don't believe Mr. Miller has received the necessary scrutiny and vetting to serve on the bench—a lifetime appointment. I believe the people I represent would not want him there, plain and simple.

I want to briefly go into one area that causes particular and very serious concern, and that is what I have heard from my constituents about Mr. Miller's misunderstanding of Tribal sovereignty and his ability to be impartial and fair-minded when hearing cases involving Tribal rights.

As one Tribal leader from my home State put it, Mr. Miller has built a career out of mounting challenges against Tribes, including their sovereignty, their lands, their religious freedom, and even the core attributes of Federal recognition.

I want to be very clear because I do not believe that it is wise for Senators to support or oppose nominees only because of their past clients. Our legal system requires talented lawyers on both sides of every case, and sometimes lawyers represent clients who are politically unpopular.

But making a career decision to be one of the top attorneys, in case after case, attacking Tribal sovereignty—that is more than a choice of a client. That is a choice about values, and it is something my colleagues should consider.

There are more than 400 federally recognized Tribes in the Western United States, including Alaska. Every single one could find themselves before the Ninth Circuit and before a judge who spent years fighting for an extreme position directly opposed to their own sovereignty and whose advocacy repeatedly attempted to undermine the rights of Tribal nations everywhere. Particularly at a time when the Supreme Court may demolish important protections for subsistence rights, a circuit nominee opposed to Tribal sovereignty should not be confirmed.

This is a serious matter worthy of true examination. Yet Mr. Miller's nomination process was inadequate from the start.

Today it is Washington State families who are getting cut out from this important process. Tomorrow, it can be the concerns of any of your constituents and any of your home States that get tossed aside for a President's crusade to reshape our courts and satisfy a political base—and Senate leaders unwilling to stand up for our norms and our precedents and our constitutional duty.

I urge my colleagues to truly think about what moving ahead with this nomination means and to ask themselves: Are we still able to work together in a bipartisan way and find common ground for the good of the country and the people we serve? Can we still engage in a bipartisan process to find consensus candidates to serve on our courts? Or will our work here in the U.S. Senate be reduced to partisan extremes and political gamesmanship?

Will Republicans accept simply being a rubberstamp for their leader in the White House, and will my colleagues be complicit in allowing our courts to be taken over by ideology alone, abandoning pragmatism and a commitment to justice for all?

That is the choice every Senator will make with this vote, and I sincerely hope a choice for which every Senator will be held accountable.

To vote yes will be a vote in favor of further eroding the Senate's commitment to examining nominees for lifetime appointments and its ability to serve as a check on the Executive. To vote yes is to toss away each Senator's ability to provide guidance on judicial nominees for their State and the families they represent.

To vote no will be a vote to stand up for the Senate's role in our democracy and to stand up for a process that helps the Senate ensure qualified judges who play such a critically important role in our democracy. To me, the choice is pretty clear.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

S. 311

Mr. BOOZMAN. Mr. President, I rise today to join many of my colleagues in raising our voices on behalf of some of the most vulnerable members of our society.

Recently, a very disturbing and revealing discussion has been taking place in our country that raises serious questions about how much value and worth we ascribe to babies in the womb, especially those who are born despite an attempted abortion procedure.

Before I go any further, let me say this clearly and unequivocally: If we as a nation are to hold any claim to a moral character that deserves to be admired and emulated, then we must be willing to say that the lives of newborn children have inherent value and are worthy of protection. There is simply no way to credibly claim otherwise.

Whether it be legislation introduced or enacted by State legislatures or comments made by public officials, such as the Governor of Virginia, our country has begun to entertain the idea that the rights and privileges newborn babies possess is an open-ended question.

This is alarming, and the U.S. Senate should go on the record in defense of their right to live instead of being callously discarded or worse—intentionally killed in the name of reproductive freedom. There is no middle ground here.

It is concerning to me that in some corners of this country, and even within this Congress, there is an utter failure to recognize and affirm the right to life, especially after an infant has already been born.

Throughout my time in elected office, I have found that giving those who disagree with me on any given issue the benefit of the doubt as it relates to their motivations has allowed me to consistently find commonality and reach compromise, even with incredibly unlikely allies and partners. But in this instance, there can be no mistake or ambiguity. The common ground that we all must occupy should be a shared commitment to uphold the basic, fundamental right to protect the life of every child, no matter the circumstances of his or her birth, which brings me to the legislation before the Senate today.

I am a cosponsor of the Born-Alive Abortion Survivors Protection Act, and I am grateful to each of my colleagues who supported the bill tonight. This legislation would create criminal penalties for doctors who allow infants to die rather than provide medical care after an attempted abortion.

It would also require that born-alive abortion survivors be transported to a hospital for care and treatment rather than being left to languish on the counter of an abortion clinic or—as one former nurse and pro-life activist has shockingly recounted—be discarded along with the biohazard materials.

Even in situations where comfort care is rendered to these little ones, that sometimes amounts to nothing more than keeping a baby warm until it passes away alone. No child should suffer this way.

Under this bill, abortionists who defy these mandates to render care to born-alive survivors would face the justice that they are due instead of being ignored or permitted to continue committing infanticide.

It is time for our country to demand that the victims of this abhorrent, inhumane treatment be afforded their rights and the perpetrators be held accountable.

Speaking with one clear voice, we must say that every human being is made in the image of God and is therefore in possession of dignity and worth that cannot be displaced or dispossessed. Anything short of this unambiguous declaration would be a tremendous disservice to our children and fatally undermine the values of our society that we claim to uphold.

While the debate surrounding abortion has engulfed this country for decades, the goalposts are now being shifted. Reproductive autonomy, we are now told, must include the ability and choice to end the life of a baby who survives an attempted abortion.

As a former medical provider, I believe that to end a newborn's life either by refusing to provide lifesaving care or actively taking that child's life—as in the case of the infamous abortionist Dr. Kermit Gosnell and others—violates the oath every medical provider takes to do no harm.

As a dad and a grandfather, I know from my own experience just how precious each life is. My daughters and grandchildren are treasured gifts that bring my family and me immeasurable joy. To think that they or any other child might be treated with anything other than the dignity and respect they are entitled to is tragic, heartbreaking, and outrageous.

Providing necessary medical attention to save the lives of infants who survive an abortion is an imperative that we as a society must embrace if we are to be faithful to the promise our Founders made to the generations of Americans who would succeed them. In declaring the self-evident truth that all men are created equal, surely they intended to extend the same rights and liberties that their countrymen fought and died for to newborn babies who survive abortions.

I am proud to have stood with my colleagues today in support of this legislation that seeks to protect these precious, vulnerable lives. We can and should do this as a reflection of the country we want to be.

Our abortion laws in the United States already situate us among some of the world's worst human rights abusers, including North Korea and China.

Now a national conversation about whether to provide children who survive abortions medical attention and care has ensued. It is my hope and prayer that the final word in this discussion will end with a resounding commitment to protect and preserve life.

I would like to thank the junior Senator from Nebraska, Mr. SASSE, for leading on this critical issue and pushing to bring this measure to the floor today.

I would also like to thank the President for his vocal commitment to defending life and protecting the most vulnerable among us.

I feel blessed to stand alongside so many others to raise our voices on behalf of the voiceless.

While I am disappointed with the result of today's vote, I remain committed to fighting for those who are unable to fight for themselves and will continue working to protect and uphold the sanctity of life.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

NORTH KOREA

Mr. REED. Mr. President, I want to offer some thoughts regarding the ongoing negotiations with North Korea that began with the Singapore summit between President Trump and Kim Jong Un and will continue in a few days when the two leaders meet again in Vietnam.

I join the chorus of my colleagues on both sides of the aisle who have expressed concern regarding the outcome of the last summit and the subsequent negotiations. This is not meant as a criticism of the diplomatic process itself. Clearly, we are in a much better place now than 2 years ago, when the President was promising fire and fury for the Korean Peninsula, terrifying our South Korean allies, who stand to lose millions of their citizens in any confrontation with North Korea. Furthermore, if the Singapore summit had resulted in a clear path toward denuclearization, I would be standing here right now commending these diplomatic efforts.

The maximum pressure campaign, significantly enhanced by this body's sanctions regime and the United Nations Security Council's resolutions, brought North Korea to the negotiating table. It was a golden opportunity and, unfortunately, it was squandered by this ill-prepared administration, which seems more concerned with photo ops than with the substance of the negotiation.

The Singapore summit was a loss for the United States and our alliances and a great publicity win for North Korea. The 2005 six-party joint statement contained significantly more commitments from North Korea than the joint statement of the Singapore summit. Given President Trump's bluster and renouncement of the JCPOA, one would have thought that he would leave Singapore with an ironclad commitment and schedule for denuclearization. Instead, he got less than in any past negotiation with North Korea.

Most concerning to me is that without obtaining a single concrete concession from North Korea, President Trump undermined our alliance with the Republic of Korea by characterizing our joint exercises as provocative war games. It was a huge propaganda win for North Korea and a huge loss to the United States and to the readiness of the joint force. The regularly scheduled exercises are very important to troop readiness and our regional security. While I understand the need to create diplomatic space for these negotiations to proceed, we must ensure that we do not sacrifice readiness for empty promises.

While I am pleased with the agreement on the return of prisoners of war and missing-in-action personnel remains, which rightfully continue to be important issues for U.S. families, the Singapore summit was mostly pomp and circumstance that did not advance our national security interests. In fact, it could be said that we are in a worse position than we were before the summit. President Trump undeservedly transformed Kim Jong Un from a ruthless dictator to a world statesman in short order. He has since used his stature from the summit to make closed-door deals with China and Russia that will be used as leverage against the United States.

The President also conferred legitimacy on a corrupt and morally bankrupt dictator who has imprisoned hundreds of thousands of men, women, and children in political camps under brutal conditions and has committed horrendous crimes against his neighbors and own people. Human rights did not play a prominent role at the summit, and the joint declaration does not include one single reference. If we want to continue to serve as a beacon for human rights, this issue will have to be on the agenda for these negotiations. There are a number of U.S. sanctions against North Korea because of its human rights record, and this body will not loosen those sanctions until and unless we see progress on the issue. As such, I was dismayed that the President in his State of the Union Address did not call out the North Korean regime's callous disregard for human rights.

Since the summit, we have seen just how problematic the joint declaration has been as a foundational document for the negotiations. While Secretary Pompeo characterized the first meeting with North Korean negotiators at the summit as ''productive,'' the North Koreans criticized Secretary Pompeo's gangster-like demand for denuclearization. The chasm between the two sides was created by the ambiguity of the summit itself and its failure to create an agreed-upon path for both parties. We have not seen a substantial dismantlement of nuclear or missile sites over the last year, and independent news reporting reflects that North Korea continues to develop its nuclear and missile arsenals despite the self-imposed ban on testing.

What should we have gotten from the summit? Since we played our biggest card and gave Kim Jong Un a meeting with the President of the United States, the answer is a lot more than what we did get. First and foremost, we should have gotten a joint declaration that North Korea agrees to complete, verifiable, and irreversible denuclearization. If we were not going to get that commitment, then we should have at least gotten a specific commitment similar to the September 19, 2005, joint statement, where North Korea committed to ''abandoning all nuclear weapons and existing nuclear programs and returning at an early date to the Treaty on the Non-Proliferation of Nuclear Weapons and to IAEA safeguards.'' Instead, we got a vague statement that North Korea will ''work toward complete denuclearization of the Korean Peninsula.''