

Mr. Miller has argued for an extremely narrow reading of the Indian Reorganization Act when considering the Federal recognition status of Tribes. He asserts that only Tribes that possessed federally managed lands when the act was passed in 1934 should be federally recognized. This narrow view does not acknowledge the well-established principles of Indian law and can lead to the termination of Tribal nations that do not meet his narrow and arbitrary standard.

Mr. Miller's record on Tribal issues is one-sided and extreme. His history of advocating against Tribal interests does not give me confidence that he would be a fair and impartial jurist on the Ninth Circuit Court of Appeals when Tribes come before him.

I will vote no on Eric Miller's confirmation. I urge my colleagues to do so as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Madam President, before I start with my comments, I want to associate my thoughts and views on Mr. Miller with Ranking Member UDALL's points on Native American sovereignty and Mr. Miller's current job and what he has done in that.

#### REMEMBERING JASON BAKER

Madam President, I come here today in a sad time. As I speak, about right now in Montana, a funeral is beginning for Jason Baker.

Jason was originally from Fort Benton, MT, which is a town right down the road from where I live in Big Sandy. Jason was a firefighter. Jason passed away on February 20, early in the morning. He was far, far too young—the age of 45. He had been a firefighter for 16 years with Great Falls Fire Rescue. He was incredibly talented and incredibly professional, and he was somebody who loved being a firefighter. His life of public service, whether it was helping out kids or helping out adults or helping out communities, was a part of who he was as a person.

Jason was also married to my wife's cousin Jill. They have two children, Peyton and Porter, whose hearts have to be aching. This day is a day, I am sure, that they had to have planned for the last 3 or so years after his diagnosis of stage IV lung cancer. I guess it was 2 years ago.

I have a number of memories of Jason from my days in the State legislature, when he showed up as a relatively young firefighter, to my days as a U.S. Senator, when he showed up to my offices here in Washington, DC, to advocate for firefighters' issues. More important than all of that, Jason was a friend. He happened to also be a relative. He was somebody who, when his wife's grandfather passed away and they had the funeral up in Havre, was at the height of who he was as a human being. He wasn't sick and hadn't been diagnosed with anything. He was just vibrant and full of life.

With cancer's being the disease that it is, it was a struggle for him, as it is for anybody who gets it. He was somebody who fought that disease bravely and proudly, but in the end, it took him. It took him last Wednesday, early in the morning. We were driving to Great Falls, and my wife sent a little message to Jill that read our hearts were with them because we knew that Jason wasn't good. She sent back a text with hearts, and that was it. He had already passed.

In the end, though, as I think back on Jason's life, there are some lyrics to a song that say "Only the good die young." It could not be any more true than with Jason Baker. If the world were full of Jason Bakers, this would be a better world, but life happens, and you have to get through it.

I am sure that Jill and Peyton and Porter will think back and remember their dad proudly as he served proudly as a firefighter, as a public servant—as somebody who ran to danger while other people were running away from it.

As they proceed with the ceremony today in Montana—and it is happening as I speak—just know, Jill, Peyton, Porter, and all of the firefighters who are there, that we are very proud of your dad and his service and what he fought for.

Two years ago, there was a bill in the Montana Legislature on presumptive illness for firefighters. I do not believe Jason would have contracted cancer if not for his job, if not for the kinds of fumes he breathed when he protected neighborhoods and families. I think it is only right that when people sacrifice for their communities, we sacrifice for them. Two years ago, the legislature did not pass that presumptive illness bill. I think it made a mistake.

When I gave my speech to the House of Representatives in the Montana Legislature, one of the points I made in that speech was that they needed to pass the presumptive healthcare bill for firefighters. Jason was alive when I gave that speech, and now he has passed. I think, in memory of Jason Baker, at the very least, the Montana Legislature could pass that bill. I understand it has passed one of the houses but that it hasn't passed both of them. If it passes both houses, I know Governor Bullock will sign that bill.

So, with that, we bid adieu to a great American, a great community man—somebody who literally gave it all for his country and his State and his town.

We will miss you, Jason Baker.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### NOMINATION OF ERIC D. MILLER

Mr. BLUMENTHAL. Madam President, we are in the midst of a stealth

campaign. Normally, we think about "stealth" as associated with bombers or submarines, weapons platforms designed to go, in effect, under the radar, to avoid detection, to escape public notice or the notice of our adversaries.

This stealth campaign is really hiding in plain sight. It is a campaign to remake our Federal judiciary in the image of the far-right extreme of the Republican Party, the far-right extreme ideologically and politically, a campaign, in effect, to outsource selections of judges to groups that reflect those extreme points of view—the Heritage Society and other such groups.

Shortly, we will consider the nomination of the latest individual nominated by the President, outsourced to those groups: Eric Miller, of Washington, to the Ninth Circuit Court of Appeals. The effort here is to drastically reshape our judiciary but, in the process, also dismantle the norms and practices critical to the health of our democracy. The judiciary is essential to the health of our democracy.

In the future, when we look back on this era—a dark and dangerous time for our democracy—the heroes will be our free press and our independent judiciary because they have been selected in the past by both Republican and Democratic Presidents based on qualities of integrity, intelligence, and independence.

That norm, common to both Republican and Democratic administrations in the past, has been broken by this one. One of the norms that has been broken in the U.S. Senate relates to the use of blue slips. Most of the public has no idea what blue slips are. They are the traditional mechanism used over decades to afford home State Senators the opportunity to express their approval or disapproval for fitness, a basic quality of a President's judicial nominee to a court that has jurisdiction over their State.

What is the reason? Well, Senators just happen to spend a lot of time talking with folks at home. We talk to farmers, businesspeople, lawyers. A lot of those lawyers know fellow lawyers. Of course, we receive the ABA qualified or unqualified ratings, but they are single words based on fact gathering that may or may not be as reliable as our colleagues—the lawyers who appear in front of judges, who go to court every day, who have settlement conferences, who rely on the word of their colleagues, which is either good or bad, who know their integrity and intelligence, who know whether they have the temperament to sit in judgment of cases that will have enduring and irreparable ramifications for the litigants who appear in front of them.

Respecting the blue-slip tradition ensures that when there is a Federal judicial vacancy—for Connecticut, for example—that the President nominate a qualified candidate from Connecticut with the advice and consent of Connecticut Senators. The same is true for the Presiding Officer's home State of