

Next, I want to discuss Ms. Pitlyk's record opposing women's reproductive rights and limiting access to healthcare. Ms. Pitlyk defended a State law banning abortion at 6 weeks, she opposed the Affordable Care Act's coverage for contraception, and she defended President Trump's Title X gag rule.

The Trump administration's Title X gag rule prohibits referrals for abortion care and imposes onerous requirements on abortion clinics, among other things. The rule effectively pushed Planned Parenthood out of the Title X program, curtailing access to healthcare for millions of low-income women and families.

Ms. Pitlyk has also filed multiple legal briefs that contain misinformation. Last year, she argued without any credible evidence that "racism plays a profound role in the delivery of abortion services."

In another case, Ms. Pitlyk claimed—again without evidence—that in-vitro fertilization leads to "higher rates of birth defects, genetic disorders, and other anomalies."

I think it is disqualifying for any judicial nominee to make unfounded and unsupported claims, especially in a court of law.

Ms. Pitlyk has also made statements in her personal capacity opposing access to healthcare. Just last year, she called the Supreme Court's decision upholding the Affordable Care Act "unprincipled." Earlier this year, she said that the Supreme Court's reproductive healthcare cases have "gross defects."

These statements and Ms. Pitlyk's legal work raise serious concerns about her ability to apply the Supreme Court's important precedents fairly and impartially. I am deeply troubled by her record, her lack of experience, and I urge my colleagues to join me in opposing her nomination.

Mr. President, I ask unanimous consent that an article from *Politico* and a letter from the American Bar Association dated September 24, 2019, be printed in the *RECORD*.

There being no objection, the material was ordered to be printed in the *RECORD*, as follows:

[From the *POLITICO*, Nov. 19, 2019]

SUSAN COLLINS TO OPPOSE TRUMP JUDICIAL
NOMINEE

(By Marianne Levine)

Sen. Susan Collins will oppose Sarah Pitlyk, President Donald Trump's nominee to become a federal judge for the Eastern District of Missouri.

In a statement to *POLITICO*, the Maine Republican voiced concern about Pitlyk's lack of trial experience, as well as her stance on abortion given previous comments on gestational surrogacy and past legal work.

"Her lack of trial experience would make it difficult for her to transition to a district court judgeship," Collins said.

She also cited Pitlyk's comments in a brief she co-wrote in 2017 as a lawyer for the Thomas More Society, an anti-abortion law firm. The brief stated surrogacy leads to the "diminished respect for motherhood and the unique mother-child bond; exploitation of

women; commodification of gestation and of children themselves; and weakening of appropriate social mores against eugenic abortion."

Collins said Pitlyk is entitled to her personal views on abortion, but she questioned "given her pattern of strident advocacy, whether she could put aside her personal views on these matters."

The Senate Judiciary Committee approved Pitlyk's nomination along party lines in October, and a floor vote is likely in the coming weeks.

While Collins supported Brett Kavanaugh's confirmation to the Supreme Court, she has voted against several Trump judicial nominees this year.

In addition to Pitlyk, Collins opposed Steven Menashi's nomination to the 2nd U.S. Circuit Court of Appeals, Chad Readler's nomination to the 6th Circuit, Howard Nielson for the District of Utah, Matthew Kacsmaryk for the Northern District of Texas and Jeffrey Brown for the Southern District of Texas.

All of those judges were confirmed by the GOP-controlled Senate.

AMERICAN BAR ASSOCIATION, STANDING
COMMITTEE ON THE FEDERAL
JUDICIARY,

Columbia, SC, September 24, 2019.

Re Nomination of Sarah E. Pitlyk to the United States District Court for the Eastern District of Missouri.

Hon. LINDSEY GRAHAM,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, DC.

Hon. DIANNE FEINSTEIN,
Ranking Member, Committee on the Judiciary,
U.S. Senate, Washington, DC.

DEAR CHAIRMAN GRAHAM AND RANKING MEMBER FEINSTEIN: The ABA Standing Committee on the Federal Judiciary has received a full report on Sarah E. Pitlyk and a supplemental report by a second reviewer. The Committee has unanimously determined that Ms. Pitlyk is "Not Qualified" for the position of federal district judge. I write to offer a brief explanation of this rating. Our rating is based on the Standing Committee's criteria as set forth in the Background. The Standing Committee believes that Ms. Pitlyk does not have the requisite trial or litigation experience or its equivalent. I would like to point out that based on its peer review, the Standing Committee's rating does not rest on questions about Ms. Pitlyk's temperament or integrity.

The Background that provides guidance to our evaluation process explains that a nominee to the federal bench ordinarily should have a minimum of 12 years' experience in the practice of law. This 12-year experience guideline is neither a hard-and-fast rule nor an automatic disqualifier. The Standing Committee's criteria provide that a nominee's limited experience may be offset by the breadth and depth of the nominee's experience over the course of his or her career. Nominees with fewer than 12 years at the bar (as is the case with Ms. Pitlyk, both due to the calendar and periods of inactive status), but with substantial trial or courtroom experience and/or compensating accomplishments in the field of law, can and have been found qualified by our Committee. However, Ms. Pitlyk's experience to date has a very substantial gap, namely the absence of any trial or even real litigation experience. Ms. Pitlyk has never tried a case as lead or co-counsel, whether civil or criminal. She has never examined a witness. Though Ms. Pitlyk has argued one case in a court of appeals, she has not taken a deposition. She has not argued any motion in a state or federal trial court. She has never picked a jury.

She has never participated at any stage of a criminal matter.

The Standing Committee believes that a nominee should be professionally competent to manage and resolve the many diverse matters facing a federal judge on a daily basis. The accumulation of experience and legal knowledge that is acquired by a practicing lawyer both inside and outside of the courtroom prepares a lawyer over time to handle a broad spectrum of legal issues in a wide variety of subject matters and to manage a courtroom over which he or she will preside as a judge. The judicial system, the public, the trial bar, and the nominee are not well served by appointing to the bench a lawyer who, despite great intelligence, high character, and experience researching and writing briefs, lacks adequate trial court or equivalent experience.

While we respect the clerkship for which the nominee served after graduation from law school, her legal practice to date does not compensate for the short time the nominee has actually practiced law and her lack of litigation, trial, and courtroom experience. It is the Standing Committee's judgment that Ms. Pitlyk does not meet the minimum professional competence standard necessary to perform the responsibilities required by the high office of a federal district court judge.

Thank you for the opportunity to explain our rating to you.

Very truly yours,

WILLIAM C. HUBBARD.

Mrs. FEINSTEIN. Mr. President, I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:56 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mrs. CAPITO).

EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Madam President, I ask unanimous consent to address the Senate.

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

FAREWELL TO THE SENATE

Mr. ISAKSON. Madam President, it is an honor to be here today on what is not my last day, but everybody is acting like it.

A few months ago, I had to announce that after much consideration, to be able to continue to serve the people of Georgia as best I could in any way possible and also to keep true to the commitments I made in every race I have ever won, that when I knew I couldn't do the job, I was going to quit and let somebody do it who wouldn't be hampered. I am not hampered yet—I am pretty tough—but it is getting close. So in August, I decided to tell my wife about it, and we decided to go ahead and retire at the end of December, which I have announced and said I was going to do. The Governor of Georgia is making an appointment to take my place.