

many people coming in—about 10 million of them; many of them are claiming asylum—they decide that the best thing to do is not deport them because they can't handle all those asylum applications. They can't adjudicate them. They say: Well, let's just let them go—let them go and tell them that at some point you may hear about a hearing that will be scheduled before an immigration judge. We hope you will come to your immigration hearing. At the current rate, many of these people are being told that their immigration hearing may not happen until the mid-2030s.

This doesn't make any sense. This amounts to a de facto change in law.

It definitely amounts to a de facto change in law when we have got things like what is called immigration parole. Immigration parole is supposed to exist as a discretionary grant of authority, allowing the U.S. Government to let somebody come into the United States either for a specific humanitarian purpose or a public purpose. But it has to be individualized, not generalized by country, not broad categories, and an individual person. The law specifies that.

An example of a humanitarian purpose is somebody is in a foreign country. Maybe their mother lives here. She is about to die, and that person needs to come in and be there for the funeral with the understanding that he or she will probably leave thereafter.

The public use, the public benefit example, would be someone who maybe speaks an obscure language. We don't have adequate interpretation services in that language here. We need somebody to come in and translate for that language. We allow them to come in, be a translator for that trial, with the understanding that they will leave.

Well, this President has granted contrary to what the law allows. He has effectively rewritten the law so as to just grant huge categorical blocks of immigration parole. We are talking to the tune of hundreds of thousands of people who have been admitted in a single year on these things.

That is lawless. That is outside what the law requires. So, yes, that is a change of law, and that is why we need to tighten this law here.

Now, I do want to get to this point about the so-called border bill, the border bill that my friend and colleague from Illinois claims—mistakenly but very wrongly—was killed only by one man, Donald J. Trump. It is just not what happened, not what happened at all. And I don't agree with his description of the bill either.

The Senator from Illinois and I share a common friendship with and great affection for the senior Senator from Oklahoma. The senior Senator from Oklahoma did a fantastic job. He had done a great job on so many things that he decided that he would try to negotiate this. I think it was done at the request of the minority leader, the Republican leader in the Senate, to try to negotiate something.

The Senate Republican conference wanted legislation that would, in one way or another, tie President Biden's hands so he couldn't continue to abuse and negotiate that system of laws, and so he went in there. He did his best to negotiate that. At the end, most Members of our conference didn't feel comfortable with what he negotiated because it wouldn't adequately tie President Biden's hands.

It is not his fault, and it is not Donald Trump's fault. But the fact is that most of the Members of our conference didn't feel that it did enough to tie President Biden's hands.

Perhaps under the jurisdiction of a different President, that legislation might have worked but not with this President. It certainly didn't tie President Biden's hands.

So it wasn't Donald Trump who killed the bill. It was the fact that we didn't have the votes here.

So, look, this is a big deal. It matters. I reject, fundamentally, the premise that we can't reform any of our immigration laws without so-called comprehensive reform, which is usually code for something else, including allowing large numbers of persons entering illegally to be deemed legal.

So let's make sure we have the facts right, both on the way laws are made and based on what happened with this legislation and why it is necessary to pass the Stopping Border Surges Act.

The PRESIDING OFFICER. The Senator from Alabama.

Mrs. BRITT. Madam President, I appreciate the remarks from my distinguished colleague from Utah.

While my colleague from Oklahoma gets set, I just want to recap a couple of things. I mean, here we have today a fracking bill that has been put on the floor but yet blocked by Democrats.

We have a bill here just now closing asylum loopholes, helping unaccompanied children get back to their family, but that has been blocked by Democrats.

Earlier, you saw us put a bill on the floor that would actually help build a barrier on our southern border, but yet that was blocked by Democrats.

When we have looked at how Vice President HARRIS is running, it is obviously very different than the way she served.

If you look back in 2020, Vice President HARRIS said, "Trump's border wall is a complete waste of taxpayer money and won't make us any safer."

I am wondering if she will put a disclaimer that says that underneath her commercials that focus on and show the border wall.

She said, as a Senator, that she vowed to block any funding for the border wall and urged her colleagues to reject any funding for the border wall, which is actually exactly what they continued to do and you saw them do here today.

Here is the deal: You can't have it both ways. KAMALA HARRIS either wants to secure our border—which she

has had ample time to do—building barriers that help us keep Americans safe or she doesn't, which is what we have seen throughout her tenure both in the Senate and as Vice President. But yet now she is campaigning as something totally different.

We saw here today that her newfound support of a border wall is not supported by her Democratic colleagues here in the Senate.

I look forward to hearing more about what we have seen on the campaign trail versus, in actuality, where she stands.

On that, I see my distinguished colleague from Oklahoma and would love the opportunity to hear from him.

The PRESIDING OFFICER. The Senator from Oklahoma.

UNANIMOUS CONSENT REQUEST—S. 204

Mr. LANKFORD. Madam President, I come to the floor today to be able to talk about an issue that, apparently, there is a large belief among some that doesn't exist. So I wanted to be able to pull the veil back and to say this is actually an issue. And I can't believe I even have to have this conversation. And, in many ways, it is an incredibly difficult conversation to be able to have.

During the Presidential debate that happened just a few weeks ago now, there was a debate, ostensibly, between Vice President HARRIS and former President Donald Trump. It ended up being a debate between Vice President HARRIS, David Muir, Linsey Davis, all against Donald Trump.

There were multiple moments where the ABC moderators decided they were going to debate or correct Donald Trump when he spoke, and it became this very odd interchange that all America watched and thought: Well, that doesn't seem like a debate in that sense.

One of those moments was a really odd moment. There was a question about abortion to President Trump. That is a fair conversation for the moderators to bring up a question and to be able to talk about it. He has openly talked a lot about abortion. And, obviously, the vote that happened in the Supreme Court with the Dobbs decision has highlighted a lot of that conversation nationally since his Presidency.

President Trump, during that debate, talked about children who are aborted away the eighth or ninth month and then some even after. He mentioned that, to which the ABC News moderator, Linsey Davis, responded: "There is no State in the country where it's legal to kill a baby after it's born" and then immediately turned to Vice President HARRIS, where, literally, she jumped in to be able to debate the President and to try to "correct" him.

The problem is, there was no one to be able to moderate her in that debate and to make the simple statement, there are not only States in America where that can happen, there are States in America where that does happen.

In this simple map of the United States, this lists out the States where there are strong protections for a child after birth. Now, this is not an abortion; this is a botched abortion that has occurred. This is a woman who went in with the intent of having an abortion, late term. The child was fully delivered, and in medical practice in many of these States that are listed here, the child is fully delivered during the abortion. And if the child cries, breathes, the practice is to back away and to allow the child to slowly die on the table because the intent was an abortion. So everyone just steps back in the facility and watches the child die on the table, however long that takes.

Now, before people say that doesn't occur, eight States have a requirement—eight States have a requirement—that, in an abortion, if it is botched and the child is actually fully delivered, and they are still alive, they have to report it. And in eight States—only those States that actually do that—there were 277 cases of that.

Let me give you an example. This was several years ago. She is now a beautiful young woman, a young woman named Melissa Ohden. She actually didn't know until she was an adult that she was actually the product of a botched abortion. Her mom, who was a teenager, had been compelled to have an abortion by some family members around her. She didn't want to do it, but she did. It was a late-term abortion.

She went in to have the abortion, had the abortion, and after the abortion was over, one of the nurses looking through the “medical waste” that was there on the table, saw the young girl crying. She scooped up the infant, took the infant on her own to an emergency room. The emergency room personnel said: There is no way she will have a full, meaningful life. But they took care of her because she was in the emergency room.

I know Melissa Ohden. She is a remarkable lady—no disabilities, no other challenges other than the knowledge that she was supposed to “have been aborted.” But there she is alive.

There are a lot of women who are scattered around the country who are all finding each other online telling the story that they are a product of a botched abortion; that they were born alive, and they were given medical care when “they weren't supposed to be there at all.” They are now, through one rare benefit of social media, finding each other and connecting in conversation. Not only is this happening, it is happening all over the country.

I am fully aware that the ABC News moderator thinks this doesn't happen anywhere, but not only is it happening, it has happened before; it is happening probably today.

The question that this body has not resolved is, What are we going to do about it?

This is not about reducing abortion. Quite frankly, the bill that I am bring-

ing and I want to bring for unanimous consent today won't reduce abortions at all in America.

I would tell you, it would be my preference to be able to stand for the value of every single child in America and to say there is not a child in America that is disposable; that children in America are all valuable—not some disposable, some valuable—all valuable.

This is not a question of are we going to legalize or not legalize abortion. This is about a fully delivered child crying on a table, if they will get medical care or if we will back up and watch them die. That is the question before us—and what we are going to do about that.

There has been a lot of conversation about this of late, in the last several years. Let me give you an example of several of these States. New York State recently passed a law that not only allows abortion all the way until the ninth month, but they protect—if a child is fully delivered and is breathing on the table, and it was a botched abortion, that they would be protected, quote-unquote, to be able to die there.

When this bill was passed, just a couple of years ago, in New York, the New York Legislature cheered—cheered—at protecting the rights of a child to lie on the table and die after a delivery. They lit up the Freedom Tower in New York City to celebrate the passage of that bill. That is in New York.

In Minnesota, 9 years ago, in a wide bipartisan vote, they determined that they should actually track how many of these botched abortions happen; that they should actually keep track of how many occur like this, that a child is actually born alive. It is rare, but they wanted just to be able to keep track of it with basic records.

So in a bipartisan vote in the Minnesota Legislature, signed by the Governor, they passed a law, 9 years ago, to track how often this occurs. In the State of Minnesota, they determined, over the next several years, that there were 24 children that were born alive during a botched abortion. Now, again, that is not many, but I bet it matters to those 24. But for those 24 children that Minnesota discovered, this is not really a myth. This is really occurring. They tracked it.

The Governor of Minnesota, the current Vice Presidential candidate on the Democratic side, worked to get a repeal of that law, and the simple repeal was: We don't want reporting anymore.

Literally, it was: We are finding out this is happening; so in Minnesota, we have declared we don't want to know that this is happening anymore.

That is unbelievable. That is old-school, put your hands over your ears and scream “la, la, la, la” kind of stuff. That is not what we should do as a nation. We should actually know about it and then determine, through debate in this body, what we are going to do about it.

Madam President, I am getting close to a conclusion here. May I ask unani-

mous consent to be permitted to speak just 3 more minutes, until we can wrap this up, and then prior to the scheduled rollcall vote, for Senator BRITT to have 1 minute just to be able to conclude.

The PRESIDING OFFICER. Are there objections?

Without objection, it is so ordered.

Mr. LANKFORD. Madam President, so here is the issue. We have brought this bill to the floor several times before. In fact, we have had some bipartisan support for this bill several times before. The bill is very, very simple. The bill says: When the doctor performs an abortion but the child is born alive, instead of actually born dead, that care would be provided to that child the same as any other child that is born.

Now, we are fully aware that many abortion clinics do not have a full hospital that is also attached to them. But we are also very aware that if there is a problem with the mom in an abortion clinic, they take her to a hospital. This is a simple statement to say: If a child is born alive, which we know 100 percent this has happened—even in States like Minnesota, that this is happening—what is America going to do with a fully delivered, crying baby on the table? Will they get healthcare or will they not get healthcare? That is all this bill does.

It doesn't reduce abortions, unfortunately. It doesn't do that. It doesn't change abortion processes across the country. It doesn't do that. It just says: When the abortion is unsuccessful and the child is actually delivered instead, we are going to get medical care to that child. That is what I bring in this, and it is absolutely, to me, the simplest of all possible statements to make.

So, Madam President, as if in legislative session and notwithstanding rule XXII, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of S. 204 and the Senate proceed to its immediate consideration. I further ask consent 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?

Mr. DURBIN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, this is a serious topic. To rush through it in a matter of minutes is unfair. More time should be devoted to it, but I am going to do my best in a short period of time to be very direct.

My first direction is, to anyone following this debate at home, pull out your cellphone, go to your search engine, whatever it happens to be, and look up the following name. I am going to spell it carefully because I want you to be able to type it in. Kermit, K-E-R-M-I-T, Gosnell, G-O-S-N-E-L-L. Kermit Gosnell.

While I speak, I hope you will take a look at what you see on your screen.

This bill has been proposed by my friend from Oklahoma. It creates new standards of care for doctors providing reproductive healthcare, and these standards are not based on medicine, fact, or science. The goal of this bill is to target and intimidate reproductive healthcare providers and make it harder for women to access comprehensive, compassionate healthcare.

Let me be clear. Despite former President Trump's wild claims, it is not legal in this country, in any State, to kill a child after it is born. Doctors already have an obligation under the law to provide appropriate medical care to any child that is born alive.

How do I know this? I voted for it. It is explicitly codified in a law which President Bush signed entitled "Born-Alive Infants Protection Act of 2002"—2002. It has been on the books over 20 years.

And when doctors harm babies in violation of State and Federal laws, they are held accountable. For example, in the year 2013, Dr. Kermit Gosnell, a Pennsylvania doctor, was convicted on three counts of first-degree murder for murdering babies after botched abortions. I want you to read, if you brought this up on your phone, the story of this man. What he did was an outrage. It was disgusting. He was held accountable for it and is serving life in prison as a result, without any possibility of parole.

So to argue that we are talking about an area of law that is not addressed by current law is just plain wrong. Our Nation already has laws in place to protect newborns. To suggest otherwise is simply false. Alleging that doctors are wantonly killing infants after birth is as ludicrous as accusing immigrants in Ohio of eating cats and dogs.

Here we are. This is today's Republican Presidential campaign. Rather than create meaningful protections for women and infants, what this bill would actually do is put politicians into private healthcare decisions.

Abortions occurring late in pregnancy are incredibly rare—incredibly rare. Why don't we hear the same level of concern for women being denied reproductive care and bleeding out in the parking lot of a hospital because of decisions by State legislatures? Let's be honest. That is a real problem and a real challenge.

In these heartbreaking situations, it is not for Congress to dictate the course of medical treatment. Those wrenching decisions must be left to medical professionals and the individuals in their care. It is the only compassionate outcome.

Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Alabama.

Mrs. BRITT. Madam President, I appreciate my distinguished colleague from Illinois and would like to say,

with regard to the remarks from my colleague from Oklahoma, actively killing and saving are actually two different things. So for the people watching this, they should take a look at that. And I think what we are seeing is how far left this has gone. This is truly beyond comprehension.

I also just want to say that we spent time yesterday on an IVF bill that nobody actually tried to use to get to 60 votes. IVF is legal and accessible in all 50 States. And, in fact, the great State of Alabama, when forced into a decision, talking about this, immediately acted. Our State legislature and our Governor made sure that women had access to IVF in every corner of our State.

So I would wish that we would spend time on real things, like the appropriations bills that we have marked up, amongst others.

But if you are looking at where we are today, I think what we have seen is that KAMALA HARRIS has said that she is for a border wall; she has said she is for fracking; she has said she is for cracking down on illegal border crossings—all during her short campaign tenure. But the truth is that all of those things were just blocked.

It is clear that her flip-flops aren't real, and there is much more to dig into and discuss as this campaign moves forward.

I yield the floor.

#### NOMINATION OF MICHELLE WILLIAMS COURT

Mr. DURBIN. Madam President, today the Senate will vote to confirm Los Angeles County Superior Court Judge Michelle Court to the U.S. District Court for the Central District of California.

Judge Court's extensive career as a litigator for nearly two decades combined with her experience as a California State court judge have prepared her to serve on the Federal bench.

After graduating from Pomona College and Loyola Law School, Judge Court worked as an Associate at Gilbert, Kelly, Crowley & Jennett. She then worked as an attorney at the ACLU of Southern California before continuing her career in private practice as an Associate at Litt & Marquez and Milberg, Weiss, Bershad Hynes & Lerach.

Prior to taking the bench, Judge Court served in several roles at Bet Tzedek Legal Services: as a deputy director of litigation, as the director of litigation, and as the vice president and general counsel. At this organization, she provided legal services to low-income, elderly, and disabled clients and supervised more than 30 staff attorneys and advocates.

Since 2012, Judge Court has served as a judge on the civil division of the Superior Court of California in Los Angeles, where she has presided over approximately 200 civil trials and ruled on 12,000 motions and requests.

Judge Court has the strong support of her home State Senators, Ms. BUTLER and Mr. PADILLA. In addition, she

was rated unanimously "well qualified" by the American Bar Association.

Judge Court's deep ties to the California legal community, combined with her courtroom experience both on and off the bench, will ensure that she serves on the Central District of California with distinction.

I urge my colleagues to join me in supporting her nomination.

#### VOTE ON COURT NOMINATION

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the Court nomination?

Mrs. SHAHEEN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Vermont (Mr. SANDERS), the Senator from Arizona (Ms. SINEMA), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from South Carolina (Mr. GRAHAM), the Senator from South Dakota (Mr. ROUNDS), the Senator from North Carolina (Mr. TILLIS), and the Senator from Ohio (Mr. VANCE).

Further, if present and voting: the Senator from North Carolina (Mr. TILLIS) would have voted "nay."

The PRESIDING OFFICER (Ms. BALDWIN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 49, nays 44, as follows:

#### [Rollcall Vote No. 245 Ex.]

##### YEAS—49

Baldwin	Hassan	Peters
Bennet	Heinrich	Reed
Blumenthal	Helmy	Rosen
Booker	Hickenlooper	Schatz
Brown	Hirono	Schumer
Butler	Kaine	Shaheen
Cantwell	Kelly	Smith
Cardin	King	Stabenow
Carper	Klobuchar	Tester
Casey	Lujan	Van Hollen
Collins	Manchin	Warner
Coons	Markey	Warnock
Cortez Masto	Merkley	Warren
Duckworth	Murphy	Welch
Durbin	Murray	Whitehouse
Fetterman	Ossoff	
Gillibrand	Padilla	

##### NAYS—44

Barrasso	Fischer	Murkowski
Blackburn	Grassley	Paul
Boozman	Hagerty	Ricketts
Braun	Hawley	Risch
Britt	Hoeben	Romney
Budd	Hyde-Smith	Rubio
Capito	Johnson	Schmitt
Cassidy	Kennedy	Scott (FL)
Cornyn	Lankford	Scott (SC)
Cotton	Lee	Sullivan
Cramer	Lummis	Thune
Crapo	Marshall	Tuberville
Cruz	McConnell	Wicker
Daines	Moran	Young
Ernst	Mullin	

##### NOT VOTING—7

Graham	Sinema	Wyden
Rounds	Tillis	
Sanders	Vance	

The nomination was confirmed.