

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of David Ryan Stras, of Minnesota, to be United States Circuit Judge for the Eighth Circuit.

The PRESIDING OFFICER. The Senator from Utah.

PAIN-CAPABLE UNBORN CHILD PROTECTION BILL

Mr. LEE. Mr. President, the United States is just one of seven countries in the entire world that currently allow elective abortions after 20 weeks of pregnancy, and we are not in good company on that list. Of the other six countries that allow elective abortions at that very late stage of the child's development, half of those countries have authoritarian governments—communist governments with horrible records when it comes to human rights.

Yes, our abortion laws are as extreme and inhumane as the abortion laws in Vietnam, China, and North Korea. It pains me—and it should pain all Americans—that the United States lags so very far behind the rest of the world in protecting the unborn, protecting human beings, simply because they have yet to take their first breath.

Twenty weeks is the fifth month of pregnancy. Think about what that means. At that stage, the unborn child is about 10 inches long from head to toe. He or she is roughly the size of a banana. A baby at this stage sleeps and wakes in the womb. She sucks her thumb, makes faces, and, in some cases, might even see light filtering in through the womb.

By 20 weeks, if not before, science suggests that the baby can also feel pain. Each year in this country, more than 10,000 abortions occur after this point in the baby's development. Today, we have a chance to stop this grave injustice.

Moments ago, this body voted on the Pain-Capable Unborn Child Protection Act, a bill that would prohibit abortions after the 20th week of pregnancy. This is a commonsense restriction that is supported by a majority of Americans. More than 6 in 10 Americans support a ban on abortion after 20 weeks, according to a Marist poll conducted earlier this month. Not only that, but a majority of Democrats—56 percent—said they would support an abortion ban at 20 weeks. Yes, this bill does, in fact, have widespread support, and it would bring America back into the mainstream of nations.

More importantly, this bill is just. It is humane. It is the right thing to do. It is the natural outcome of any question asked with a degree of moral probity: Is this right?

The reason we signed up for this job is to fight for what is right. And it is wrong—self-evidently wrong—that our country allows 5-month-old unborn babies to be killed. We, in this body, have

a moral duty to protect those vulnerable human beings, but I have no illusions that this will be easy.

We have to overcome the misinformation of the abortion industry. This is a powerful special interest group that wants to keep abortion legal right up to the moment of birth. The abortion industry is attacking this bill by denying that there is any evidence that unborn babies can feel pain at 20 weeks. The linchpin of its argument is a 2005 study that claimed unborn babies could not feel pain until the 30th week of pregnancy. What the abortion industry never mentions, of course, is that this study was written by individuals with significant and, I would add, undisclosed ties to the abortion industry itself.

As reported by the Philadelphia Inquirer, the study's lead author, who was not a doctor but a medical student, previously worked for NARAL. Another of the study's authors actually performed abortions as the medical director of an abortion clinic.

How convenient that the abortion industry's denial of fetal pain rests on a study by its own employees. If I recall, the tobacco industry tried something similar when they denied that cigarettes cause cancer. As always, the antidote to misinformation is more information, and the antidote to bad science is good science.

I have three studies that address the topic of fetal pain specifically. They were all published after the abortion industry's favorite study—the one they prefer to acknowledge to the exclusion of all others. Unlike that study—the one they prefer to the exclusion of all others—none of these studies are compromised by a conflict of interest.

This one is by the International Association for the Study of Pain. It concludes: "The available scientific evidence makes it possible, even probable, that fetal pain perception occurs well before late gestation." The study pinpoints fetal pain to the "second trimester" of pregnancy, "well before the third trimester."

Here is another study by the American Association of Pharmaceutical Scientists. It concludes that "the basis for pain perception appear[s] at about 20 to 22 weeks from conception."

Finally, here is a 2012 study published in the Journal of Maternal-Fetal and Neonatal Medicine. This paper states that there is evidence that unborn children can feel pain beginning at 20 weeks. The authors note that at this stage, unborn children have pain receptors in their skin, recoil in response to sharp objects like needles, and release stress hormones when they are harmed.

They conclude: "We should suppose that the fetus can feel pain. . . . When the development of the fetus is equal to that of a premature baby."

I could go on, but I think that is enough for now. The takeaway is this. The science at a minimum suggests that unborn children can feel pain

around 20 weeks. It can feel the abortionists' instruments as they do their grisly work.

These children feel until they cannot. That possibility alone—the mere possibility—should be chilling to us, and that possibility alone should have us rushing to ban abortion at 20 weeks. I implore my colleagues who didn't vote for this to reconsider and, the next time they have an opportunity to support it, to vote yes on the Pain-Capable Unborn Child Protection Act.

A vote for this bill is a vote to protect some of the most vulnerable members of the human family. And yes, we are talking about members of the human family. The life form we are talking about is not a puppy; it is not some other form of animal. This is a human being we are talking about. This is something that instinctively calls out for us. We think about the needs of the most vulnerable among us, and we should be eager to protect them.

Together, we can move our country's laws away from those of North Korea and China and toward our most fundamental belief that all human beings are created equal and that they have an unalienable right to life.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Ms. HASSAN. Mr. President, I rise today to oppose dangerous legislation that would endanger the health of women by limiting their constitutional right to access a safe and legal abortion. We must recognize the capacity of every woman in our Nation to make her own healthcare decisions, control her own destiny, and ensure that all women have the full independence to do so.

Unfortunately, throughout the last year, the Trump administration and Republicans in Congress have repeatedly tried to roll back access to care and undermine the health of women. We have seen bill after bill targeting women's healthcare by restricting access to abortion, increasing the costs of maternity care, and allowing insurers to treat giving birth as a preexisting condition.

The Trump administration issued interim final rules, allowing employers to deny women access to the birth control coverage they need. My colleagues on the other side of the aisle have confirmed Trump administration officials and judges to the bench who are vehemently opposed to a woman's right to make her own reproductive health decisions. Republicans have been relentless in their attempts to defund Planned Parenthood, which is an essential source of care for women in New Hampshire and provides key services like birth control and cancer screenings.

Here we are, once again, with Republican leadership bringing a bill to the floor that attempts to marginalize women and take away their rights to make their own decisions. This bill

would ban abortions after 20 weeks—an extremely rare procedure that is often the result of complex and difficult medical circumstances. The bill lacks adequate exceptions for survivors of rape or incest, and it gets in the way of a woman and the judgment of her doctor, threatening to jail physicians for providing patients the care they need.

In fact, a group of medical and public health organizations have written to Congress, saying: This bill places healthcare providers in an untenable situation. When they are facing a complex, urgent medical situation they must think about an unjust law instead of about how to protect the health and safety of their patients.

This bill is a direct challenge to the precedent set in *Roe v. Wade*. We are at a moment in our country when women are speaking out and fighting for basic dignity and respect at home, in the workplace, and in their daily lives. They also deserve that respect with regard to the most deeply personal health decisions they can make.

Passing this legislation would send a message to women across the country that politicians in Washington do not believe that women have the capacity to make their own healthcare decisions—as if women don't understand or are unable to grapple with the physical, emotional, economic, and spiritual issues that are involved in deciding when or if to have a family or how to handle critical health challenges.

Rather than marginalizing women, we should be doing everything we can to include them in the bipartisan work we need to do on priorities to move our Nation forward. Divisive and partisan bills like this one undermine women and undermine our strength as a country. I was proud to join many of my colleagues in voting against this bill, and I am glad that it has failed in the Senate today.

I thank the Presiding Officer.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

TRIBUTE TO MARY KAY THATCHER

Mr. MORAN. Mr. President, I want to take a moment this evening to congratulate one of the most effective advocates for American agriculture in our Nation's Capital.

We are often helped by those who have lots of knowledge. In the coming days, Mary Kay Thatcher will be retiring from the American Farm Bureau, where she is widely recognized as one of the most knowledgeable experts on farm policy, conservation, crop insurance, ag data, and so many other issues that affect farmers and ranchers and rural America. Mary Kay represents the best of Washington, DC. She is smart, passionate, and authentic. Again, we often need help from those who have expertise to help us make the right decisions, and she is absolutely one of those people.

A great thing about Mary Kay Thatcher is that she hasn't forgotten her rural roots. It is evidenced by her

clear convictions and steadfast support for American farmers and ranchers. Too many people come to the beltway and they forget why they are here—but not Mary Kay. Throughout her career of more than 30 years, she has never lost sight of what ought to be the mission of each of ours—to use our positions, our talents, and our abilities to help others. For Mary Kay Thatcher, her career has been all about helping America's farmers and ranchers, standing up for the food and fiber producers of our Nation. Let me tell you that she is one of the best at it.

Not only is Mary Kay one of the most articulate ag lobbyists I know, she is one of the most articulate people I know. Her ability to break down an issue and make it understandable for everyone—for Senators and our staffs, including those who don't have ag backgrounds—makes her one of the most effective advocates for agriculture. There are fewer and fewer people in the U.S. Senate and Congress who understand agriculture or who come from farming backgrounds, and that ability to connect with them is so important.

I have always appreciated the advice and counsel that Mary Kay has provided me when working on the farm bill or other pieces of ag legislation. I have also always noticed and appreciated how much time she has spent in educating staff, including those in my office. I believe a big part of Mary Kay's legacy will be the generations of young people who will be better prepared to continue the fight for American agriculture because Mary Kay has taken the time and made the effort to mentor and to teach them.

Her passion for agriculture comes naturally. She grew up on an Iowa farm and continues to own and manage that farm today, and that helps guide her work here in the Nation's Capital. She has worked at the American Farm Bureau for over 30 years, but in ag circles, it is not necessarily the number of years that people talk about but the number of farm bills. They refer to how many farm bills a person has survived. By my count, Mary Kay has been part of writing at least seven farm bills in addition to many other key pieces of ag legislation.

I know I am adding my voice to lots of others who will talk about how great of a person she is and what an advocate she is, but I do want to add my accolades because they are so well-deserved.

I thank Mary Kay Thatcher for all of her work on behalf of American agriculture, including the Kansas Farm Bureau and its members, and on behalf of all of agriculture in our State. Her efforts have benefited Kansas and improved our country. She will be missed at the American Farm Bureau, but I know she will find other ways to advocate for agriculture. I hope that for many years to come, we will remain friends and work together on behalf of American farmers and ranchers.

Congratulations and best wishes. Thank you—said with great respect and with gratitude.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

PAIN-CAPABLE UNBORN CHILD PROTECTION BILL

Mr. LANKFORD. Mr. President, there are a lot of important things the Senate is taking up right now. Obviously, there is the issue of immigration, the budget, and disaster relief. There are a lot of pertinent issues that need to be resolved. One of those things that was in the middle of the conversation came up today. It is part of a conversation that, quite frankly, doesn't come up often in this body, but this seemed like a reasonable piece to be able to come up. It came up to the Senate to open debate on it, and it failed to get the 60 votes to support the beginning of what should be an easy conversation on a hard issue—this issue about children and life.

In 1973, when *Roe v. Wade* passed, the Supreme Court at that time determined that for children that were viable—and that is the definition they left out there—there is a governmental interest in being able to engage with those children. Well, viability in 1973 was very different than what it is now, decades later. In 1973 viable was a much older child. Now that we know a lot more, a lot more children survive. Children who are born at 22 weeks of gestation have between a 50-percent to 60-percent chance of survival now. That was not true in 1973.

The rest of the world has caught up with this technology, and their governments have acknowledged of this issue that a child who has 10 fingers and 10 toes and a beating heart—they suck their thumb in the womb, they yawn, they stretch, they move—is a child.

I understand there is wide argument about a child that is at 8 weeks of gestation, whom I believe is a child, but others look at it and say: It doesn't look like a child yet. But a child at 20, 22, 24 weeks of gestation even looks like a child when you look at the child in the ultrasound. It is hard to disagree, especially when children are born at that age prematurely and they survive, and many of us know kids that were born at 22 weeks. The bill that came up today on the Senate floor, which had bipartisan support and had a majority of support but not 60 Senators' support to be able to discuss this, was a very simple, straightforward bill. It asked just one question: Will we as Americans continue to allow elective abortions when the child is viable?

The Supreme Court said in 1973 that the government has a right to be able to step in and protect a viable child. There is no question that they are at that age of viability. There is no question, at that age of 20 weeks, that science shows us they experience pain in the womb, and that if surgery happens for a child in utero like that, that child is actually given anesthetic to be